MILPERSMAN 1910

ENLISTED ADMINISTRATIVE SEPARATIONS (ADSEP)

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN	882-4438
			COM	(901) 874-4438
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Governing Directive	SECNAVINST 1910.4B

1. **In This Section**. This section covers:

Topic	See MILPERSMAN
ADSEP Policy and General Information	1910-010
Reasons for Separation	1910-100
Guidelines on Separation and Suspension of Separation	1910-200
Guidelines on Characterization of Service	1910-300
ADSEP Processing Notification	1910-400
Guidelines on Conducting an Administrative Board	1910-500
What to Forward to the Separation Authority	1910-600
Separation Authority	1910-700
Actions Which Effect the Separation	1910-800
Disposition of Personnel Awaiting Final Action on Physical Evaluation Board (PEB) Proceedings	1910-900

MILPERSMAN 1910-010

ADMINISTRATIVE SEPARATION (ADSEP) POLICY AND GENERAL INFORMATION

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **Policy**. Navy policy is to promote readiness by maintaining high standards of conduct and performance. The enlisted separation policy promotes readiness by providing a means to

a. judge the suitability of persons to serve on the basis of their conduct and their ability to meet the required standards of performance,

b. maintain standards of performance and conduct through characterization of service in a system that emphasizes the importance of honorable service,

c. achieve authorized force levels and grade distributions, and

d. provide for the administrative separation of enlisted personnel in a variety of circumstances.

2. **Concept**

a. Enlisting in Navy involves commitment to the United States, the service, and one’s fellow citizens and service members in order to complete a successful period of obligated service. Early separation for failure to meet these required standards of performance or discipline represents a failure to fulfill that commitment.

b. When persons enter the service, Navy invests substantial resources in their training, equipment, and related expenses. Separation prior to completion of obligated service represents a loss of this investment and requires increased accessions.

Conversely, retaining individuals in the naval service who do not conform to naval standards of conduct, discipline, and performance creates waste in terms of pay and administrative efforts, degradation of morale, and substandard mission performance. Both situations represent an inefficient use of limited defense resources; therefore, every reasonable effort must be made to

(1) identify, in a timely manner, members who exhibit a likelihood for early separation; and

(a) either improve their chances of retention through counseling, retraining, and rehabilitation; or

(b) separate promptly those members who do not demonstrate potential for further services; and

(2) recoup, pro rata, money expended for paid bonuses and/or education/training funds paid to a member in return for extending a service obligation when that service is administratively terminated prior to successful completion.

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3. **Completion of Total Military Obligation**. Members separated from active duty or from the Selected Reserve who have any potential for future mobilization will normally be transferred to the Individual Ready Reserve (IRR) to complete the remainder of their military obligation. The following individuals will not be transferred to the IRR:

a. members whose service is characterized as Under Other Than Honorable;

b. members separated on the basis of homosexual conduct or defective enlistment or induction; or

c. members with medical problems that would prevent them from meeting mobilization requirements.

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4. **Processing Time Goals**. Every effort should be made to adhere to the following time goals for processing separations. Failure to meet these goals is not a bar to separation or type of characterization.

WHEN the member	THEN the member should be separated within
is not entitled to, or waives an Administrative Board	15 working days of notification
elects an Administrative Board	50 working days of notification

5. **Periodic Explanation**

a. An explanation shall be given to all enlisted members concerning

(1) **types** of separations;

(2) **basis** for separation issuance;

(3) **possible** effects of various actions upon reenlistment, civilian employment, veterans' benefits, and related matters; and

(4) **denial** of certain benefits to members who fail to complete at least 2 years of an original enlistment.

b. Such explanation may be provided in the form of a written fact sheet or similar document. The periodic explanation shall take place at least each time provisions of the Uniform Code of Military Justice (UCMJ) are explained under Article 137.

c. The requirement that the effect of the various types of separations be explained is a command responsibility, not a procedural entitlement. Failure on the part of the member to receive or to understand such explanation is not a bar to separation or characterization.

6. **Information During Processing**

a. During separation processing, information concerning the purpose and authority of the Board for Correction of Naval Records (BCNR) (see MILPERSMAN 1000-150) and the Naval Discharge Review Board (NDRB) (see MILPERSMAN 1000-160) shall be provided to all members, except when the separation is for an immediate reenlistment. Specific counseling is also required which states that an Under Other Than Honorable Discharge, resulting from a period of continuous, unauthorized absence of 180 days or more, is a conditional bar to benefits administered by the Department of Veterans Affairs, notwithstanding any action by NDRB or BCNR.

b. The information required by this paragraph should be provided in the form of a written fact sheet or similar document. Failure on the part of the member to receive or to understand such explanation is not a bar to separation or characterization.

MILPERSMAN 1910-100

REASONS FOR SEPARATION

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN	882-4439
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1. **Voluntary Reasons**. The following are reasons for administrative separation that are considered voluntary (COG refers to Convenience of the Government.)

Reason	See MPM
Selected Changes in Service Obligation (active duty)	1910-102
Expiration of Active Obligated Service (EAOS)	1910-104
In Lieu of Trial by Court-Martial	1910-106
COG - Early Release to Further Education	1910-108
COG - Hardship	1910-110
COG - Pregnancy or Childbirth	1910-112
COG - When a Reservist Becomes a Minister	1910-118

2. **Involuntary Reasons**. The following reasons for administrative separation are normally considered involuntary unless the specific circumstances of the separation indicate otherwise. (COG refers to Convenience of the Government.)

Reason	See MPM
COG - Physical or Mental Conditions	1910-120
COG - Personality Disorder(s)	1910-122
COG - Parenthood	1910-124
COG - Review Action	1910-126
COG - Being an Alien	1910-127
Defective Enlistments and Inductions - Minority	1910-128
Defective Enlistments and Inductions - Erroneous Enlistment	1910-130
Defective Enlistments and Inductions - Defective Enlistment	1910-132
Defective Enlistments and Inductions - Fraudulent Entry into the Naval Service	1910-134
Delayed Entry Program (DEP)	1910-136
Misconduct - Minor Disciplinary Infractions	1910-138
Misconduct - Pattern of Misconduct	1910-140
Misconduct - Commission of a Serious Offense	1910-142
Misconduct - Civilian Conviction	1910-144
Misconduct - Drug Abuse	1910-146
Homosexual Conduct	1910-148
Drug Abuse Rehabilitation Failure	1910-150
Alcohol Abuse Rehabilitation Failure	1910-152
Entry Level Performance and Conduct	1910-154
Unsatisfactory Performance	1910-156
Unsatisfactory Participation in the Ready Reserve	1910-158
Supremacist and Extremist Conduct	1910-160
Family Advocacy Program (FAP) Rehabilitation Failure	1910-162
Best Interest of the Service (BIOTS)	1910-164
Fleet Reserve/Retired List/Retired Reserve in Lieu of Administrative Separation Processing	1910-166
Physical Disability	1910-168

3. **Other Reasons**. The following are other reasons for administrative separation, and are considered involuntary.

Reason	See MPM
Disposition of Enlisted Personnel Appointed to the Merchant Marine Academy	1910-180
Disposition of Enlisted Personnel Disenrolled from a Navy Officer Candidate Program (including the Naval Academy)	1910-182
Disposition of Enlisted Personnel Accepted for Appointment to the Military Academy, the Air Force Academy, or the Coast Guard Academy	1910-184
Disposition of Enlisted Personnel Disenrolled from the Military Academy, the Air Force Academy, or the Coast Guard Academy	1910-186

MILPERSMAN 1910-102

SEPARATION BY REASON OF CHANGES IN SERVICE OBLIGATION (ACTIVE DUTY AND INACTIVE NAVAL RESERVIST)

Responsible Office	NAVPERSCOM (PERS-832) Active enlisted members	Phone: DSN COM FAX	882-3271 (901) 874-3271 882-2754
	NAVPERSCOM (PERS-913) Enlisted inactive duty reservists	DSN COM FAX	882-4503 (901) 874-4503 882-2673

Governing Directives	BUPERSINST 1001.39D 10 U.S.C. 651 NAVPERS 15909G, Enlisted Transfer Manual

1. **Separation Authority**. Commander, Naval Personnel Command (COMNAVPERSCOM).

2. **Policy**

a. **Commander, Naval Personnel Command** may authorize or direct separation of enlisted personnel prior to expiration of active obligated service (EAOS) due to

(1) general de-mobilization or a reduction in authorized strength.

(2) acceptance of an active duty commission of permanent appointment or acceptance into a program leading to an active duty commission of appointment in any branch of the Armed Forces.

b. **Commanding officers** (COs) are authorized to separate or transfer for separation within 90 days of EAOS enlisted personnel when

(1) a ship or mobile unit is about to deploy with probability of not returning to the United States before expiration of member's EAOS and with type commander approval.

(2) the homeport of a ship or command changes and there is insufficient time to return the member to the old homeport for separation processing or to complete separation processing at the new homeport prior to member's EAOS.

(3) a member is in a temporary duty (TEMDU) under treatment status or has been found physically qualified to resume full duty, regardless of duty status, within 3 months or less of EAOS and who does not desire to reenlist. The CO of the medical activity or the member's parent CO is authorized to separate or transfer a member for separation.

(4) a member is awaiting separation at a separation activity (MILPERSMAN 1910-812 refers) by reason of EAOS, and member has not indicated a desire to reenlist.

(5) unit is deactivating. Separation date must be during month of deactivation. NAVPERS 15909G, 14.041 refers.

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3. **Members Transferred to Another Activity**. If member is transferring to another activity for separation, complete the separation within 10 calendar days of transfer unless the CO determines special circumstances exist, and member should be discharged at a later date. Do not transfer personnel to another activity for separation solely to await their EAOS.

a. A member may be separated

(1) up to 3 days prior to EAOS, when EAOS expires on a Saturday, Sunday, a holiday, or a day preceding a national holiday.

(2) up to 90 days prior to EAOS, upon completion of a cruise, when member extended enlistment for the express purpose of participating in or completing the cruise.

(3) up to 31 days prior to EAOS when assigned to a ship or unit that returns from an extended deployment (6 months or more).

(4) no earlier than 14 December of the year of the member's EAOS, if EAOS expires between 21 December and 3 January of the following year.

b. Early separation need not be authorized for a member

(1) who, in the judgment of the CO, cannot be spared.

(2) who does not desire early separation.

(3) who is a reservist undergoing active duty for training.

(4) whose EAOS will occur during the period above as a result of any other early release program.

(5) who is scheduled for transfer to Fleet Reserve or retirement.

(6) who is returning from a permanent overseas duty station and does not desire early separation.

(7) who is serving overseas and is entitled to and elects transportation to an area outside continental United States (CONUS); however, member may request separation prior to arrival in CONUS.

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4. **Two-Crew Trident Submarines**. Due to the unique nature of Trident submarine patrols versus standard 6-month deployments, Trident COs may, with concurrence of the Submarine Group Commander, separate on board crew members who are within 90 days of EAOS upon return from a strategic patrol of 60 days or more and who do not intend to reenlist. Personnel whose EAOS is greater than 90 days on the date of return from patrol will be reassigned per Force Commander’s guidance.

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5. **Criteria for General Demobilization**. Commander, Navy Personnel Command may approve a voluntary separation request from a member when

(a) Navy is in an authorized period of reduction (end-strength).

(b) member is within 1 year of EAOS.

(c) member is not serving in a rating, Navy Enlisted Classification (NEC) code, occupational field, or military occupational specialty which COMNAVPERSCOM determines to be undermanned.

(d) a contact relief is not required and command is willing to gap the billet.

(e) early separation will not effect the mission of the command.

6. **Commission in Another Branch of Service**

a. Members interested in obtaining a commission in another branch of service must **first** request a conditional release via their CO to NAVPERSCOM (PERS-832) using NAVPERS 1306/7, Enlisted Personnel Action Request. If approved, member may then apply for a commissioning program.

b. Generally, the following will not be approved:

(1) Members who incurred additional obligated service (OBLISERV) or any other NEC-producing schools with OBLISERV.

(2) Members in ratings listed in Career Reenlistment Objectives Group 1 or with critically undermanned skills or NECs.

c. Upon official notification of selection for appointment or commission in another branch of the Armed Forces, member must request separation via his/her CO to Navy Personnel Command (NAVPERSCOM) (PERS-832) using NAVPERS 1306/7 and include a copy of the acceptance or appointment letter and reporting requirement from the officer program.

d. Selective reenlistment bonus may be recouped if released for commissioning under this article.

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7. **Selected Reserve Personnel**

a. Naval reservists may request a discharge via DD 368, Request for Conditional Release. Requests from members who fall into the below categories will be adjudicated per BUPERSINST 1001.39D:

(1) Have been accepted for enlistment in a reserve component of another branch of Armed Forces for purpose of enrolling in an officer training program.

(2) Desire a transfer to enroll in an officer candidate program, including college level Reserve Officer Training Corps, and the prospective gaining component accepts member. Requests will be approved provided the naval reservist has no mandatory drilling obligation.

(3) Have not received an enlistment or reenlistment bonus for current term of enlistment.

(4) Have been accepted for appointment to commissioned status in a regular or reserve component of any branch of the Armed Forces.

(5) Have been accepted for enlistment in Regular Army, Marine Corps, Air Force, or Coast Guard.

(6) Reservist is enrolled in the Non-Prior Service (NPS) Program.

b. NAVPERSCOM (PERS-913) is the authority to separate members listed above.

c. Reserve Activity Commanding Officers are authorized to grant clearance/separate reserve members who are accepted for enlistment into Regular Navy component (including NPS personnel).

d. When the Reserve Activity Commanding Officer recommends disapproval to any request, forward request to NAVPERSCOM (PERS-913) for final determination.

NOTE: Once permission is granted, an interservice transfer will be accomplished by discharge from Naval Reserve for immediate enlistment or appointment to the gaining component. Do not interrupt continuity of the reservist's total military service. Members will be credited with the total amount of service accrued as of the effective date of discharge. A separation, for the purpose of interservice transfer, will not constitute release from, or fulfillment of, military service obligation established by 10 U.S.C. 651. Additional service performance after the discharge will be counted toward fulfillment of obligation. The gaining reserve component will furnish a copy of DD 4, Enlistment/Reenlistment Document - Armed Forces of the United States (Page 1), or appointment order, to losing unit or activity within 15 days to permit timely discharge action. The losing command will ensure proper Navy Standard Integrated Personnel System (NSIPS) loss entries are entered without delay.

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8. **Characterization of Separation**. Using Notification Procedures (MILPERSMAN 1910-402), the least favorable characterization of service is General. If member is in Entry Level Status, the description of service may be Entry Level Separation (ELS). (Does not apply to inactive Naval Reservists.)

MILPERSMAN 1910-104

SEPARATION BY REASON OF EXPIRATION OF ACTIVE OBLIGATED SERVICE (EAOS)

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-3271 (901) 874-3271 882-2754

Governing Directives	SECNAVINST 1910.4B BUPERSINST 1610.10

1. **Separation Authority**. Commanding Officer.

2. **Policy**

a. A member may be separated upon expiration of enlistment or fulfillment of service obligation. Separation up to 30 days prior to the member’s EAOS is authorized if

(1) the member is serving outside the continental United States (CONUS); or

(2) the member is a resident of a state, territory, or possession outside CONUS and is serving outside the member’s state, territory, or possession of residence.

b. SECNAVINST 1910.4B refers.

3. **Characterization of Separation**. Honorable, unless a General is warranted on the basis of the Enlisted Performance Evaluation System; BUPERSINST 1610.10 refers. A member is eligible for a characterization of service as General (Under Honorable Conditions), if during a Sailor's current enlistment, the member’s final evaluation average is 2.49 or below. (This average is determined by averaging the individual trait averages of all evaluations during the current enlistment.)

MILPERSMAN 1910-106

SEPARATION IN LIEU OF TRIAL BY COURT-MARTIAL

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN	882-4439
			COM	(901) 874-4439
			FAX	882-2624

Governing Directives	Manual for Courts-Martial BUPERSINST 1900.8

1. **Policy**. Members may request separation in lieu of a trial by court-martial if

a. the preferred charges could result in a punitive discharge per the Manual for Courts-Martial, Appendix 12, Maximum Punishment Chart; and

b. the commanding officer determines that the member is unqualified for further service.

2. **Request For Separation**.

a. Members requesting a discharge should submit a signed request in proper letter format. When counsel is consulted, the counsel's signature is required as well. The following is the proper format:

From: (rate, name, branch of service, social security number)
To: (General Court-Martial Convening Authority (GCMCA)/
Special Court Martial Convening Authority (SPCMCA)
as appropriate) having jurisdiction over the member)
Via: (commanding officer)

Subj: REQUEST FOR SEPARATION IN LIEU OF TRIAL BY COURT-MARTIAL

Ref: (a) MILPERSMAN 1910-106

Encl: (1) Copy of court-martial charges
(2) Copy of a summary of the evidence or list of documents provided to member
(3) Member's statement (if applicable)
(4) Appointed counsel statement (if applicable)

1. Per reference (a), I fully understand the elements of the offense(s) charged in enclosure (1) and I hereby voluntarily submit this request, free from any duress or promises of any kind, for separation in lieu of trial by court-martial.

2. I have been afforded an opportunity to consult with counsel and I: (Initial as appropriate.)

( ) did consult with counsel.

( ) waive my right to consult with counsel.

3. I admit that I am guilty of: (List the offenses of which the member acknowledges guilt. These may be lesser included offenses which have been referred to a special court-martial (SPCM) or general court-martial (GCM)). A summary of the evidence provided me pertaining to the offenses to which I acknowledge guilt is included in enclosure (2).

4. I understand that if my discharge is Under Other Than Honorable Conditions, it may deprive me of virtually all veterans' benefits based upon my current period of active service, and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of service rendered in any branch of the Armed Forces, or the character of discharge received therefrom, may have a bearing.

5. I understand that I may submit a sworn or unsworn statement on my behalf. I also understand that statements submitted by myself or by my counsel in connection with this request are not admissible against me in a court-martial, except as provided by Military Rule of Evidence 410. I (do/do not) desire to submit a (sworn/unsworn) statement. (If applicable add the following:) My (sworn/unsworn) statement is submitted as enclosure (3).

6. I have retained a copy of this request for separation in lieu of trial by court-martial, including all enclosures.

Signature of Member

Witnessed: (signature of counsel(s))
name, grade, corps, branch of service
name and address of civilian counsel (if applicable)
state licensed/date)

b. If the member elects to have civilian counsel at member's own expense, the record shall indicate the name, address, and qualification of the civilian counsel.

RULE: If the member waives the right to consult with counsel, the command shall prepare a statement to this effect which shall be enclosed, and disregard completing the witness block area.

c. SPCMCAs may approve or disapprove requests for members who have been absent without leave for more than 30 days, dropped from the rolls of their parent unit as a deserter, returned to military control, and assigned to a separation processing activity; however, the member can only be charged with the UA of more than 30 days. If other charges are preferred, and not dismissed by the Convening Authority, separation per this article must be referred to a GCMCA.

d. Since separation in lieu of court-martial is based on the voluntary request of the member and is considered comparable to a plea bargain, it may be approved even after the member's expiration of active obligated service (EAOS)/expiration of service (EOS).

3. **Characterization of Service**.

a. GCMCA/SPCMCA determines characterization of service, which is normally OTH; however, General (Under Honorable Conditions) or Entry Level Separation (ELS) may be assigned, as appropriate.

(1) Honorable characterization is not authorized under this reason for processing.

(2) See MILPERSMAN 1910-300 for characterization guidance.

(3) If the member has less than 180 days of service, an ELS may be appropriate. See MILPERSMAN 1910-308.

b. A Separation Program Designator (SPD) of KFS must be assigned per BUPERSINST 1900.8.

MILPERSMAN 1910-108

SEPARATION BY REASON OF CONVENIENCE OF THE GOVERNMENT - EARLY RELEASE TO FURTHER EDUCATION

Responsible Office	NAVPERSCOM (PERS-832), Enlisted active duty members	Phone: DSN COM FAX	882-3271 (901) 874-3271 882-2754

Governing Directive	SECNAVINST 1910.4B

1. **Separation Authority**

a. Commanding officers (COs) with Special Courts-Martial Convening Authority (SPCMCA) or higher serve as separation authority for education separation requests that are within 90 days of member's expiration of active obligated service (EAOS).

b. Commander, Navy Personnel Command serves as separation authority for all education separation requests for more than 90 days.

2. **Command Level Separation**. Member may request separation to attend an institution of higher education (college or university) or vocational or technical school. Performance of duty must meet Honorable conditions and have been such that member is deserving of consideration for early separation. If separation is done locally, CO should be willing to accept a gap.

3. **Navy Personnel Command Separation**. Member must submit the separation request in writing via NAVPERS 1306/7, Enlisted Personnel Action Request, via his/her chain of command. The CO's favorable endorsement must justify the early separation as well as acceptance of a gapped billet. Requests will be denied if the CO is not willing to accept a gap.

4. **College or University**

a. Submit the following documentation with the application to attend an institution of higher education (college or university):

Acceptance for in a specific school term (include registration and class convening dates) in a full-time course of instruction leading to an Associate, Baccalaureate, or higher degree (correspondence or Internet courses do not meet this criteria).

b. Commanding officers are responsible for verifying the school is listed in the Education Directory for Post-Secondary Education, which is published yearly by the National Center for Education Statistics, Department of Education (located at local Educational Services Office (ESO).

5. **Vocational or Technical School**

a. Submit the following documentation with the application to attend a vocational or technical school:

Acceptance for a specific school term (include registration and class convening dates) in a full-time course of instruction of not less than 3 months duration (correspondence or Internet courses do not meet this criteria).

b. Commanding officers are responsible for verifying the school is approved by the cognizant State Board for Vocational Education, or the school is accredited by a nationally-recognized accrediting agency or association listed by the U.S. Commissioner of Education (located at local ESO).

6. **Personal Requirements of Applicants for Education**. Applicants must

a. demonstrate, via a financial counseling worksheet, ability and willingness to make the required payment of entrance fee(s), if any.

b. submit justification that the specific school term is the most opportune time academically to begin or resume his/her education, and that delay of enrollment until normal EAOS could

cause an undue hardship or failure to meet requirements for course completion/graduation.

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7. **Who is Not Eligible**. The following personnel are not eligible:

a. Members whose services are essential to the mission of the command.

b. Members who are ordered to active duty due to unsatisfactory participation in a selected reserve unit.

c. Aliens seeking to qualify for citizenship by completion of 3 years of active duty military service, unless they are to be transferred to inactive duty in a reserve component.

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8. **Characterization of Separation**. The characterization of separation will be Honorable.

MILPERSMAN 1910-110

SEPARATION BY REASON OF CONVENIENCE OF THE GOVERNMENT - HARDSHIP

Responsible Office	NAVPERSCOM (PERS-40HH)	Phone: DSN COM FAX	882-3299/3551 (901) 874-3299/3551 882-2647

Governing Directive	NAVPERS 15909G, Enlisted Transfer Manual 5 U.S.C. 301

1. **Policy**

a. Members on active duty, with hardships meeting the criteria below, may request separation from the naval service from the Special Court-Martial Convening Authority (SPCMCA) (MILPERSMAN 1910-704) within their chain-of-command (members must be in either a For Duty (ACC 100) or Temporary Duty (TEMDU) status, not Temporarily Additional Duty (TEMADD)).

b. No member has an absolute right to discharge from Navy due to hardship.

c. A hardship discharge is intended to be used as an instrument to alleviate personal hardship encountered by an enlisted member’s immediate family when discharge is the only solution. It will not be used as a means to rid the service of a burden to the command.

2. **Approving Authority**. The decision of whether or not a hardship discharge should be granted is at the discretion of the SPCMCA.

3. **Criteria for Hardship Status**. The member's request must show that the hardship meets the following criteria:

a.	A severe hardship exists, not normally encountered and resolved by other members of the naval service.
b.	The hardship affects the servicemember's immediate family. Immediate family is defined as: spouse, son, daughter, stepchild, parent, brother, sister, or other person, including a stepparent acting in loco parentis for a period of 5 years before the member became 21 years of age, or any bonafide dependent of the servicemember. In-laws and grandparents are not considered members of the immediate family solely by virtue of their relationship as in-laws or grandparents.
c.	The hardship is not of a temporary nature and cannot reasonably be expected to be resolved within the near time frame by using leave (including emergency leave if overseas) or a period of TEMDU for humanitarian reasons to better the situation.
d.	The hardship has occurred or has been severely aggravated since entry into the service.
e.	The member and family have made every reasonable effort to alleviate the hardship.
f.	There are no other family members or relatives nearby who are capable of providing the necessary assistance.
g.	The discharge or release of the member will result in the elimination or material alleviation of the hardship.

4. **Reasons for Not Disapproving Separation**. A separation will not be disapproved for the sole reason that the member is

a. required in assigned duties.

b. indebted to the government or to an individual. Although SPCMCAs are charged with closely monitoring special entitlement programs (i.e., selective reenlistment bonus), disapproval cannot be made solely on failure of the government to recoup monies for a hardship discharge.

5. **Extraordinary Circumstances**. Extraordinary circumstances involving members of the applicant's family normally warrant special consideration when it is proved that the member's presence is essential to alleviate the hardship and, in addition to other requirements, includes, but is not limited to the following:

a. The death of, or final divorce from, a spouse where the member is left as sole parent of a minor child or children, other arrangements cannot be made for their continued care and the member cannot continue at present duties and properly care for them (process member under MILPERSMAN 1910-124 if applicable). To be eligible for separation under this subparagraph the member must be a single parent serving on (or under orders to) sea duty or be in a deployable status and have a final divorce decree with permanent physical custody awarded to the member.

b. The long-term physical or mental illness of the spouse that does not allow the member to perform duties as assigned and the member's continued presence is required. (Note that whether the mental illness of the member's spouse is severe enough to warrant a hardship discharge is a determination within the discretion of the appropriate SPCMCA).

c. As a result of the disability or death of a parent, the separation of the member from the Navy is essential for the financial and physical support of a member or members of the family. Undue hardship does not necessarily exist solely because of altered present or anticipated income. Consideration must be given to social security, disability payments, other federal and state assistance programs, and any other income or assets of the member or other family members.

6. **Reasons for Not Authorizing Separation**. Except under extraordinary circumstances as determined by the appropriate SPCMCA, separation under this article will not be authorized when the member is under charges or confined, nor will it be authorized solely for:

a.	Financial or business reasons (including the operation of a family business unless the business is the sole income of the family and there are no other family members capable or willing to operate it).
b.	Indebtedness.
c.	Personal convenience.
d.	The member’s physical or mental health.
e.	Moral support to an immediate family member whose life expectancy is estimated by the attending physician as less than 6 months. (This situation should be handled through the submission of a Humanitarian Reassignment Request following NAVPERS 15909G, chapter 18.
f.	Custody battles or divorce proceedings.
g.	Parenthood (unable to comply with the Family Care Plan certificate).

7. **Counseling Applicants**.

a. Enlisted personnel who desire to request separation for hardship reasons shall be informed of the proper procedure to follow. It should be clearly explained to each applicant that

(1) a request shall be submitted, via official channels,

(2) submission of a request is no assurance the discharge or release to inactive duty will be authorized, and

(3) the decision is within the sole discretion of the appropriate SPCMCA.

b. Each request will be carefully and sympathetically considered and a final decision will be based upon its individual merits.

c. It should be further explained to the member prior to submission of a request for hardship discharge, that such a request for hardship discharge, once approved by the appropriate SPCMCA, is **irrevocable** except in the most unusual circumstances. In instances of this nature it will be necessary for the member to submit a request for cancellation of discharge authority to the appropriate SPCMCA via official channels, stating how the hardship has been eliminated, including affidavits attesting to this fact.

8. **Procedure for Submitting Application**

a. A written request for separation for hardship shall be addressed to the appropriate SPCMCA. In unusual circumstances, members in an authorized leave status may submit requests for hardship discharge.

b. To expedite the procedure, the nearest naval activity should submit a properly prepared request to the appropriate SPCMCA with the assisting command’s synopsis included in their endorsement. All requests must be accompanied by affidavits substantiating the hardship claim. Where practical, one affidavit should be submitted from the family member(s) concerned.

c. The preparing activity shall immediately inform the member’s parent command of the pending request and ask for a leave extension, if warranted. Otherwise, the provisions for no-cost TEMADD orders, as delineated in NAVPERS 15909G, chapter 18, may be used.

d. Process service member under any other Convenience of the Government if it pertains.

9. **Application Format** (Use the proper letter format containing the following.)

From: (rate, name, branch of service, SSN)
To: (Special Court-Martial Convening Authority)
Via: (if applicable)

Subj: REQUEST FOR HARDSHIP DISCHARGE

Ref: (a) MILPERSMAN 1910-110

Encl: (1) Current NAVPERS 1070/602, Dependency Application/Record of Emergency Data
(2) NAVPERS 1070/605, History of Assignments
(3) Latest Standard Transfer Orders
(4) Letter from person(s) experiencing hardship
(5) Letter(s) from prospective employer(s)
(6) Member's financial statement, including the latest Leave and Earnings Statement (LES)
(7) List all additional letters as individual enclosures

1. I request a hardship discharge per reference (a) for the following reasons:

a. Description of Hardship: (A complete and specific description of hardship in member's own words, using names, dates, and places. Include history of problem, if any.)

b. Description of Action Taken: (Indicate what member has done to solve problem. Be specific.)

c. How applicant expects to alleviate or resolve the hardship if request is approved. (Be specific.)

2. Necessary information to facilitate decision:

a. Names, addresses, and ages of member and family.

b. Names, addresses, ages of other immediate family members.

c. Dates of previous requests, if any, for humanitarian reassignments or hardship discharges.

d. Location and weight of household effects:

e. Location of records:

3. PRIVACY ACT STATEMENT

The authority to request this information is derived from 5 U.S.C. 301, and Departmental Regulations. The purpose of this request is to request discharge due to hardship reasons. The information is used to determine approval or disapproval for the requested status. The application is completely voluntary; however, failure to provide the required information will result in an inability to process the request and the member would not be able to receive the requested status.

[Member's Signature]

Witnessed:
Copy to:

10. **Additional Enclosures in Application**. Applicants may provide any of the following with their request. This is not an inclusive list; keep in mind that each statement made in the request must be backed with a written statement from a professional aware of the hardship.

a. **Individual letters from all immediate family members** stating why they cannot or will not contribute to the necessary care or support of those enduring the hardship. Letters should include their monthly income.

b. **Final divorce decree and court awarded physical custody**. A certified copy of these documents is mandatory when requesting discharge for reasons of hardship because of single parenthood through divorce.

c. **Medical documentation** must be current (within 2 months) and from the attending physician or psychiatrist. Medical terminology should be defined to a degree sufficient to allow a

layman to understand the nature of the illness. When applicable, specific dates should be used. Include both diagnosis and prognosis. Specify type and length of treatment or hospitalization. Include life expectancy when applicable. Pertinent background information and possibility or probability of recurrence is required.

d. **Financial statements.**

(1)	A statement on the servicemember's financial status (including a copy of the latest LES) is required on all requests, and on other family members when member's request involves financial situations. The statements consist of • a complete itemized budget for the servicemember and family including rent, food, clothing, utilities, fuel, medical expenses, and other regular expenses; • list of existing debts including names of creditors, original amount and monthly payments, date debt contracted and purposes; and • specific amounts and modes of contributions of servicemember to family members or others during the current enlistment.
(2)	For the servicemember, include allotments, date started, and for whom.
(3)	Family members' statements must also include other income and assets such as pensions, insurance, Department of Veterans Affairs compensation, ownership, rental or sale of real estate, investments, bank deposits and income thereon, fees, alimony, or monies in their possession, anticipated and/or received of any description whatsoever, whether regular or occasional, or social security benefits or trust funds.

e. **Letters from persons familiar with the hardship** (e.g., chaplain, social workers, friends, and relatives).

f. **Statements from law enforcement agencies, schools, lawyers, etc.**, will be included as the request warrants.

11. **Requesting Red Cross Reports**. By mutual agreement, military authorities will not request, and the Red Cross will not provide reports at the time an application is being submitted. If the application and supporting evidence do not contain sufficient factual information on which to base a decision, a commanding officer or military headquarters having authority of discharge, reassignment, or deferment decisions may request the Red Cross to supply the specific additional information required. When a Red Cross report is desired, the request will include a brief summary of the information already provided.

12. **Members Awaiting Disciplinary Action**. Cases of members awaiting disciplinary action will be held in abeyance until disciplinary action has been resolved.

13. **Disposition**

a. The eligible member who does not have an additional service obligation may be discharged.

b. The eligible member who has an additional service obligation under any provision of law may be transferred to the Naval Reserve (if otherwise eligible therefore) and released to inactive duty or, if already a member of the Naval Reserve, released to inactive duty to serve the remainder of the obligated service.

c. A member of the Naval Reserve, serving on inactive duty, may be transferred to the Individual Ready Reserve or Standby Reserve when the hardship prevents participation in the Selected Reserve but not mobilization of the member, or may be discharged when the hardship would prevent the member’s mobilization.

d. Cases of members on inactive duty shall be approved by the appropriate SPCMCA and upon completion forwarded to Navy Personnel Command (NAVPERSCOM) (PERS-913).

14. **SPCMCA Procedures**. SPCMCA will forward all approved or disapproved hardship requests to NAVPERSCOM (PERS-40HH), for

record purposes. When the discharge is approved, the SPCMCA needs to contact the field service record holder to authorize the discharge. Authorization needs to include the date and characterization of service for the preparation of DD 214, Certificate of Release or Discharge from Active Duty. In the forwarding letter to NAVPERSCOM, include the following:

a. Member's request and all supporting documentation, as outlined in "Application Format" of this article;

b. Copy of member's DD 214 (if appropriate);

c. Command to which member was transferred TEMDU for separation and the date discharge is to be accomplished (if appropriate); and

d. Reason for disapproval (if appropriate).

15. **Members with Remaining MSS Obligation**. Procedures for effecting separation by reason of hardship of members who have a Military Selective Service (MSS) obligation remaining are

a. for **active duty personnel**, enlisted or inducted, when transfer to the Naval Reserve and release to inactive duty are directed by the appropriate SPCMCA, the prescribed procedures shall be followed with the exception that such members shall be assigned to the Standby Reserve-Active (USNR S1) instead of the Ready Reserve.

b. for **members of the Naval Reserve serving on inactive duty**, when discharge is authorized, complete NAVPERS 1070/613, Administrative Remarks in lieu of NAVPERS 1070/615, Record of Discharge from the U.S. Naval Reserve (Inactive), per MILPERSMAN 1070-330, with the following additional statement:

"Not eligible for enlistment/reenlistment in the Naval Reserve or regular Navy without prior approval of CHNAVPERS."

16. **Disclosure of Information**. Any information concerning the private affairs of members of the naval service or of their families is intended "For official use only" and shall not be disclosed to persons other than in connection with their official duties, nor shall the source of such information be disclosed.

17. **Characterization of Service**. Characterization of service or description of separation shall be Honorable, General, or Entry Level Separation under the guidance provided in MILPERSMAN 1910-300.

MILPERSMAN 1910-112

SEPARATION BY REASON OF CONVENIENCE OF THE GOVERNMENT - PREGNANCY

Responsible Office	NAVPERSCOM (PERS-832) Active enlisted members	Phone: DSN COM FAX	882-3271 (901) 874-3271 882-2754
	NAVPERSCOM (PERS-913) Inactive enlisted members	Phone: DSN COM FAX	882-4503 (901) 874-4503 882-2673

Governing Directives	NAVPERS 15909G, Enlisted Transfer Manual SECNAVINST 1000.10

1. **Separation Authority**. Commanding officers with Special Courts-Martial Convening Authority or higher serve as final separation authority.

2. **Policy**. The member must provide certification of pregnancy from a physician assigned to a military treatment facility. Requests will normally be denied unless it is determined to be in the best interest of Navy or if the member demonstrates overriding and compelling factors of personal need which warrant separation. Requests from the following personnel will not be approved:

a. Personnel serving in ratings, specialty fields, occupational fields, or military occupational specialties which Commander, Navy Personnel Command determines to be critically undermanned.

b. Personnel with obligated service for schooling or training purposes.

c. Personnel who have executed permanent change of station orders while pregnant.

d. Family Care Certificate non-compliance is not covered under this MILPERSMAN article; refer to MILPERSMAN 1910-124.

e. For personnel pregnant prior to entry into service, separate by reason of Defective Enlistment and Inductions – Erroneous Enlistment (MILPERSMAN 1910-130) and without medical benefits. Medical authorities must certify in writing the pregnancy existed prior to entry into service.

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3. **Counseling**. Prior to any separation action, counsel the member concerning maternity care benefits after separation per MILPERSMAN 1740-030.

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4. **Requesting Separation Date**

a. Member will submit a request via the chain of command, not later than 5 months prior to requested separation date, if possible. A separation date of 1 month prior to estimated delivery date is encouraged, although separation may be requested up to the date of estimated delivery. Separation date determination should take into consideration

(1) welfare of member.

(2) time required to provide a relief.

b. If the member is assigned to a ship or deployable operational command, refer to NAVPERS 15909G, chapter 3 for additional requirements. Separation will not be approved prior to 5 months gestation, unless extenuating circumstances apply.

c. If a member’s request is approved, the command shall notify Navy Personnel Command (PERS-40) and Enlisted Placement Management Center to identify the member’s planned loss from active duty and to allow identification of a replacement.

d. This is considered a voluntary separation; therefore, there are no separation entitlements and any Selective Reenlistment Bonus/Enlistment Bonus will be recouped.

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5. **Characterization of Separation**. Honorable, unless a General (Under Honorable Conditions) or Entry Level Separation (ELS) is warranted per MILPERSMAN 1910-300. (Selected Reserve personnel are not eligible for ELS.)

MILPERSMAN 1910-118

SEPARATION BY REASON OF CONVENIENCE OF THE GOVERNMENT – WHEN A RESERVIST BECOMES A MINISTER

Responsible Office	NAVPERSCOM (PERS-913)	Phone	DSN COM FAX	882-4502/3 (901) 874-4502/3 882-2673

Governing Directive	10 U.S.C. 12681 and 12682 NAVPERS 15560C, Naval Military Personnel Manual

1. **Policy**

a. A member of the Reserve who becomes a regular or ordained minister of a religious faith group is entitled, upon their request, to be discharged from the Naval Reserve per 10 U.S.C. 12681 and 12682. The member must satisfactorily establish

(1) they (regularly/will) engage in religious preaching and teachings,

(2) the ministry (is/will be) their main and primary calling - a vocation rather than avocation,

(3) their standing in the congregation (is/will be) recognized as that of a minister or leader of a group of lesser members, and

(4) their religious faith group is organized exclusively or substantially for religious purposes.

b. This **does not include** a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization. It does not include a person who may have been duly ordained a minister by the ceremonial rite or discipline of a church, religious sect, or organization, but who does not regularly, as a vocation, teach or preach the principles and administer the ordinances of public worship as embodied in the creed or principles of that person’s church, sect, or organization.

NOTE: This article does not apply, nor are there any procedures similar, for active duty personnel applying for a separation based on becoming a minister.

2. **Separation Request**. A member must request separation from the Navy Personnel Command (PERS-91), the separation authority. Such request shall be accompanied with a statement or certificate, signed by the appropriate official of the religious order, showing acceptance into the religious order. The letter must also state that the member regularly engages in religious preachings and teachings and that ministry (is/will be) their main and primary calling.

3. **Characterization of Service**. Characterization of service or description of separation is normally Honorable, unless an Entry Level Separation or General (Under Honorable Conditions) is warranted per MILPERSMAN 1910-300.

MILPERSMAN 1910-120

SEPARATION BY REASON OF CONVENIENCE OF THE GOVERNMENT – PHYSICAL OR MENTAL CONDITIONS

Responsible Office	NAVPERSCOM (PERS-832) Active enlisted members	Phone: DSN COM FAX	882-3272 (901) 874-3272 882-2754
	NAVPERSCOM (PERS-913) Inactive enlisted members	Phone: DSN COM FAX	882-4503 (901) 874-4503 882-2673

Governing Directives	SECNAVINST 1850.4D BUMEDINST 1300.2 DOD Directive 1332.14 of 21 Dec 93

1. **Separation Authority**

a. Commanding Officer, Recruit Training Command serves as separation authority for recruit personnel.

b. Commanding officers (COs) with Special Courts-Martial Convening Authority or higher.

2. **Policy**

a. Physical or behavioral conditions which impair a member’s performance, but do not amount to a physical disability, are covered under this article. Many of the conditions are pre-existing developmental disorders with psychiatric components. Again, they do not amount to a disability, but can affect potential for continued naval service (see above references). Conditions include, but are not limited to:

(1) Somnambulism (sleepwalking)

(2) Enuresis (bedwetting)

(3) Motion/air sickness

(4) Allergies

(5) Excessive height

(6) Anorexia/bulimia nervosa

b. The government or the member can initiate separation request per this article.

(1) **Command-initiated request**: Per DODD 1332.14, involuntary separation processing may not be initiated until the Servicemember has been notified formally with NAVPERS 1070/613, Administrative Remarks concerning performance deficiencies related to the physical/behavioral condition and advised of medical resources (if applicable) that may assist in the member's retention. The CO must provide the member reasonable time to overcome deficiencies (if possible) as reflected in appropriate counseling or personnel records.

(2) **Servicemember-initiated request**: May request separation based on a medical condition not amounting to disability which his/her attending military physician believes exists and obviates the member's potential for continued naval service. Member may request separation only after all medical avenues of relief have been exhausted. The medical officer must document why member's condition renders him/her incapable of completing obligated service in any capacity. This request is considered a voluntary separation; therefore, there are no separation pay entitlements and Selective Reenlistment Bonus/Enlistment Bonus, if applicable, will be recouped.

c. Whether command- or Servicemember-initiated, specific documentation is required from the medical officer that condition renders the member incapable of completing his/her obligated service (EAOS) **in any capacity**, e.g., forced conversion, reassignment, etc. If the request is forwarded to Commander, Navy Personnel Command for disposition without the specific documentation mentioned above, the request will be disapproved.

3. **Procedures**. Administrative separation packages must include the following:

a. NAVPERS 1070/613 which specifically addresses performance deficiencies related to physical or behavioral condition and resources available, if applicable.

b. Request for separation from Servicemember, if initiated by Servicemember.

c. Administrative Notification per MILPERSMAN 1910-402, if initiated by command.

d. Letter of transmittal (recommendation for administrative separation) per MILPERSMAN 1910-600.

NOTE: If CO determines the member has potential for continued naval service, albeit unable to execute operational duty orders, submit a separation package with CO's recommendation for retention. The package will be reviewed by Navy Personnel Command and Chief of Naval Operations (N13), and retention will be determined based on needs of Navy.

4. **Characterization of Service**. Honorable, unless an Entry Level Separation (ELS) (MILPERSMAN 1910-308) or General (Under Honorable Conditions) (MILPERSMAN 1910-304), is warranted. Selected Reserve personnel are not eligible for ELS.

SAMPLE PACKAGE
COMMAND-INITIATED SEPARATION

Letter of Transmittal Format

(date)

From: Commanding Officer (unit name)
To: Commander, Navy Personnel Command (PERS-832) (PERS-913)

Subj: (RATE/NAME/USN (R)(TAR)/SSN); RECOMMENDATION FOR ADMINISTRATIVE SEPARATION

Ref: (a) MILPERSMAN 1910-600

Encl: (1) NAVPERS 1070/613, Administrative Remarks
(2) Administrative Separation Notification
(3) Medical Evaluation with separation recommendation
(4) Other enclosures as required

1. Per reference (a), the following information is submitted:

a. Reason for processing.

b. Basic record data. Active duty start date; date of current enlistment; Expiration of Active Obligated Service/Expiration of Service; race/ethnicity; marital status and dependents; months on board; date and amount of most recent enlistment/reenlistment bonus; deployment status: deployed/pending deployment (number of months)/not deployed; pending orders (YES/NO/NA); age; total service (active, inactive); participated in Montgomery GI Bill (YES/NO/NA); specialized training (i.e., nuclear power).

c. Involvement with civil authorities (if applicable).

d. Summary of military and civilian offenses (if applicable).

e. Findings of administrative board (if applicable).

f. Recommendations of administrative board (if applicable).

g. Type of discharge recommended by administrative board if applicable).

h. Comments of commanding officer (CO). (Must include why member's condition renders him/her incapable of completing obligated service in any capacity.)

i. Point of contact/location of command/telephone (DSN/COMM/
E-Mail).

_____
CO/Acting CO signature
(not By direction)

Copy to:
DON CAF, WDC (29A)
(ISIC, TRANSITPERSU, PERSUPP DET where applicable)

NAVPERS 1070/613, Administrative Remarks

(DATE) ADMINISTRATIVE COUNSELING/WARNING

1. You are being retained in the naval service; however, the following deficiencies in your performance and/or conduct are identified:

2. The following are recommendations for corrective action, if applicable.

For example, it is unrealistic to counsel someone that they are “too tall” and to correct the problem. In this case, simply state the deficiency and why it prevents member from full performance. This is an administrative warning to the member that discharge may be pending as a result of a deficiency, if alternate accommodations (transfer to a different type of ship, for example) cannot be found.

3. Assistance is available through:

4. Any further deficiencies in your performance/and or conduct will terminate the reasonable period of time for rehabilitation that this counseling/warning entry provides and may result in disciplinary action and processing for administrative separation. All deficiencies or misconduct during your current enlistment, occurring before and after the date of this action, will be considered. Subsequent violation of the UCMJ, conduct resulting in civilian conviction, or deficient conduct or performance of duty could result in an administrative separation Under Other Than Honorable Conditions.

5. This counseling/warning is made to afford you an opportunity to undertake the recommended corrective action. Any failure to adhere to the guidelines cited above will make you eligible for administrative separation.

6. This counseling/warning entry is based upon known deficiencies or misconduct. If any misconduct, unknown to the Navy, is discovered after this counseling/warning is executed, this counseling/warning is null and void.

U. R. COUNSELED
By direction

(**DATE**): I hereby acknowledge the above NAVPERS 1070/613 entry and desire to (make a statement/not make a statement).

_____
(Member's Signature)

Witnessed: (person who actually counseled member)

NOTE: If the member refuses to sign, document such and have a commissioned officer sign NAVPERS 1070/613 as a witness.

Ensure the following "Notification Procedure" from MILPERSMAN 1910-402 is used when administrative separation is command-initiated

ADMINISTRATIVE SEPARATION PROCESSING NOTIFICATION PROCEDURE	DATE
From:	UIC
To: Commander, Navy Personnel Command (PERS-832)	

REASON(S) FOR ADMINISTRATIVE SEPARATION PROCESSING	**MILPERSMAN REF**
1)	
2)	
3)	

The least favorable characterization of service possible is GENERAL (Under Honorable Conditions).

If your separation is approved, it will result in discharge, suspended discharge, release from active duty to a Reserve component, transfer from Selected Reserve to Individual Ready Reserve (IRR), or release from custody or control of U.S. Navy.

YOU ARE ENTITLED TO THE BELOW RIGHTS (INITIAL APPROPRIATE BLOCK)	**ELECT**	**WAIVE**
To consult with qualified counsel. You may consult with civilian counsel retained at your own expense. (Non-lawyer counsel may be appointed as determined by commanding officer.)		
To submit a written statement for consideration by the separation authority.		
To obtain copies of documents that will be forwarded to separation authority supporting the basis for proposed separation. (Classified documents will be summarized in unclassified form.)		
To request an administrative board, if you have 6 or more years of total active and/or Reserve military service. (Failure to appear without good cause constitutes a waiver of right to be present at the administrative board.)		
To representation at the administrative board by qualified counsel, if you have 6 or more years of total active and/or Reserve military service.		
To representation at the administrative board by civilian counsel at your own expense, if you have 6 or more years of total active and/or Reserve military service.		
If applicable - to request transfer to the Fleet Reserve/Retired/Retired Reserve List, understanding that you have the right to an administrative board to recommend retirement in your current or a reduced paygrade. If you waive such board, a reduction to a reduced paygrade upon transfer may be directed if you are being processed for misconduct, security, or homosexual conduct.		
To General Courts-Martial Convening Authority (GCMCA) review, if you have less than 6 years of total active and/or Reserve military service. GCMCA staff members' cases must be forwarded to another officer having GCMCA or Navy Personnel Command (PERS-832) for review.	**NA**	**NA**

ADDITIONAL NOTICE
For members on active duty not in civilian confinement: You are advised separation proceedings in your case will be suspended for a period of 2 days from the date this notice is delivered to you personally in order to give you a reasonable opportunity to exercise rights set forth herein. Failure to respond will constitute a waiver of all rights and processing may continue in your absence.
For members who are Reservists not on active duty: You are advised separation proceedings in your case will be suspended for a period of 30 days from the date this notice is delivered to you personally, or received at your designated mailing address, in order to give you a reasonable opportunity to exercise rights set forth herein. Failure to respond will constitute a waiver of all rights and processing may continue in your absence. If your separation involves transfer to IRR, you are advised characterization of service upon transfer to IRR, also, will constitute the tentative characterization of service upon discharge at the completion of naval service obligation, unless you take affirmative action to affiliate with a drilling unit of Selected Reserve, and you participate satisfactorily as a drilling member of Selected Reserve for a period of time which, when added to any prior satisfactory service during this period of obligated service, equals the period of obligated service. If you submit evidence of completion of the above, separation authority may assign a more favorable characterization of service. If you do not submit such evidence, the characterization of service is the same as the characterization of service upon transfer from active duty or Selected Reserve to IRR. If you are in records review (non-drilling) status, you are entitled to permissive (no-cost) orders to attend any administrative board hearing to which you may be entitled.
For members subject to reimbursement: You are advised you may be subject to a reimbursement requirement for recoupment of advance education assistance costs, bonuses, or special pays.
For members in civil confinement: You are advised separation proceedings in your case will be suspended for a period of 30 days from the date this notice is delivered to you personally or received at your confinement address in order to give you a reasonable opportunity to exercise the rights set forth herein. Failure to respond will constitute a waiver of all rights and processing may continue in your absence. If you are eligible and have elected an administrative board, and you are unable to make arrangements which would allow you to appear in person before the board, the proceedings will continue in your absence; in this event, however, you may be represented before the board by your counsel. The below named counsel has been appointed your military counsel for consultation and/or representation for this action.

NAME OF MILITARY COUNSEL	ADDRESS OF MILITARY COUNSEL	PHONE

CIVILIAN CONVICTION APPEAL INFORMATION (RESPONDENT INITIAL APPROPRIATE BLOCK)	YES	NO	N/A
Do you intend to file an appeal?			
Do you request separation before your appeal is decided or the time for appeal has passed?			

COMMAND CERTIFICATION	SIGNATURE	DATE
Commanding Officer or "By direction."		
MEMBER CERTIFICATION		
I acknowledge receipt of this notice.		
My response to this notice is complete.		
COUNSEL CERTIFICATION (if applicable)		

SAMPLE PACKAGE
ADMINISTRATIVE SEPARATION PER MEMBER'S REQUEST

(date)

From: (Rate/Full Name/Branch/SSN)
To: Separation Authority (Special Courts-Martial Convening Authority or higher)

Subj: REQUEST FOR SEPARATION BASED ON PHYSICAL OR BEHAVIORAL CONDITION(S) NOT AMOUNTING TO A DISABILITY

Ref: (a) MILPERSMAN 1910-120

Encl: (1) Copy of medical documentation describing condition
(2) Copy of mishap/safety investigation (where applicable)

1. Per reference (a), I request separation based on the medical condition which I and/or my attending physician believe exists, but does not amount to a disability per current Navy guidance. The medical condition is (briefly describe/explain medical condition) and is supported by enclosure (1).

2. The following information is provided:

a. Active Duty Start Date:

b. Expiration of Service:

c. Date reported current command:

d. Projected Rotation Date:

e. This medical condition (existed/did not exist) upon my entry into Navy.

f. This medical condition (was/was not) the result of, or contributed to, my own misconduct.

g. A mishap/safety investigation (was/was not) conducted regarding this medical injury/problem. If conducted, attach as enclosure (2).

3. Remarks: Explain the history of your medical condition and why it prevents you from completing your obligated service **in any capacity**.

_____
(Member's signature)

NOTE: Commanding officer’s endorsement must verify information provided in paragraph 2 of member’s letter is correct and, also, include why member’s condition renders him/her incapable of completing obligated service in any capacity.

MILPERSMAN 1910-122

SEPARATION BY REASON OF CONVENIENCE OF THE GOVERNMENT - PERSONALITY DISORDER(S)

Responsible Office	NAVPERSCOM (PERS-832) Enlisted active duty members	Phone: DSN COM FAX	882-3271 (901) 874-3271 882-2754
	NAVPERSCOM (PERS-913) Enlisted inactive duty Reservists	Phone: DSN COM FAX	882-4503 (901)874-4503 882-2673

Governing Directives	Diagnostic and Statistical Manual of Mental Disorders, 4th Ed. (DSM IV), 1994 NAVMED P-117, Manual of the Medical Department SECNAVINST 1910.4B SECNAVINST 6320.24A

1. **Separation Authority**. Commanding officers with Special Court-Martial Convening Authority (SPCMCA).

a. For Selected Reserve personnel not on extended active duty (e.g., ADSW, ADT), Navy Personnel Command (NAVPERSCOM) (PERS-913) is the Separation Authority.

b. If on extended active duty or diagnosed to be a danger to self or others, separate locally.

2. **Policy**

a. Per above references, members may be processed for separation based on a clinical diagnosis of a personality disorder when

(1) the disorder is so severe that the member's ability to function effectively in the naval environment is significantly impaired, and

(2) the impairment interferes with the member's performance of duty, or poses a threat to the safety or well-being of the member or others, and the member has not responded to leadership and counseling.

b. Separation for personality disorder is not appropriate when separation is warranted for any other reason (e.g., member meets minimum criteria for misconduct processing).

c. Member must receive a mental health evaluation from a mental health professional.

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3. **Procedures for Requesting a Mental Health Evaluation (MHE)**

a. Use the following sample letter to schedule a member for a referral to an inpatient/outpatient MHE:

NOTE: In the event compliance with any of the rights or procedures in this letter is not practicable due to need for emergency referral, operational commitments, or other circumstances, prepare a memorandum signed by the commanding officer (CO), citing the reasons. Provide copies of the memorandum to the member and to the MHP for inclusion in the member's medical record.

From: Commanding Officer
To: (Rate/rank, name, Branch, SSN)

Subj: REFERRAL FOR MENTAL HEALTH EVALUATION AND PATIENT RIGHTS

Ref: (a) MILPERSMAN 1910-122

1. You are being referred for a mental health evaluation (MHE). You are directed to report to (POC) at (location), no later than (time and date) to undergo an MHE.

2. The following behavior(s) or verbal expression(s) were considered in determining the need for this MHE: (brief but clear description, e.g., your verbal expression of an inability

to perform your duties and responsibilities, a fear of committing a self-destructive act, etc.)

3. Prior to making this referral, (rank/title/name), a mental health professional (MHP), was consulted. **or**: No mental health professional (MHP) has been consulted prior to making this referral because (list reason).

4. Per reference (a), you are entitled to the following rights. Initial in the space provided those rights you desire:

(____) The right to meet with a military judge advocate (or civilian attorney employed by the Department of Defense (DOD)) who is available to advise you of your rights regarding redress should you question this referral.

(____) The right to submit to the Inspector General (IG) for investigation any allegation that your MHE referral was a reprisal for making or attempting to make a lawful communication to a member of Congress, appropriate authority in your chain of command, an IG, or members of an audit, inspection, investigation, or law enforcement organization.

(____) The right to a second MHE by an MHP of your own choosing, provided reasonably available. Reasonably available means MHP must be available to conduct the evaluation within 10 working days of this letter. Evaluations by an MHP of your own choosing will be at your own expense. You will not be charged for any DOD professional fees; however, ancillary costs such as travel to the site of the evaluation will be at your own expense.

(____) The right to communicate lawfully, without restriction, with an IG, attorney, member of Congress, or others about your referral for an MHE.

(____) The right, except in emergencies, to 2 working days to meet with an attorney, IG, chaplain, or other appropriate party prior to a scheduled MHE. If your condition requires the MHE to be conducted earlier than 2 working days, the reason will be stated in writing as part of the request for the MHE.

5. If your assignment to a naval vessel or unit or your military duties cause the above to be impractical, I will provide you with a separate memorandum which states the reasons for our inability to comply with such procedures.

6. The following personnel can assist you regarding this referral:

a. Military attorney: (name/location/telephone number/hours available).

b. Inspector General: (name/address/telephone number/hours available).

_____
Signature of CO
(or designated official)

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4. **Member's Endorsement to CO's Letter**. Prepare the member's endorsement in the following format:

(Date)

FIRST ENDORSEMENT on

From: Rate/rank, Name, Branch, SSN
To: Commanding Officer

I hereby acknowledge receipt of this referral and have indicated above my elections. I understand that failure to make my scheduled appointment may result in disciplinary and/or administrative action.

_____
Member's signature

NOTE: Provide copy to the member; retain the original pending completion of the referral and use in case of further administrative separation action, if appropriate.

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5. **Mental Health Professional Assessment**

a. A Mental Health Professional (MHP) is a medical officer specializing in psychiatry or is a clinical psychologist. The MHP will assess the circumstances surrounding the request for evaluation to ensure the evaluation does not appear to have been used as a reprisal for any type of whistleblowing attempts or

actions by the member. The MHP will consider information provided both by the member and the command. Evidence, which indicates the evaluation may be in violation of this article, will be reported by the MHP to his/her CO for possible referral to an IG, if applicable.

b. The diagnosis of a personality disorder should be made only when the characteristic features are typical of the person's **long-term** functioning and are not limited to discrete episodes of illness.

c. The MHP will ensure the member is advised of the purpose, nature, and likely consequences of this evaluation and ensure the member understands that this evaluation lacks confidentiality.

NOTE: When an MHP performs both evaluative and therapeutic roles, the possible conflict of loyalties will be explained to the member at the outset of the therapeutic relationship.

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6. **Notification Procedures**

a. The Notification Procedure (MILPERSMAN 1910-402) will be used.

b. Member may be processed when

(1) the MHE is made by a competent MHP and concludes that the member's personality disorder is so severe that his/her ability to function effectively in the naval environment is significantly impaired. Information and recommendations of the MHP are for command use in determining a proper course of action; however, they will not be used as the total justification for processing the member for separation; or

(2) there is documented evidence that the diagnosed personality disorder interferes with the member's performance of duty. Evidence may be in the form of documented reduction in performance marks, minor disciplinary infractions, work disruptions, etc., which persist in spite of reasonable attempts by the command in correcting deficiencies through leadership and non-medical counseling. Appropriate disciplinary action may be used to document interference with performance of duty.

c. Member must receive a NAVPERS 1070/613, Administrative Remarks counseling and warning (MILPERSMAN 1910-204), and be given an opportunity to overcome his/her deficiencies in performance and conduct prior to any administrative separation action for a personality disorder.

EXCEPTION: If the member is diagnosed by competent MHP to be a danger to him/herself or others, the requirement for a NAVPERS 1070/613 counseling and warning **does not apply**.

NOTE: Recommendation by the MHP for immediate discharge when the member is either (1) **not** diagnosed as a threat to him/herself or others, **or** (2) **not** diagnosed as having a personality disorder, will not be processed under this article.

d. Required enclosures when processing for personality disorder include

(1) copy of the mental health evaluation by the MHP;

(2) copy of the Notification Letter (MILPERSMAN 1910-402);

(3) a completed, legible, and signed copy of the MHE referral letter (if applicable); and

(4) a copy of the NAVPERS 1070/613 counseling/warning, if applicable.

e. Forward all complete cases by letter of transmittal to NAVPERSCOM (PERS-832) for active duty or NAVPERSCOM (PERS-913) for reserves for review and/or final determination.

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7. **Characterization of Separation**. Honorable, unless an Entry Level Separation or General (Under Honorable Conditions) is warranted per MILPERSMAN 1910-300 to 1910-308.

MILPERSMAN 1910-124

SEPARATION BY REASON OF CONVENIENCE OF THE GOVERNMENT - PARENTHOOD

Responsible Office	NAVPERSCOM (PERS-832) Active enlisted members	Phone: DSN COM FAX	882-3271 (901) 874-3271 882-2754
	NAVPERSCOM (PERS-913) Inactive enlisted members	Phone: DSN COM FAX	882-4503 (901) 874-4503 882-2673

Governing Directive	OPNAVINST 1740.4A

1. **Separation Authority**

a. Commander, Navy Personnel Command (COMNAVPERSCOM) for all personnel with greater than 1 year remaining on their enlistments, and for all dual military couples.

b. Commanding officers (COs) with Special Courts-Martial Convening Authority (SPCMCA) or higher for personnel with less than 1 year remaining on their enlistments.

2. **Policy**

a. Within the context of parenthood, **ALL** Navy personnel on active duty or in the Ready Reserve must be ready to deploy throughout the world on short notice and be able to fully execute their military duties.

b. Both members of a dual military couple and single military members who have responsibility for a child (under 19 years of age) or other family members unable to care for

themselves in the member's absence are required to complete NAVPERS 1740/6, Family Care Plan Certificate (FCC).

c. Commands may also require married Servicemembers with civilian spouses to complete an FCC. The FCC provides commands with a detailed family care plan to ensure members can fulfill military duties to include deployment, normal and extended work hours, temporary additional duty (TAD) assignment, weekend duty, etc.

d. The FCC requires provisions for deployment regardless of current type duty assigned (shore duty, sea duty, Reserves, etc.).

e. Members must submit a new or updated FCC upon reporting to a new duty station or a change in caregiver/personal/family circumstances (birth or adoption of a child, assumption of sole care for an elderly or disabled family member, etc.). Commands must verify the FCC upon receipt of a new or updated plan and annually thereafter; prior to reenlistment or extension of obligated service; or prior to execution of permanent change of station (PCS) orders (verification must ensure capability to meet overseas and sea duty PCS order requirements).

f. Non-compliance does not equate to mandatory separation processing.

(1) **For those cases where CO is separation authority**: Commanding officer can retain the Servicemember until expiration of obligated service in spite of an inability to fully execute an FCC, depending upon needs of the command and its ability to accommodate the member's circumstances; however, if the command presents resources and options to assist the Servicemember and he/she refuses to avail him or herself of available resources/options, e.g., affordable child care, flexible work schedule, or even shore duty orders, separation is warranted. Navy Personnel Command (NAVPERSCOM) will assess the voluntary/ involuntary nature of all separations under their cognizance and resultant impact on separation entitlements by examining the unique facts and circumstances of the respondent. Selective Reenlistment Bonus/Enlistment Bonus, if applicable, will be recouped.

(2) **For those cases where NAVPERSCOM is the separating authority**: If CO determines the member has potential for continued naval service, albeit unable to execute operational

duty orders, submit a separation package with CO’s recommendation for retention. The package will be reviewed by NAVPERSCOM and Chief of Naval Personnel (N13) and retention will be determined based on the needs of Navy.

g. If separation is the final option, refer as follows:

(1) Active duty enlisted dual military couples, Servicemembers married to civilians, single Servicemembers with more than 1 year remaining on their enlistments, Servicemembers who received benefits (specialized training or monetary), or serving in a critical Navy Enlisted Classification rating: forward administrative separation package(s) to NAVPERSCOM (PERS-832).

(2) Reserve dual military couples, Servicemembers married to civilians, or single Servicemembers: forward administrative separation package(s) to NAVPERSCOM (PERS-913).

h. Reflect CO's evaluation of the member's ability to effectively perform occupational specialty or assigned duties and potential to make meaningful contributions to Naval Service on the Letter of Transmittal, paragraph 1.j. Specifically address if the member is

(1) unable to perform duties because of parenthood.

(2) repetitively absent because of parenthood.

(3) unable to deploy because of parenthood.

(4) not worldwide assignable.

i. In the case of a dual military couple, COMNAVPERSCOM will make the determination as to which member will be retained and which member will be separated, if applicable. Recommendations from both members’ COs are required. Servicemembers who can fulfill current work requirements, but who are not worldwide assignable, may continue service at their current command at CO's discretion. Reenlistments will be approved by NAVPERSCOM on a case-by-case basis.

3. **Procedures**

a. Administrative separation packages must include the following:

(1) NAVPERS 1740/6 (from each member, if dual military) showing

(a) member wrote “I cannot comply” on any of items 1 through 11 and signed and dated in signature block (with details as to why member cannot comply).

(b) CO’s signature certifying the member did not make adequate dependent care arrangements. This requirement cannot be delegated. (Amend Part V, block 15 to read as follows: “has not made adequate family care....”)

(c) CO’s comments as to why the member cannot comply and a statement of the command’s efforts to confirm and alleviate the member’s situation.

(d) CO’s recommendation with regard to administrative separation.

(2) NAVPERS 1070/613, Administrative Remarks (from each member, if dual military) which specifically addresses noncompliance. Example: Your failure to maintain an up-to-date FCC can result in separation processing.

(3) Copy of each member’s NAVPERS 1070/602, Dependency Application/Record of Emergency Data.

(4) Administrative Notification per MILPERSMAN 1910-402 (for each member, if dual military).

(5) Letter of transmittal with recommendation (from each member’s command, if dual military) per MILPERSMAN 1910-600.

b. **Administrative separation packages for dual military couples must be coordinated through each command. The command recommending separation of one member must send its package via the command recommending retention of the other member. Both packages must be completed in accordance with sample format**

provided and submitted together to NAVPERSCOM for final disposition.

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4. **Characterization of Separation**. Honorable, unless an Entry Level Separation (ELS) or General (Under Honorable Conditions) is warranted per MILPERSMAN 1910-300. (Selected Reserve personnel are not eligible for ELS.)

SAMPLE

Letter of Transmittal Format

Use this format when submitting an administrative separation case to COMNAVPERSCOM (PERS-832) (PERS-913):

(date)

From: Commanding Officer (unit name)
To: Commander, Navy Personnel Command (PERS-832) (PERS-913)

Subj: (RATE/NAME/USN (R)(TAR)/SSN); RECOMMENDATION FOR ADMINISTRATIVE SEPARATION

Ref: (a) MILPERSMAN 1910-600

Encl: (1) As required

1. Per reference (a), the following information is submitted:

a. Reason for processing.

b. Basic record data.

(1) Active duty start date

(2) Date of current enlistment

(3) Expiration of active obligated service/expiration of service

(4) Race/ethnicity

(5) Marital status and dependents

(6) Months on board

(7) Date and amount of most recent enlistment/ reenlistment bonus

(8) Deployment status: deployed/pending deployment (number of months)/not deployed; is member pending orders (YES/NO/NA)

(9) Age

(10) Total service (active, inactive)

(11) Participated in Montgomery GI Bill (YES/NO/NA)

(12) specialized training (i.e., nuclear power)

c. Involvement with civil authorities (if none, annotate NA).

d. Summary of military and civilian offenses (if none, annotate NA).

e. Findings of the Administrative Board (if applicable).

f. Recommendations of Administrative Board (if applicable).

g. Type of discharge recommended by Administrative Board if applicable).

h. Psychiatric or medical evaluation as required.

i. Most recent NAVPERS 1070/613, Administrative Remarks warning (critical if required under reason for processing).

j. Comments of commanding officer. Provide comprehensive discussion of what, when, and why. Address specifics of childcare availability on base or in local community, and what actions command took to investigate/alleviate member's claims.

k. Point of contact/location of command/telephone (DSN/COMM/E-Mail).

_____
Commanding Officer/
Acting Commanding Officer
signature (not By direction)

Copy to:
DON CAF, WDC (29A)
(ISIC, TRANSITPERSU, PERSUPP DET where applicable)

NAVPERS 1070/613, Administrative Remarks

(DATE) ADMINISTRATIVE COUNSELING/WARNING

1. You are being retained in the naval service; however, the following deficiencies in your performance and/or conduct are identified:

2. The following are recommendations for corrective action:

3. Assistance is available through:

4. Any further deficiencies in your performance/and or conduct will terminate the reasonable period of time for rehabilitation that this counseling/warning entry provides and may result in disciplinary action and processing for administrative separation. All deficiencies or misconduct during your current enlistment, occurring before and after the date of this action will be considered. Subsequent violation of the UCMJ, conduct resulting in civilian conviction, or deficient conduct or performance of duty could result in an administrative separation Under Other Than Honorable Conditions.

5. This counseling/warning is made to afford you an opportunity to undertake the recommended corrective action. Any failure to adhere to the guidelines cited above will make you eligible for administrative separation.

6. This counseling/warning entry is based upon known deficiencies or misconduct. If any misconduct, unknown to the Navy, is discovered after this counseling/warning is executed, this counseling is null and void.

U. R. COUNSELED
By direction

(**DATE**): I hereby acknowledge the above NAVPERS 1070/613 entry and desire to (make a statement/not make a statement).

_____
(Member's Signature)

Witnessed: (person who counseled member)

NOTE: If the member refuses to sign, annotate “member refused to sign” on NAVPERS 1070/613, which must be signed by a commissioned officer.

ADMINISTRATIVE SEPARATION PROCESSING NOTIFICATION PROCEDURE	DATE	
From:	UIC	
To:		
REASON(S) FOR ADMINISTRATIVE SEPARATION PROCESSING	**MILPERSMAN REF**	
1)		
2)		
3)		
The least favorable characterization of service possible is GENERAL (Under Honorable Conditions).		
If your separation is approved, it will result in discharge, suspended discharge, release from active duty to a Reserve component, transfer from the Selected Reserve to the Individual Ready Reserve (IRR), or release from custody or control of U.S. Navy.		
YOU ARE ENTITLED TO THE BELOW RIGHTS (INITIAL APPROPRIATE BLOCK)	**ELECT**	**WAIVE**
To consult with qualified counsel. You may consult with civilian counsel retained at your own expense. (Non-lawyer counsel may be appointed as determined by commanding officer.)	☐	☐
To submit a written statement for consideration by the separation authority.	☐	☐
To obtain copies of documents that will be forwarded to the separation authority supporting the basis for the proposed separation. (Classified documents will be summarized in unclassified form.)	☐	☐
To request an administrative board, if you have 6 or more years of total active and/or Reserve military service. (Failure to appear without good cause constitutes a waiver of right to be present at the administrative board.)	☐	☐
To representation at the administrative board by qualified counsel, if you have 6 or more years of total active and/or Reserve military service.	☐	☐
To representation at the administrative board by civilian counsel at your own expense, if you have 6 or more years of total active and/or Reserve military service.	☐	☐
If applicable - to request transfer to the Fleet Reserve/Retired/Retired Reserve List understanding you have the right to an administrative board to recommend retirement in your current or a reduced paygrade. If you waive such board, a reduction to a reduced paygrade upon transfer may be directed if you are being processed for misconduct, security, or homosexual conduct.	☐	☐
To General Courts-Martial Convening Authority (GCMCA) review, if you have less than 6 years of total active and/or Reserve military service. GCMCA staff members' cases must be forwarded to another officer having GCMCA or Navy Personnel Command (NAVPERSCOM) (PERS-832) for review.	NA	NA

ADDITIONAL NOTICE

For members on active duty not in civilian confinement: You are advised separation proceedings in your case will be suspended for a period of 2 days from the date this notice is delivered to you personally in order to give you a reasonable opportunity to exercise rights set forth herein. Failure to respond will constitute a waiver of all rights and processing may continue in your absence.

For members who are Reservists not on active duty: You are advised separation proceedings in your case will be suspended for a period of 30 days from the date this notice is delivered to you personally or received at your designated mailing address in order to give you a reasonable opportunity to exercise rights set forth herein. Failure to respond will constitute a waiver of all rights and processing may continue in your absence. If your separation involves transfer to the IRR, you are advised the characterization of service upon transfer to the IRR, also, will constitute the tentative characterization of service upon discharge at the completion of Naval Service obligation, unless you take affirmative action to affiliate with a drilling unit of the Selected Reserve; and you participate satisfactorily as a drilling member of the Selected Reserve for a period of time which, when added to any prior satisfactory service during this period of obligated service, equals the period of obligated service. If you submit evidence of completion of the above, the separation authority may assign a more favorable characterization of service. If you do not submit such evidence, the characterization of service is the same as the characterization of service upon transfer from active duty or the Selected Reserve to the IRR. If you are in records review (non-drilling) status, you are entitled to permissive (no-cost) orders to attend any administrative board hearing to which you may be entitled.

For members subject to reimbursement: You are advised you may be subject to a reimbursement requirement for recoupment of advance education assistance costs, bonuses, or special pays.

For members in civil confinement: You are advised separation proceedings in your case will be suspended for a period of 30 days from the date this notice is delivered to you personally or received at your confinement address in order to give you a reasonable opportunity to exercise the rights set forth herein. Failure to respond will constitute a waiver of all rights and processing may continue in your absence. If you are eligible and have elected an administrative board, and you are unable to make arrangements which would allow you to appear in person before the board, the proceedings will continue in your absence; in this event, however, you may be represented before the board by your counsel. The below named counsel has been appointed your military counsel for consultation and/or representation for this action.

NAME OF MILITARY COUNSEL	ADDRESS OF MILITARY COUNSEL	PHONE

CIVILIAN CONVICTION APPEAL INFORMATION (RESPONDENT INITIAL APPROPRIATE BLOCK)	YES	NO	N/A
Do you intend to file an appeal?	☐	☐	☐
Do you request separation before your appeal is decided or the time for appeal has passed?	☐	☐	☐

COMMAND CERTIFICATION	SIGNATURE	DATE
Commanding Officer or "By direction."		
MEMBER CERTIFICATION		
I acknowledge receipt of this notice.		
My response to this notice is complete.		
COUNSEL CERTIFICATION (if applicable)		

MILPERSMAN 1910-126

SEPARATION BY REASON OF CONVENIENCE OF THE GOVERNMENT - REVIEW ACTION

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **Policy**. Members may be separated if they are placed on appellate leave awaiting review of a punitive discharge, and their punitive discharge is later set aside, suspended, remitted or disapproved during the review process. Use this only if the active obligated service has not expired. If the member's obligated service has expired, the proper basis for discharge will be expiration of obligated service.

2. **Procedures**. The Notification Procedure according to MILPERSMAN 1910-402 shall be used.

3. **Characterization of Separation**

a. The least favorable characterization is General (Under Honorable Conditions). Use SPD code "KND".

b. MILPERSMAN 1910-300 provides guidance for characterization.

c. If the member has less than 180 days of service, an Entry Level Separation (ELS) may be appropriate. (MILPERSMAN 1910-308).

d. If commanding officer desires, member may be recalled to active duty and processed for Under Other Than Honorable (OTH) discharge, as appropriate.

MILPERSMAN 1910-127

SEPARATION BY REASON OF CONVENIENCE OF THE GOVERNMENT - BEING AN ALIEN

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-3271 (901) 874-3271 882-2754

Governing Directive	8 U.S.C. 1426

1. **Separation Authority**. Navy Personnel Command (NAVPERSCOM)

2. **Definition**. A member who is neither a natural born nor a naturalized citizen of the United States.

3. **Policy**

a. A member who is an alien may be separated upon his/her request.

b. The request will normally be denied when a member:

(1) is subject to disciplinary actions.

(2) has not completed obligated service incurred for fully funded or partially funded education; e.g., Naval Academy, Naval Reserve Officer Training Corps, Enlisted Commissioning Program.

(3) is serving in a rating, Navy enlisted code, occupational field, or military occupational specialty determined to have significant personnel shortages.

(4) has not completed obligated service incurred for enlisted education and training, to include:

a. initial and advanced skill training schools which require obligation beyond initial enlistment contract.

b. nuclear power field.

c. advanced electronics field.

d. advanced technical field programs and similar programs.

e. receipt of special compensation, e.g., Enlistment Bonus or Selective Reenlistment Bonus during the current enlistment.

c. Exceptions to the conditions described above may be made by Navy Personnel Command (NAVPERSCOM) (PERS-832) if the request demonstrates overriding and compelling factors of a personal need justifying separation.

NOTE: This article does not limit the separation of the member under any other MILPERSMAN article.

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4. **Ineligible to Become a Citizen**. Notify the member that discharge from the Armed Forces of the United States on this ground will make the member permanently ineligible to become a citizen of the United States, except if member is exercising treaty rights and served in the armed forces of the country in which the member is a citizen (8 U.S.C. 1426 refers).

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5. **Commanding Officer's Responsibility**

a. Forward the following information to NAVPERSCOM (PERS-832):

(1) A copy of the member's separation request.

(2) The commanding officer's recommendation.

(3) A copy of NAVPERS 1070/604, Enlisted Qualifications History.

(4) A copy of any receipt for payments of bonuses.

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6. **Characterization of Service/ Description of Separation**. Honorable, General, or Entry-Level Separation under the guidance provided in MILPERSMAN 1910-300, 1910-302, 1910-304, 1910-306, and 1910-308.

MILPERSMAN 1910-128

SEPARATION BY REASON OF DEFECTIVE ENLISTMENTS AND INDUCTIONS - MINOR

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-3272 (901) 874-3272 882-2754

Governing Directives	10 U.S.C. 1170 10 U.S.C. 651 SECNAVINST 1910.4B

1. **Separation Authority**. Commanding officers with Special Courts-Martial Convening Authority (SPCMCA).

2. **Policy**

a. Members may be separated for a defective enlistment and induction on the basis of being a minor (**under the age of 18 years**); however, if the member **turned 18** prior to discovery of defective enlistment/induction, retain unless commanding officer determines it is in Navy's best interest to separate the member.

b. **Age 17**: Void enlistment and separate per 10 U.S.C. 1170 in the following circumstances, except when retained for the purpose of trial by courts-martial:

(1) satisfactory evidence of member's age; e.g., birth certificate

(2) member enlisted without written consent of parent or guardian

(3) member's separation request is submitted to Navy by the parent or guardian within 90 days of the member's enlistment in Navy.

c. SECNAVINST 1910.4B refers.

3. **Procedures**

a. The Notification Procedure (MILPERSMAN 1910-402) will be used.

b. Members discharged are not considered to have acquired a service obligation per 10 U.S.C. 651, nor is service under any enlistment or induction creditable toward fulfillment of any subsequently acquired service obligation.

c. Where applicable, ensure the enlisted service record is corrected prior to discharge to ensure the member's true age, name, and status are correct.

4. **Characterization of Separation**. The characterizations of separation according to MILPERSMAN 1910-308 are

a. **age 17** – Entry-Level Separation.

b. **under Age 17** - Issued an Order of Release from custody and control of the naval service by reason of void enlistment and induction.

MILPERSMAN 1910-130

SEPARATION BY REASON OF DEFECTIVE ENLISTMENTS AND INDUCTIONS - ERRONEOUS ENLISTMENT

Responsible Office	NAVPERSCOM (PERS-832) Enlisted active duty members	Phone: DSN COM FAX	882-3271 (901) 874-3271 882-2754
	NAVPERSCOM (PERS-913) Enlisted inactive duty members	Phone: DSN COM FAX	882-4503 (901) 874-4503 882-2673

Governing Directives	SECNAVINST 1850.4D NAVMED P-117, Manual of the Medical Department

1. **Separation Authority**

a. If **member does not object to separation**, officers with Special Court-Martial Convening Authority (SPCMCA) (see MILPERSMAN 1910-700) are delegated authority to separate.

b. For inactive duty members Navy Personnel Command (NAVPERSCOM) (PERS-913) is separation authority.

c. If **member objects**, and

(1) has less than 6 years of total active/reserve military service, General Court-Martial Convening Authority is separating authority.

(2) has more than 6 years, conduct an administrative board and forward separation package to NAVPERSCOM (PERS-832) for final disposition.

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2. **Policy**. A member may be separated on the basis of erroneous enlistment, reenlistment, induction, or extension of enlistment when

a. the enlistment would not have occurred if relevant facts had been known by Navy Department or had appropriate directives been followed,

b. the enlistment was not the result of fraudulent conduct on the part of member, and

c. the defect is unchanged in any material respect.

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3. **Alcohol and/or Drug Dependency**. A member may be separated under this article on the basis of alcohol and/or drug dependency, provided member was diagnosed as alcohol and/or drug dependent within the first 180 days of initial entry on active duty. The diagnosis must have been completed by a physician or clinical psychologist. The diagnosis itself may exceed the 180-day limit if based upon an incident committed within the 180-day period. If member has misconduct in the record which meets minimum criteria for processing, he or she must be dual or multiple processed (MILPERSMAN 1910-410).

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4. **Not Meeting Physical Standards**. A member may be separated under this article on the basis of not meeting physical standards for enlistment as set forth in NAVMED P-117, provided

a. member did not meet minimum physical standards for enlistment or induction upon entry, but the problem was revealed or discovered during in-processing at Recruit Training Command and/or at a Naval Training Center. While a medical board is not required, the condition will be verified and documented by a medical officer and member may be separated with an Uncharacterized Entry Level Separation (ELS). If there is any question as to whether the condition actually existed prior to entry or whether the condition was aggravated at any time after member was enlisted or inducted, convene a medical board;

b. member has no unfitting physical disability as defined in SECNAVINST 1850.4D, incurred in, or aggravated by, active military service, either for the current period or any prior period of service; and

c. there is no disciplinary action pending.

---

5. **Medical Board**. A member may be separated if member has not been granted a "waiver" of physical standards for enlistment. If a waiver was granted for the defect for which member is now considered to be not physically qualified, member's case must be processed under provisions of SECNAVINST 1850.4D.

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6. **Notification Procedures**

a. The notification procedure (MILPERSMAN 1910-402) will be used. If, after discovering a member's enlistment may be erroneous and SPCMCA recommends retention, separation processing is not required if the defect is no longer present or the defect (other than a medical condition) is waived by Commander, NAVPERSCOM.

b. Forward all completed cases by letter of transmittal to NAVPERSCOM (PERS-832) for active duty or NAVPERSCOM (PERS-913) for reserves for review and/or final determination.

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7. **Erroneous Enlistment Detected Immediately**

a. When an erroneous enlistment is detected immediately after the swearing-in ceremony at Military Entrance Processing Station (MEPS), take the following action:

(1) Commander, MEPS revoke the travel order issued assigning individual to recruit training or other assigned command and issue an order assigning individual to the sponsoring Navy Recruiting District for appropriate ELS discharge processing or an order of release from custody and control of service.

(2) Navy Recruiting District notify individual of erroneous enlistment and order individual home awaiting

disposition. Coordinate with the servicing Personnel Support Activity Detachment to determine pay entitlement.

b. Within 24 hours, Commanding Officer, Navy Recruiting District will follow procedures outlined in “Notification Procedures” above and separate individual through ELS, discharge, or release from custody and control, as appropriate.

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8. **Characterization of Service**. Honorable, unless an ELS, or void (an order of release from custody and control of military services) enlistment is required (see MILPERSMAN 1910-300).

MILPERSMAN 1910-132

SEPARATION BY REASON OF DEFECTIVE ENLISTMENTS AND INDUCTIONS - DEFECTIVE ENLISTMENTS

Responsible Office	NAVPERSCOM (PERS-832), Enlisted active duty members	Phone: DSN COM FAX	882-3271 (901) 874-3271 882-2754
	NAVPERSCOM (PERS-913), Enlisted inactive duty members	Phone: DSN COM FAX	882-4503 (901) 874-4503 882-2673

Governing Directive	SECNAVINST 1910.4B

1. **Separation Authority**

a. Commanding Officer, Recruit Training Command is authorized to discharge a member who enlisted with a guarantee of training in a particular rating, occupational field, or advanced program and, who, during subsequent screening processes at Recruit Training Command, is determined to be disqualified for the specific program guaranteed.

b. For members not assigned to Recruit Training Command, separation authority is member's Special Court-Martial Convening Authority (SPCMCA) or higher.

c. For Selected Reserve personnel, separation authority is Navy Personnel Command (NAVPERSCOM) (PERS-913).

2. **Policy**. A member may be separated by reason of defective enlistment or induction on the basis of a defective enlistment.

3. **Defective Enlistment**. A defective enlistment exists in the following circumstances:

a. The member reasonably relied upon a material misrepresentation by recruiting personnel and was induced to enlist by a commitment for which member was not qualified.

b. The member received a written enlistment commitment from recruiting personnel for which member was qualified, but which cannot be fulfilled by the naval service.

c. The enlistment was involuntary (induced by fraud, duress, or undue influence and not the product of a free and unconstrained choice) and exemplified by

(1) enlistment of an individual who lacks capacity to understand the significance of enlisting in the armed services.

(2) enlistment of a member whose enlistment is involuntary by reason of coercion resulting from being offered the option to enlist or being subjected to sentence(s) to confinement by a court of competent jurisdiction.

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4. **Basis for Separation**. A request from a member for separation is appropriate under these provisions only if he/she

a. did not knowingly participate in creation of the defective enlistment;

b. brings the defect to attention of appropriate authorities within 30 days after the defect is discovered, or reasonably should have been discovered, by member; and

c. requests separation instead of other authorized corrective action.

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5. **Alternatives to Discharge**. Prior to discharge, advise member of alternate programs for which he or she is qualified and offered every encouragement to remain in service. Retention will be effected only upon full concurrence of member. If member accepts the alternate program, acceptance will be documented on NAVPERS 1070/613, Administrative Remarks and the defect in enlistment will be considered cured.

6. **Disciplinary Action**. The processing for discharge under these provisions does not bar appropriate disciplinary action or other administrative separation proceedings regardless of when the defect is raised.

7. **Procedures**

a. The member will certify he/she has been advised of all options available, including discharge from Navy, by signing an entry on NAVPERS 1070/613 of the service record.

b. Forward the processed case by letter of transmittal to NAVPERSCOM (PERS-832), indicating date and characterization of service awarded.

8. **Characterization of Service**. Characterization of service will be Honorable, unless an Entry-Level Separation or an Order of Release from custody and control of naval service is warranted per MILPERSMAN 1910-300.

MILPERSMAN 1910-134

SEPARATION BY REASON OF DEFECTIVE ENLISTMENTS AND INDUCTIONS - FRAUDULENT ENTRY INTO NAVAL SERVICE

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4439 (901) 874-4439 882-2624

Governing Directives	COMNAVCRUITCOMINST 1130.8F

1. **Policy**. Members may be separated for effecting a fraudulent enlistment, induction, or period of service by falsely representing or deliberately concealing any qualifications or disqualifications prescribed by law, regulation, or orders.

2. **Processing Procedures**

a. Use this table to determine processing procedures.

IF fraudulent enlistment involves	THEN use
concealing a prior separation that resulted in a punitive or Under Other Than Honorable (OTH) discharge; or concealing an offense warranting OTH, if offense occurred while on active duty and would have prevented their enlistment	Administrative Board Procedure (MILPERSMAN 1910-404)
Any other type of concealment	Notification Procedure (MILPERSMAN 1910-402)

b. Commanding officers should consider circumstances of each case in determining whether to pursue an OTH using administrative board procedures. In most instances, notification procedures are appropriate. Processing for an OTH (using administrative board procedures) should only be used for

most serious offenses. Examples where processing for an OTH would be appropriate include, but are not limited to: drug trafficking, concealing a prior service Dishonorable Discharge (DD), Bad Conduct Discharge (BCD), or OTH discharge, and crimes of violence.

c. If fraudulent enlistment is detected immediately after swearing-in ceremony at Military Entrance Processing Station (MEPS), MEPS commander will revoke any travel orders and transfer member temporary duty (TEMDU) to sponsoring Navy Recruiting District (NAVCRUITDIST). NAVCRUITDIST will process member using above procedures.

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3. **Limitation**. Separations for fraudulent entry may not be suspended.

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4. **Granting a Waiver**. A General Court-Martial Convening Authority (GCMCA) may grant a processing waiver when

a. Commanding officer desires member to be retained, and

b. defect is no longer present.

EXCEPTIONS	
Only Navy Personnel Command (NAVPERSCOM) (PERS-832) may grant all waivers for any of the below offenses:	OR any combination of three or more of the following offenses:
Assault with dangerous weapon Assault, intentionally inflicting great bodily harm Assault with intent to commit felony Carnal knowledge of female under 16 Car-jacking Grand larceny; embezzlement over $500 Indecent acts or liberties with child under 16 Indecent assault Kidnapping Manslaughter Murder Rape Sedition Sodomy Stalking	Accessory before or after the fact of a felony Adultery Altering, concealing, destroying, mutilating, obliterating, or removing public records Arson Attempt to commit a felony Bomb threat Bribery Check, worthless, making or uttering, with intent to defraud or deceive (over $500) Child abuse Concealing knowledge of a felony Criminal libel Depositing obscene or indecent matters in mail Extortion Forgery Graft Housebreaking Knowingly receiving stolen property (value over $500) Mail matter: abstracting, destroying, obstructing, opening, secreting, stealing, or taking Pandering Perjury Possession or use of narcotics, dangerous drugs, or marijuana Riot

5. **Waiver Contents**. Waiver requests must contain the following:

a. A description of all addressed allegations.

b. Any finding, decision, sentence, judgment, or disposition recorded or entered by jurisdictional authority.

c. If disposition is still outstanding, a written statement of actions taken to resolve and estimated completion date.

d. Member's written statement explaining why fraudulent enlistment was effected, circumstances surrounding issue, and why issue was not disclosed at recruit training's Moment of Truth (MOT).

e. Commanding officer's statement addressing fraudulent enlistment issue, member's performance of duty, and potential for further service.

6. **If Waiver is Approved**

a. GCMCA shall direct requesting command to prepare following NAVPERS 1070/613, Administrative Remarks (MILPERSMAN 1910-204). Modify paragraph 1 of NAVPERS 1070/613 as follows: **"You are being retained in naval service despite your defective enlistment and induction due to fraudulent entry into naval service as evidenced by your failure to disclose (reason for requesting waiver). AUTHORITY: (GCMCA waiver authority letter or message)."**

b. A complete copy of waiver package, to include approval and NAVPERS 1070/613, will be submitted to NAVPERSCOM (PERS-832) for filing in member's permanent record.

7. **Characterization of Service**. a. Further guidance on characterization of service is provided in MILPERSMAN 1910-300. This table provides general information based on type of procedures used.

IF	THEN least favorable characterization
Notification Procedure is used	is GEN, per MILPERSMAN 1910-300
Administrative Board Procedure is used	is OTH, per MILPERSMAN 1910-300

b. If member has less than 180 days of service, an Entry Level Separation may be appropriate. See MILPERSMAN 1910-308 for further guidance.

8. **Exception to Rule for Recruit Training Center (RTC)/Naval Training Center (NTC) Great Lakes**.

a. Recruits must be administratively separated and assigned an RE-3J reenlistment code provided they

(1) failed entry-level drug testing **for marijuana only** upon arrival,

(2) were direct-ships (less than 30 days in Delayed Entry Program), and

(3) confessed to **use of marijuana only** during MOT.

b. This Chief of Naval Operations exception allows potentially good recruits to overcome their drug abuse, and opportunity to reenlist after a minimum 6-month waiting period.

c. If recruit does not meet this criteria, process for all other reasons for which minimum criteria is met, and assign an RE-4 reenlistment code.

MILPERSMAN 1910-136

SEPARATION FROM THE DELAYED ENTRY PROGRAM (DEP)

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN	882-4439
			COM	(901) 874-4439
			FAX	882-2624

Governing Directive	DOD Directives 1304.26

1. **Policy**. Members in the Delayed Entry Program (DEP) (inactive reserve status) will be separated prior to coming on active duty if they no longer meet the qualifications for enlistment as prescribed by DOD Directives 1304.26, or by Commander, Navy Recruiting Command.

2. **Procedures**. Notice of Notification Procedure (MILPERSMAN 1910-402) shall be used. If the reason is for homosexual conduct, then members have the right to submit evidence on their behalf that they do not engage in, attempt to engage in, or have a propensity to engage in homosexual acts. MILPERSMAN 1910-148 provides further information on homosexual conduct.

3. **Characterization of Separation**. Characterization will always be Entry Level Separations (ELS). See MILPERSMAN 1910-308.

MILPERSMAN 1910-138

SEPARATION BY REASON OF MISCONDUCT – MINOR DISCIPLINARY INFRACTIONS

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4439 (901) 874-4439 882-2624

Governing Directives	Uniform Code of Military Justice (UCMJ) Manual for Courts-Martial (MCM)

1. **Policy**. Members may be processed for separation based upon a series of at least three, but not more than eight, minor violations (specifications) of the UCMJ, provided

a. none of the reasons could have resulted in a punitive discharge (MCM, Appendix 12 refers);

b. offenses are documented in the member's service record;

c. offenses have occurred during the current enlistment;

d. member was disciplined by one Nonjudicial Punishment (NJP); and

e. member has violated a NAVPERS 1070/613, Administrative Remarks counseling/warning (MILPERSMAN 1910-204).

2. **Exception to this Policy**. If the member is in Entry Level Status as defined in MILPERSMAN 1910-010, and the reasons for processing are based solely on minor violations of the UCMJ and do not meet eligibility of any other type of misconduct, the processing should then be under Entry Level Performance and Conduct (MILPERSMAN 1910-154).

3. **Procedures**. Notice of Notification Procedures (MILPERSMAN 1910-402) shall be used.

4. **Characterization of Separation**. The least favorable and accepted characterization is General (Under Honorable Conditions), although Honorable may be assigned if appropriate.

MILPERSMAN 1910-140

SEPARATION BY REASON OF MISCONDUCT - PATTERN OF MISCONDUCT

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

Governing Directive	NAVPERS 15560C, Naval Military Personnel Manual

1. **Policy**

a. Members may be separated when during the current enlistment they have

(1)	two or more non-judicial punishments, court-martial, or civil convictions (or combination thereof);
(2)	three or more unauthorized absences, each is more than 3 days, but less than 30 days duration;
(3)	a set pattern of failure to pay just debts; or
(4)	a set pattern of failure to contribute adequate support to dependents or failure to comply with civil court orders, decrees, or judgments concerning dependent support; and
(5)	violated a NAVPERS 1070/613, Administrative Remarks counseling/warning (MILPERSMAN 1910-204) specifically addressing the non-support.

b. A member must have violated a NAVPERS 1070/613 warning prior to processing. A counseling and warning is legally binding on the Navy. The typical correct sequence is NJP -

NAVPERS 1070/613 – NJP. There is no requirement for a commanding officer to award a NAVPERS 1070/613 following NJP. That decision should be based on the circumstances of the situation. A common error occurs when commands issue a NAVPERS 1070/613 warning following the second NJP. In those instances, the member is essentially being given another opportunity by the commanding officer to correct the deficiency and processing for pattern of misconduct is inappropriate. Another common error is initiating processing for pattern of misconduct without a NAVPERS 1070/613 warning.

c. All offenses processed or considered under Pattern of Misconduct must have occurred in the current enlistment.

2. **Procedures**. Use this table to determine processing procedures.

WHEN...	THEN use...
one of the offenses requires mandatory processing or the commanding officer believes the circumstances surrounding the offense warrant OTH per MILPERSMAN 1910-300,	Administrative Board Procedures (MILPERSMAN 1910-404).
the commanding officer believes the circumstances surrounding the offense do not warrant an OTH,	Notification Procedures (MILPERSMAN 1910-402).

3. **Characterization of Separation**

a. Further guidance on characterization of service is provided in MILPERSMAN 1910-300. This table provides general information based on type of procedures used.

IF...	THEN the least favorable characterization...
the Notification Procedure is used,	is GEN per MILPERSMAN 1910-300.
the Administrative Board Procedure is used,	is OTH per MILPERSMAN 1910-300.

b. If the member has less than 180 days of service an Entry Level Separation may be appropriate. See MILPERSMAN 1910-308 for further guidance.

MILPERSMAN 1910-142

SEPARATION BY REASON OF MISCONDUCT - COMMISSION OF A SERIOUS OFFENSE

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

Governing Directive	Manual for Courts-Martial (MCM)

1. **Policy**

a. Members may be separated based on commission of a serious military or civilian offense when

(1) specific circumstances of offense warrant separation; and

(2) offense would warrant a punitive discharge per MCM, appendix 12 for same or closely related offense.

b. Commission of a serious offense does not require adjudication by non-judicial or judicial proceedings; however, offense must be substantiated by a preponderance of evidence (e.g., copy of police record, Naval Criminal Investigative Service investigation, etc.).

2. **Mandatory Processing**. Processing is mandatory for

a. violent misconduct which resulted in, or had potential to result in, death or serious bodily injury (e.g., homicide, arson, armed robbery, assault with a deadly weapon, etc.).

b. illicit use of inhalants (huffing) and excessive use (beyond what is normal, sufficient, or prescribed) of prescription and/or over-the-counter drugs and medications.

c. deviant sexual behavior (lewd and lascivious acts; forcible heterosexual sodomy; indecent assault, acts, and/or exposure; or any child sexual abuse, possession of child pornography, or incestuous relationships).

(1) If child sexual abuse including incest occurs, notify Navy Personnel Command (NAVPERSCOM) (PERS-661D and PERS-8) immediately. Administrative processing is mandatory if case is substantiated for child sexual abuse.

(2) If member is ultimately retained, NAVPERSCOM (PERS-8) will forward case to NAVPERSCOM (PERS-661D) for evaluation and recommendation of long-term treatment. Regardless of acceptance into rehabilitation, NAVPERSCOM (PERS-8) may direct separation of member at EAOS with an RE-4 reenlistment code.

(3) If member is accepted, but later evaluated as a rehabilitation failure, reprocess per MILPERSMAN 1910-162.

d. Sexual harassment under following circumstances:

(1) Threats or attempts to influence another’s career or job in exchange for sexual favors;

(2) rewards (including bribes to influence favorably another’s career) in exchange for sexual favors; or

(3) unwanted physical contact of a sexual nature which, if charged as a violation of UCMJ, could result in a punitive discharge.

3. **Procedures**. Use this table to determine processing procedures.

WHEN...	THEN use	EXCEPT when...	THEN use..
offense requires mandatory processing or commanding officer believes circumstances surrounding offense warrants an OTH per MILPERSMAN 1910-300,	Administrative Board Procedure (MILPERSMAN 1910-404),	offense occurred preservice or in a prior enlistment and was unknown to Navy at time of enlistment or reenlistment and processing for fraudulent enlistment is not appropriate,	Notification Procedure (MILPERSMAN 1910-402) and process for erroneous enlistment.
offense does not require mandatory processing and commanding officer believes circumstances do not warrant an OTH per MILPERSMAN 1910-300,	Notification Procedure (MILPERSMAN 1910-402).		

4. **Characterization of Separation**

a. Further guidance on characterization of service is provided in MILPERSMAN 1910-300. This table provides general information based on type of procedures used.

IF...	THEN least favorable characterization is...
Notification Procedure is used,	GEN, per MILPERSMAN 1910-308.
Administrative Board Procedure is used,	OTH, per MILPERSMAN 1910-300.

b. If member has less than 180 days of service, an Entry Level Separation may be appropriate. See MILPERSMAN 1910-308 for further guidance.

MILPERSMAN 1910-144

SEPARATION BY REASON OF MISCONDUCT - CIVILIAN CONVICTION

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

Governing Directives	Manual for Courts-Martial (MCM) SECNAVINST 5820.4G

1. **Policy**

a. Members may be separated based on civilian convictions, or actions tantamount to findings of guilt:

(1) adjudication withheld;

(2) deferred prosecution;

(3) entry in adult/juvenile pretrial intervention programs;

(4) any similar disposition of charges which includes imposition of fines, probation, community service, etc.;

when offense would warrant a punitive discharge per MCM, appendix 12 for same or closely related offense; specific circumstances of offense warrant separation; or civil sentence includes confinement for 6 or more months without regard to suspension, probation, or early release.

b. All civilian convictions (federal, state, and local) including deferred prosecutions are binding on issue of whether misconduct has occurred and administrative discharge board is required to find that misconduct did occur.

c. Foreign court convictions are not binding on administrative boards, and do not preclude processing due to misconduct (serious offense and/or civil conviction).

NOTE: Members confined in foreign jails may be processed for separation, but may not be discharged or separated from service until completion of imprisonment and return to the United States. In unusual cases (i.e., life sentence without possibility of parole) separations may be authorized by Secretary of the Navy in accordance with SECNAVINST 5820.4G.

2. **Mandatory Processing**. Processing is mandatory for

a. violent misconduct which results in, or had potential to result in, death or serious bodily injury (e.g., homicide, arson, armed robbery, assault with a deadly weapon, etc.); or

b. deviant sexual behavior (lewd and lascivious acts; forcible heterosexual sodomy; indecent assault, acts, and/or exposure; or any child sexual abuse, possession of child pornography, or incestuous relationships).

(1) If child sexual abuse including incest occurs, notify Navy Personnel Command (NAVPERSCOM) (PERS-661D and PERS-8) immediately. Administrative processing is mandatory if case is substantiated for child sexual abuse.

(2) If member is ultimately retained, NAVPERSCOM (PERS-8) will forward case to NAVPERSCOM (PERS-661D) for evaluation and recommendation of long-term treatment. Regardless of acceptance into rehabilitation, NAVPERSCOM (PERS-8) may direct separation of member at EAOS with an RE-4 reenlistment code.

(3) If member is accepted, but later evaluated as a rehabilitation failure, reprocess per MILPERSMAN 1910-162.

3. **Procedures**. All available arrest, investigative, and court adjudication documentation must be submitted as part of recorder's exhibits at any administrative board. If members waive their boards, these same documents must be submitted as enclosures to Letter of Transmittal. Use below table to determine processing procedures.

WHEN...	THEN use...	EXCEPT when...	THEN use...
offense requires mandatory processing or commanding officer believes circumstances surrounding offense warrant an OTH per MILPERSMAN 1910-300,	Administrative Board Procedure (MILPERSMAN 1910-404,)	conviction occurred preservice or in a prior enlistment and was unknown to Navy at time of enlistment or reenlistment and processing for fraudulent enlistment is not appropriate,	Notification Procedure (MILPERSMAN 1910-402) and process for erroneous enlistment (MILPERSMAN 1910-130).
offense does not require mandatory processing and commanding officer believes circumstances do not warrant an OTH per MILPERSMAN 1910-300,	Notification Procedure (MILPERSMAN 1910-402).		

4. **Characterization of Separation**.

a. Further guidance on characterization of service is provided in MILPERSMAN 1910-300. This table provides general information based on type of procedures used.

IF...	THEN least favorable characterizations is...
Notification Procedure is used,	GEN, per MILPERSMAN 1910-308.
Administrative Board Procedure is used,	OTH, per MILPERSMAN 1910-300.

b. If member has less than 180 days of service, an Entry Level Separation may be appropriate. See MILPERSMAN 1910-308 for further guidance.

MILPERSMAN 1910-146

Separation by Reason of Misconduct - Drug Abuse

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

Governing Directive	OPNAVINST 5350.4C

1. **Policy**

a. Processing is mandatory for the following:

(1) Positive urinalysis that was tested and confirmed positive at a Navy Drug Screening Lab (NAVDRUGLAB) or other DOD-approved lab. **If the commanding officer determines the urinalysis result was caused by administrative errors** (e.g., faulty local chain of custody, evidence of tampering) **or the drug use was not wrongful** (e.g., prescribed medication, unknowing ingestion), **then the member shall not be identified as a drug abuser and the positive urinalysis is not a drug abuse incident**. When this determination is made the command shall notify, via official correspondence, Navy Personnel Command (PERS-6) and the command's immediate senior in command of the circumstances that warranted such a determination.

(2) Admission of drug use.

(3) One or more military drug-related offense(s).

(4) Nolo contendere, no contest plea in civil courts.

(5) Civil conviction for a drug related offense(s).

(6) Actions tantamount to findings of guilt in civil courts:

(a) Deferred prosecution

(b) Entry in pretrial intervention program

b. Drug related offenses include the following:

(1) Drug Abuse - illegal or wrongful use, possession of controlled substances or attempts to commit drug offenses.

(2) Drug Paraphernalia - all equipment, products, and materials that are used, intended for use, or designed for use in injecting, inhaling, or otherwise introducing controlled substances into the human body in violation of law.

(3) Drug Trafficking - the sale, transfer, or possession with the intent to sell or transfer controlled substances.

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2. Procedures

a. Notification procedures are used for the following situations:

(1) Conviction/offense occurred in a prior enlistment or preservice and processing for fraudulent enlistment is not appropriate.

(2) Member self-refers to a qualified self-referral representative with the intent of acquiring treatment and is found to be drug-dependent by proper medical authority.

(3) Processing is based on fitness for duty or certain service-directed urinalysis, per OPNAVINST 5350.4C (see following table).

(4) Voluntarily discloses evidence of prior personal drug abuse during course of treatment/rehab.

(5) Naval Reservists testing positive on accession test into the Reserve program.

(6) Prior service applicants for Selected Reserve enlistments/reenlistments whose break in service from a Selected Reserve or Regular component is more than 6 months.

b. Other than the above exceptions, drug abuse must be processed using administrative board procedures (MILPERSMAN 1910-404) with Under Other Than Honorable (OTH) being the least favorable characterization of service considered. This applies to both Regular and Reserve personnel. (Example: Drilling reservists who test positive on urinalysis may be processed for OTH regardless of when the drugs were ingested.)

c. If member waives right to administrative board, under administrative board procedures, only General Court-Martial Convening Authority or higher serves as separation authority.

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3. **Use of Urinalysis Results**

a. Use this table to determine basis for separation and characterization of service.

NOTE: Only urinalysis results from a NAVDRUGLAB or other DOD-certified lab will be used to refer a military member for appropriate disciplinary action and to establish the basis for separation and characterization of discharge.

Type	Usable in Disciplinary Proceedings	Usable as basis for separation	Usable for OTH Char-acterization
Search or seizure • Member's consent • Probable cause	 Yes Yes	 Yes Yes	 Yes Yes
Inspection • Random sample • Unit sweep	 Yes Yes	 Yes Yes	 Yes Yes
Medical – general diagnostic purposes (e.g., ER treatment, annual physicals, etc.) (See Rule 1)	Yes	Yes	Yes
Fitness for duty • Command-directed • Competence for duty • Mishap/safety investigation	 No No No	 Yes Yes Yes	 No No No

Service-directed			
• Treatment facility staff (military)	Yes	Yes	Yes
• Alcohol rehab testing	No	Yes	No
• Naval brigs	Yes	Yes	Yes
• Entrance testing	No	Yes	No (See Rule 2)
• Accession training pipeline	Yes	Yes	Yes

b. Rules

(1) The medical facility should immediately notify the member's command of a positive urinalysis or blood test. This notification should prompt the commanding officer or acting commanding officer to authorize an immediate probable cause urinalysis conducted by the command's designated urinalysis coordinator. If the commanding officer or acting commanding officer will not be available in excess of 24 hours, then the command duty officer or officer of the day should authorize an immediate command directed urinalysis. Immediate action is necessary to preclude further degradation of possible controlled substances in the system due to the passage of time. An exception to this policy is if the member is unconscious and unable to knowingly provide a urine sample.

(2) **Yes** for reservists recalled to active duty only (except Delayed Entry Program participants).

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4. Characterization of Separation. MILPERSMAN 1910-300 provides information for characterization guidance. If the member has less than 180 days of service, an Entry Level Separation may be appropriate. See MILPERSMAN 1910-308.

MILPERSMAN 1910-148

SEPARATION BY REASON OF HOMOSEXUAL CONDUCT

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

Governing Directives	CNO WASHINGTON DC 281833Z OCT 99 (NAVADMIN 291/99) CNO WASHINGTON DC 010300Z MAR 94 (NAVADMIN 033/94) Uniform Code of Military Justice (UCMJ), Article 31(b) Manual for Courts-Martial United States CNO WASHINGTON DC 131430Z APR 00 (NAVADMIN 094/00) JAG 5800.7C, Judge Advocate General Manual

1. **Policy**. **Separation processing is mandatory** if the commanding officer (CO) believes, based on **credible information**, the service member has committed **homosexual conduct** as defined in MILPERSMAN 1900-010.

2. **Separation Basis**

a. Homosexual conduct exists if a service member has

(1) engaged in a homosexual act;

(2) married or attempted to marry a person of the same biological sex; or

(3) stated that he/she is a homosexual or bisexual, or made other statements indicating a propensity or intent to engage in homosexual acts.

b. Sexual orientation (e.g., heterosexual, homosexual, and bisexual) is considered a personal and private matter, and is not a bar to continued service unless manifested by homosexual conduct as defined in MILPERSMAN 1900-010.

c. Processing is not required if member committed homosexual conduct to avoid or terminate military service, and separation is not in the best interest of Navy.

3. **Fact-Finding Inquiries**

a. If the CO questions the credibility of evidence of homosexual conduct, a fact-finding investigation may be necessary. **An investigation is not mandatory and only a CO can authorize it**. Sole purpose of an investigation is to uncover further information to assist the CO in determining whether the alleged homosexual conduct actually occurred.

b. As explained in NAVADMIN 291/99, before a CO authorizes an investigation concerning alleged homosexual conduct, the command's judge advocate should consult with the senior judge advocate assigned to the general court-martial convening authority or higher authority. Commanding officers without assigned judge advocates should consult directly with a senior judge advocate in their chain of command, or seek assistance in securing such advice from Navy Trial Service Offices or Navy Personnel Command (NAVPERSCOM). **Consultation should occur prior to initiation of any investigation.**

c. Commanding officers may personally conduct the inquiry or appoint an investigating officer.

d. As explained in NAVADMIN 033/94, members shall not be asked nor required to reveal their sexual orientation; however, when credible information indicates homosexual conduct, members may be asked if they engaged in such conduct. **Prior to any questioning, members suspected of homosexual conduct should be advised of the Department of Defense policy on homosexual conduct and apprised of their UCMJ, article 31(b) rights, if applicable.**

e. If a CO has credible evidence of possible criminal conduct, the procedures outlined in the Manual for Courts-Martial and other Secretary of the Navy (SECNAV) regulations/directives must be followed.

f. Where a service member has stated that he or she is a homosexual or bisexual and does not contest separation, little or no investigation should be necessary. A commander who suspects that a service member has made such a statement for purpose of seeking separation from naval service in order to avoid a service obligation, and who believes the member is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, may initiate a more substantial investigation **only when authorized**

by SECNAV (Assistant Secretary of the Navy, Manpower and Reserve Affairs (ASN(M&RA)).

g. A **request for authorization** may be forwarded to NAVPERSCOM (PERS-832) for coordination with SECNAV (ASN(M&RA)). Request will provide facts surrounding disclosure, an explanation of why further inquiry is appropriate, and an assessment of any potential disadvantage of an extended inquiry.

h. **The following is a definition of "substantial inquiry:"** As explained in NAVADMIN 094/00, a substantial inquiry to determine whether a statement was made for the purpose of seeking separation from the military service in order to avoid a service obligation is an inquiry that extends beyond questioning the member who made the statement, and/or a third party who reports that a member made a statement, individuals suggested by the member for interview, and the member's immediate supervisory chain of command.

4. **Credible Information**. This table provides some examples of when credible information exists or does not exist to support initiating fact-finding inquiries:

Credible information ...	**WHEN...**
does not exist	• the only information is the opinion of others that a member is homosexual; • information is based on rumor, suspicion, or capricious claims concerning a member's sexual orientation; or • the only known information is associational activity such as frequenting homosexual bars, possessing/reading homosexual publications, associating with known homosexuals, or marching in a homosexual rights rally in civilian clothes. (Such activity, in and of itself, does not provide evidence of homosexual conduct.)
does exist	• member states they are homosexual/bisexual, or married to a member of the same sex, or have engaged in homosexual acts; • a reliable person has observed or heard a member engaging in homosexual acts; • a reliable person states they heard, observed, or discovered a member make a spoken/written statement that a reasonable person would believe was intended to convey the fact they engage in, attempt to engage in, or have a propensity to engage in homosexual acts; or • a reliable person states they have observed behavior that amounts to a non-verbal statement by a member they are homosexual or bisexual (i.e., behavior that a reasonable person would believe was intended to convey the member engages in, attempts to engage in, or has the propensity to engage in homosexual acts).

5. **Processing Procedures**. Administrative Board Procedure (MILPERSMAN 1910-404) must be used. Least favorable characterization for cases based on homosexual acts and/or marriage must state Under Other Than Honorable (OTH). For cases where sole basis for processing is an admission by the service member that he/she is a homosexual or bisexual, least favorable characterization may be General (Under Honorable Conditions) (GEN).

6. **Verbatim Processing Reasons**. Reason for processing cited on member's notice of an administrative board procedure must state the member is being processed for:

"HOMOSEXUAL CONDUCT AS EVIDENCED BY: (one or more of the following phrases in its entirety)

a. member's statement that he/she is a homosexual or bisexual, or words to that effect, which creates a rebuttable presumption that he or she engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts; and/or

b. member engaging in, attempting to engage in, or soliciting another to engage in a homosexual act(s); and/or

c. member's marriage or attempted marriage to a person known to be of the same biological sex."

7. **Mandatory Separation**. Use this table to determine when separation is mandatory.

A member must be...	WHEN there is an approved finding the...	UNLESS there are further approved findings that...	THEN the administrative board may recommend...
separated	member made a statement that he/she is a homosexual or bisexual, or words to that effect	the member has demonstrated that he/she does not engage in, or have a propensity to engage in, homosexual act(s). (See Notes 1 and 2.)	retention
	member committed homosexual act(s)	• such acts are a departure from the member's usual behavior; • such acts, are unlikely to recur; • such acts were not accomplished by use of force, coercion, or intimidation; or • under the particular circumstances of the case, the member's continued presence in Navy is consistent with Navy's interest in good order and discipline, and morale; or • the member does not have a propensity to engage in homosexual acts. (See Note 1)	retention using the homosexual conduct board findings/ recommendations sheet per MILPERSMAN 1910-516.
	member married or attempted to marry a person known to be of the same biological sex	(See Note 1)	
retained	board does not find sufficient evidence that homosexual conduct exists (See Note 1)	the case involves another basis for separation (e.g., misconduct, etc.) which member was notified of and a basis for separation is recommended.	separation for the other basis

NOTES:

1. The member bears the burden of proving by a preponderance of the evidence that retention is warranted.

2. In determining whether a member has successfully rebutted the homosexual acts presumption, the following (not all inclusive) may be considered:

a. Whether the member has engaged in homosexual acts.

b. Member’s credibility.

c. Nature and circumstances of member’s statement.

d. Testimony from others regarding member’s past conduct, character and credibility.

8. **Characterization of Separation**.

a. Use this table to determine characterization of service.

WHEN...	THEN separation type...
during the current term of service, the member attempted, solicited, or committed a homosexual act with aggravating circumstances as follows: • by using force, coercion, or intimidation; • with a person under age 16; • with a subordinate in circumstances that violate customary naval superior-subordinate relationships; • openly in public view; • for compensation; • aboard a naval vessel or aircraft; or • in another location subject to naval control, under aggravating circumstances that adversely impact good order and discipline; or morale-comparable to the impact created by such activity aboard a vessel or aircraft	can be OTH per MILPERSMAN 1910-300.
processing by reason of statement (see Note) or homosexual acts or marriage do not meet criteria for OTH consideration cited above	may be GEN or Honorable (HON) per MILPERSMAN 1910-300.

NOTE: Characterization of service is based on service record in cases of homosexual conduct with no evidence (including admissions) of aggravating circumstances.

b. If the member has less than 180 days of service, an Entry Level Separation may be appropriate. See MILPERSMAN 1910-308.

c. MILPERSMAN 1910-300 provides additional characterization guidance.

MILPERSMAN 1910-150

SEPARATION BY REASON OF DRUG ABUSE REHABILITATION FAILURE

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Policy**. Members may be separated when they lack potential for continued naval service, and

a. demonstrate an inability or refusal to participate in, cooperate in, or successfully complete a formal inpatient rehabilitation treatment program;

b. have completed a formal inpatient rehabilitation treatment program any time in their career, and subsequently had in their current enlistment a drug-related incident; or

c. fail to follow a directed aftercare program.

2. **What is a Drug Related Incident**?

a. **Drug related incident:** Any incident in which drug abuse is a factor. This includes the use of controlled substances or illegal drugs. Confirmed wrongful or improper use or possession of drugs or drug paraphernalia, or drug trafficking constitutes an incident. Events requiring medical care or involving a suspicious public or domestic disturbance must be carefully evaluated to determine if drugs were an underlying factor (if so, it is a drug incident). Proper use of authorized and documented prescription drugs is not a drug incident.

b. This category for separation is rarely used. It should not be confused with Misconduct Due to Drug Abuse (MILPERSMAN 1910-146). Recreational drug users who are offered rehabilitation treatment will normally be discharged (typically under Misconduct Due to Drug Abuse) upon completion or termination of treatment.

c. Personnel addicted to prescription medication, while under the care of a physician, who successfully complete

treatment are usually the only individuals considered for retention. Drug abuse rehabilitation failure is an appropriate basis for separating individuals in this unique situation who are unable to complete or follow the rehabilitation program.

3. **Procedures**. The Notice of Notification Procedure (MILPERSMAN 1910-402) shall be used to process this type of separation.

4. **Characterization of Separation**. The characterization of separation should be Honorable, unless an Entry Level Separation (ELS) (MILPERSMAN 1910-308) or General (Under Honorable Conditions) is warranted per MILPERSMAN 1910-300.

MILPERSMAN 1910-152

SEPARATION BY REASON OF ALCOHOL REHABILITATION FAILURE

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

Governing Directives	OPNAVINST 5350.4C

1. **Policy**. Commands shall process for administrative separation all members considered to be treatment failures unless a written waiver is obtained. Request for waiver will be submitted to Navy Personnel Command (NAVPERSCOM) (PERS-832) via NAVPERSCOM (PERS-602).

2. **Treatment Failure**. The following are examples of treatment failures:

a. Any serious alcohol incident occurring subsequent to treatment that was precipitated by a previous incident. (For purposes of this provision, **treatment** shall include all Medical Treatment Facility (MTF) or Alcohol Treatment Facility (ATF) directed early intervention services provided within the Continuum of Care, e.g., Alcohol Impact or equivalent.

b. Willful failure to complete medically prescribed treatment or failure to complete medically prescribed treatment due to a subsequent alcohol incident. (Conduct which amounts to a refusal, failure to complete, or non-amenability must be determined by the Licensed Independent Practitioner (LIP) or Medical Officer (MO). Conduct, which amounts to a second incident, shall be determined by the member’s commanding officer (CO).

c. Any member, who fails to participate in, fails to follow, or fails to successfully complete the medically prescribed and command-approved aftercare plan. (This determination must be made by the member’s CO in consultation

with the Drug and Alcohol Program Advisor (DAPA) and the MTF/ATF.)

d. Any member who returns to alcohol abuse at any time during his or her career following treatment, and is determined to be a treatment failure by an appropriate LIP or MO.

3. **What is an Alcohol Incident**? An alcohol incident is an offense punishable under the Uniformed Code of Military Justice (UCMJ) or civilian authority committed by a member where, in the judgment of the member's CO, the consumption of alcohol was the primary contributing factor.

4. **Waiver Requests**. Waiver requests must contain the following:

a. CO’s statement addressing member’s performance of duty and potential for further service.

b. A description of the alcohol treatment failure determination.

5. **Procedures**. The Notice of Notification Procedure (MILPERSMAN 1910-402) shall be used to process this type of separation.

6. **Characterization of Separation**. The characterization of separation should be Honorable, unless an Entry Level Separation (ELS) (MILPERSMAN 1910-308) or General (Under Honorable Conditions) is warranted per MILPERSMAN 1910-304.

MILPERSMAN 1910-154

SEPARATION BY REASON OF ENTRY LEVEL PERFORMANCE AND CONDUCT

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Policy**. Members may be separated for entry level performance and conduct when

a. **in an entry level status** (i.e., within first 180 days of continuous active duty on the date of notification of administrative separation processing); and

b. **it is determined that members are unqualified for further naval service** by reason of unsatisfactory performance and conduct as evidenced by incapability, lack of reasonable effort, failure to adapt to the naval environment, or minor disciplinary infractions; and

c. **have violated a NAVPERS 1070/613, Administrative Remarks counseling/warning** which specifically addresses individual's unsatisfactory performance and/or conduct (MILPERSMAN 1910-204). A member must have violated a NAVPERS 1070/613 warning prior to processing for separation under this category.

2. **Separation Procedures**. Notice of Notification Procedure (MILPERSMAN 1910-402) shall be used to process member for separation.

3. **Characterization of Separation**. Description of separation shall always be an Entry Level Separation (ELS). MILPERSMAN 1910-308 provides further guidance.

MILPERSMAN 1910-156

SEPARATION BY REASON OF UNSATISFACTORY PERFORMANCE

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Policy**. Members may be separated when they are unqualified for further naval service as demonstrated by

a. one or more enlisted performance evaluation with 1.0 marks for any performance trait; and

b. violating a NAVPERS 1070/613, Administrative Remarks counseling/warning that specifically addresses these deficiencies.

2. **Policy Exception**

a. If the member is in Entry Level Status (ELS) as defined in MILPERSMAN 1900-010 process under Entry Level Performance and Conduct (MILPERSMAN 1910-154).

b. Do not process under this article if the member qualifies for misconduct processing.

3. **Procedures**. The Notice of Notification Procedure (MILPERSMAN 1910-402) shall be used to process the member for separation.

4. **Characterization of Separation**. The characterization of separation should be Honorable, unless an Entry Level Separation (ELS) (MILPERSMAN 1910-308) or General (Under Honorable Conditions) is warranted per MILPERSMAN 1910-304.

MILPERSMAN 1910-158

SEPARATION BY REASON OF UNSATISFACTORY PARTICIPATION IN THE READY RESERVE

Responsible Office	NAVPERSCOM (PERS-913)	Phone: DSN COM FAX	882-4506/3 (901) 874-4506/3 882-2673

Governing Directives	BUPERSINST 1001.39D COMNAVRESFORINST 3500.13 DoD Instruction 1215.18, Reserve Component Member Participation Requirements of 11 Jan 96

1. **Policy**

a. Members may be separated when they acquire at least 9 unexcused absences from scheduled training in a 12-month period.

b. Members may be separated when they fail to

(1) satisfactorily complete required annual training,

(2) comply with involuntary recall to active duty,

(3) report for a physical examination,

(4) submit additional information in connection with a physical examination,

(5) keep the commanding officer advised of pertinent mobilization information,

(6) respond to official documentation, or

(7) satisfactorily complete Basic Training Equivalency or Non-Prior Service Accession Course within the required time frame.

2. **Procedures**. The Notice of Notification Procedures in MILPERSMAN 1910-402 shall be used when the commanding officer believes the circumstances do not warrant an Other Than

Honorable; otherwise, the Notice of Administrative Board Procedure (MILPERSMAN 1910-404) shall be used.

3. **Characterization of Separation**. The characterization of separation should be Honorable, unless an Entry Level Separation (ELS) (MILPERSMAN 1910-308) or General (Under Honorable Conditions) is warranted per MILPERSMAN 1910-304.

MILPERSMAN 1910-160

SEPARATION BY REASON OF SUPREMACIST OR EXTREMIST CONDUCT

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4438 (901) 874-4438 882-2624

Governing Directives	Uniform Code of Military Justice (UCMJ)

1. **Policy**

a. Members must be processed following disciplinary or administrative action for any substantiated incident of serious misconduct resulting from participation in supremacist or extremist activities. The prescribed 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 UCMJ, including but not limited to the following:

	Violation	Article
(1)	Insubordinate conduct, disobedience, and orders violations, including violations of lawful general orders established in Navy Regulations or other authoritative Navy instructions.	90, 91, 92
(2)	Cruelty and maltreatment of subordinates.	93
(3)	Riot or breach of peace.	116
(4)	Provoking speech or gestures.	117
(5)	Various degrees of assault.	128
(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 insignias, decorations, badges, ribbons, devices, or lapel buttons on uniforms or civilian clothing.	134

c. An incident of misconduct is substantiated by 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. **Procedures**. Contact Navy Personnel Command (PERS-83) for processing guidance for cases involving supremacist or extremist conduct. Cases will normally be processed under Misconduct - Commission of a Serious Offense (MILPERSMAN 1910-142) or Best Interest of the Service (BIOTS) (MILPERSMAN 1910-164).

MILPERSMAN 1910-162

SEPARATION BY REASON OF FAMILY ADVOCACY PROGRAM (FAP) REHABILITATION FAILURE

Responsible Office	NAVPERSCOM (PERS-83CC)	Phone: DSN COM FAX	882-3729 (901) 874 3729 882-2625

Governing Directive	NAVPERS 15560C, Naval Military Personnel Manual

1. **Policy**

a. Members may be processed under this category for separation when they

(1) are identified as perpetrators of child abuse, child sexual abuse, or spousal abuse; and fail to complete or are involuntarily disenrolled from a FAP Rehabilitation, Education and Counseling Program (programs under the direction of either Navy Personnel Command (NAVPERSCOM) (PERS-661D) or local installations); or

(2) subsequently engage in abusive behavior. (Dual process for misconduct as appropriate).

b. The local FAP Case Review Committee will make the determination as to whether rehabilitation failure has occurred. Commanding officers shall normally process rehabilitation failures for administrative separation. In those cases where Commanding officers determine retention of the service member is warranted, they shall forward their recommendation to NAVPERSCOM (PERS-8), who will make the final determination.

c. All substantiated child sexual abuse allegations must be processed for Misconduct Due to Commission of a Serious Offense (MILPERSMAN 1910-142), using Administrative Board Procedures (MILPERSMAN 1910-402), unless findings of not guilty are rendered at courts-martial or civil/criminal proceedings.

d. Processing under this category is for rehabilitation program failure only. Actual spousal abuse, child abuse, or child sexual abuse should be processed under misconduct due to commission of a serious offense.

2. **Procedures**. Contact NAVPERSCOM (PERS-83) for processing guidance for cases involving FAP rehabilitation failure. Cases will normally be processed under Best Interest of the Service pending establishment of a Separation Program Designator by Department of Defense for this reason.

3. **Characterization of Service**. The least favorable characterization of service is General (Under Honorable Conditions).

MILPERSMAN 1910-164

SEPARATION BY REASON OF BEST INTEREST OF THE SERVICE (BIOTS)

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Policy and Guidance**

a. Only Secretary of the Navy can approve a BIOTS separation. Secretary of the Navy may direct a BIOTS separation of any member prior to expiration of service after determining such separation is in the best interest of the service.

b. Best interest of the service processing is only appropriate when the member does not meet the minimum criteria for processing for any other reason.

c. Commands must contact Navy Personnel Command (PERS-83) prior to processing to ensure BIOTS is the most appropriate reason for separation processing.

2. **Procedures**. The notice of Notification Procedure (MILPERSMAN 1910-402), with the following modifications will be used:

a. Delete the option of electing an administrative board; and

b. Ensure reason for processing cited in the Notification Procedure clearly explains

(1) the specific circumstances, acts, or omissions alleged,

(2) why separation is in the best interest of naval service, and

(3) why no other reason for separation is considered appropriate.

3. **Characterization of Service**. The characterization of service is Honorable, unless an Entry Level Separation is required in MILPERSMAN 1910-308, or General (Under Honorable Conditions) according to MILPERSMAN 1910-300 to 1910-306.

MILPERSMAN 1910-166

FLEET RESERVE/RETIRED LIST/RETIRED RESERVE IN LIEU OF ADMINISTRATIVE SEPARATION PROCESSING

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

Governing Directive	Uniform Code of Military Justice

1. **Policy for Active Duty Personnel**

a. Active duty members with 20 or more years of total active federal military service (TAFMS), but less than 30 years, may request transfer to Fleet Reserve, and those members who have 30 years or more may request to be transferred to Retired List.

b. Personnel in following categories may request a waiver of administrative separation processing in order to be eligible to request transfer to Fleet Reserve/Retired List:

(1) Awaiting disciplinary action.

(2) Serving sentence of a court-martial (including time on probation).

(3) Awaiting civil action.

(4) Awaiting family advocacy action.

(5) Awaiting administrative discharge action.

c. Such requests do not preclude/suspend disciplinary action at discretion of their commanding officers. In all cases, be sure that service members are informed that they have the right to present case before an administrative board, which will make a recommendation to Secretary of the Navy (SECNAV), on paygrade at retirement.

d. Regardless of any recommendation by member’s chain of command; an administrative board; or Navy Personnel Command

(NAVPERSCOM); SECNAV may transfer member in current or reduced paygrade, as deemed appropriate.

2. **Policy for Reservists**

a. Inactive duty Naval Reservists with 20 or more years of qualifying service, and less than 60 years of age, who are otherwise eligible, may request a waiver of administrative separation processing in order to be eligible to request transfer to Retired Reserve (without pay).

b. Inactive duty Naval Reservists with 20 years of qualifying service having reached 60 years of age, who are otherwise eligible, may request a waiver of administrative separation processing in order to be eligible to request transfer to Retired Reserve (with pay).

c. Modify active duty procedures as follows:

(1) Send requests to

Commanding Officer
Naval Reserve Personnel Center
New Orleans, LA

via

NAVPERSCOM (PERS-911) for officers, and
NAVPERSCOM (PERS-913) for enlisted;

(2) modify subject line: “Retired Reserve (with/without pay);”

(3) add subparagraph 2f to First Endorsement, reflecting total satisfactory service creditable towards retirement; and

(4) modify NAVPERS 1070/613, Administrative Remarks: “Retired Reserve (with/without pay) vice Fleet Reserve/Retired List.”

3. **When Member Does Not Request a Waiver of Administrative Separation Processing**. If members do not immediately request a waiver of administrative separation processing, continue with administrative separation processing. Requests received after initiation of separation processing do not have to be approved by command or NAVPERSCOM.

4. **Member's Request for Waiver of Administrative Separation Processing**. Member's request should be in following format: (Use proper letter format.)

(Date)

From: (Rate/name/branch/SSN)
To: Commander, Navy Personnel Command (PERS-82 and PERS-83)
Via: Commanding Officer/Commander

Subj: REQUEST FOR WAIVER OF ADMINISTRATIVE SEPARATION PROCESSING IN ORDER TO BE ELIGIBLE TO REQUEST TRANSFER TO FLEET RESERVE/RETIRED LIST

Ref: (a) MILPERSMAN 1910-166
(b) MILPERSMAN 1830-040

1. Per reference (a), I request that administrative separation processing be waived in order to be eligible to request transfer to Fleet Reserve/Retired List/Retired Reserve. I understand that my request to transfer in current paygrade may be accepted or Secretary of the Navy (SECNAV) may approve transfer in a reduced paygrade. I further understand that this request does not preclude or suspend command disciplinary action. (**For active duty only)** If my request is approved, I understand that I will be required to request transfer to Fleet Reserve/Retired List in accordance with reference (b) with an effective date directed by Navy Personnel Command.

2. I acknowledge that I have the right to present my case before an administrative discharge board that has prerogative of recommending to SECNAV that I retire in current paygrade, which recommendation SECNAV may accept or reject, and that I expressly and knowingly waive that right.

3. If making this request following convening of an administrative discharge board, I acknowledge that recommendation of administrative board as to paygrade at retirement may be accepted or rejected at discretion of SECNAV.

4. With the foregoing knowledge of my rights and prerogative of SECNAV as to paygrade at retirement, I request transfer to Fleet Reserve in paygrade of _____.

SIGNATURE OF MEMBER

5. **Command's First Endorsement**. Command's first endorsement is to be prepared in following format: (Use proper letter format.)

FIRST ENDORSEMENT on (member's rate/name/branch/SSN) request of (date of request)

From: Commanding Officer/Commander
To: Commander, Navy Personnel Command (PERS-82 and PERS-83)

Subj: REQUEST FOR WAIVER OF ADMINISTRATIVE SEPARATION PROCESSING IN ORDER TO BE ELIGIBLE TO REQUEST TRANSFER TO FLEET RESERVE/RETIRED LIST

1. Forwarded, recommending approval/disapproval. Reason for processing should this request not be approved is (list all reasons, which meet minimum criteria).

2. Basic record data:

a. Date of current enlistment,
b. Expiration of active obligated service (EAOS)/expiration of service (EOS),
c. Active duty service date (ADSD),
d. Months onboard current command, and
e. Total active federal military service as of (date):

3. Involvement with civilian authorities: (If none, so state; otherwise, provide details of events, circumstances, and facts surrounding offense(s), and action by civil authorities. Include citation of civil statute(s) violated, charge(s) on which arraigned and/or plead guilty or tried and/or convicted, and sentence of court (if any).)

4. Summary of military offense(s): (If none, so state; otherwise, list chronological date of nonjudicial punishment/court-martial (CM), reason/offense, including Uniformed Code of Military Justice article and specification, and in case of CM indicate date of convening authority final action (approved findings and sentences).)

5. Commanding officer's comments: (Provide a recommendation regarding whether member should be allowed to transfer in current, or a reduced paygrade.)

SIGNATURE OF CO/ACTING
NOT BY DIRECTION

6. **If Waiver is Approved**. If authority is granted to allow member (in lieu of administrative separation processing) to transfer to Fleet Reserve/Retired List/Retired Reserve, prepare following NAVPERS 1070/613 entry for inclusion in member's record:

"I understand that I have been afforded opportunity to transfer to Fleet Reserve/Retired List/Retired Reserve effective (date provided by NAVPERSCOM). I further understand that I am not eligible to be recalled without express written permission of NAVPERSCOM and that I will be assigned a reenlistment code of RE-4. AUTHORITY: NAVPERSCOM (message date time group)."

MEMBER'S SIGNATURE WITNESS' SIGNATURE

MILPERSMAN 1910-168

SEPARATION BY REASON OF PHYSICAL DISABILITY

Responsible Office	NAVPERSCOM (PERS-821)	Phone: DSN COM FAX	882-3229 (901) 874-3229 882-2622

Governing Directives	SECNAVINST 1850.4D 10 U.S.C. 1214 SECNAVINST 1770.3B

1. **Policy - Members on Active Duty in Excess of 30 Days**. A member on active duty or active duty for training in excess of 30 days may be separated by reason of physical disability upon determination that member is physically unfit to perform the duties of member's rating in a reasonable manner. When separation from naval service is indicated by reason of physical disability, the member concerned will be reported upon by a medical board. The determination of a member's fitness for active naval service and/or entitlement to disability benefits, where found unfit, rests with Secretary of the Navy (SECNAV) as contained in SECNAVINST 1850.4D.

2. **Policy - Members on Inactive Duty**. Members on inactive duty may be separated by reason of physical disability upon determination that they are not physically qualified to perform the duties of their rating on active duty in the Naval Reserve in a reasonable manner due to disease or injury.

3. **Policy - Members on Active Duty for 30 Days or Less**. When a member incurs a physical disability on active duty of 30 days or less, active duty for training, or inactive duty training (drill), separation is authorized under this article following the guidelines established in SECNAVINST 1770.3B.

4. **Policy - Members in the Naval Reserve**

a. Members not physically qualified for active duty or retention in the Naval Reserve shall not be involuntarily discharged upon expiration of their enlistment, or enlistment as extended, until the action pertaining to the resolution of their physical status is completed.

b. When the member's enlistment, or extension of enlistment, expires before his or her physical status is resolved, the member may be administratively retained in the service beyond the expiration date with his or her consent.

c. When such action is necessary, the retention and the expression of consent shall be set forth in writing on NAVPERS 1070/613, Administrative Remarks and shall be signed by the member. If mental incompetency or other impairment precludes his or her indicating consent, tacit consent will be assumed. Retention for this purpose will be in training pay "Category H."

d. If members do not consent to the retention, their discharge shall be executed in the normal manner and an entry made on NAVPERS 1070/613 denoting their desire to be discharged in lieu of retention.

5. **Commander's Responsibility to Inform the Member**. This procedure is used when an inactive duty member incurs a physical disability on active duty of 30 days or less, active duty for training, or inactive duty training (drill), and is determined by Chief, Bureau of Medicine and Surgery (BUMED) to be not physically qualified for active duty or retention. The naval reserve readiness commander, commanding officer of the naval air station, naval air reserve unit, naval air reserve center, or naval air facility under either Commander, Naval Reserve Force or Commanding Officer, Naval Reserve Personnel Center to which the member is assigned shall inform the member by letter using the following format: (Use proper letter format.)

From: Commander/Commanding Officer, command
To: (rate, first, middle, last name; branch of service; Social Security Number)
(street address)
(city, state, zip code)

Subj: FINDING OF PHYSICAL DISQUALIFICATION

Ref: (a) 10 U.S.C.
(b) MILPERSMAN 1001-010

1. I regret to inform you that Chief, Bureau of Medicine and Surgery, Department of the Navy, has found that you are not physically qualified for retention in the Naval Reserve by reason of (state defect) (example: diabetes mellitus).

2. Section 12644 of reference (a) provides for the Honorable Discharge, or transfer to the Retired Reserve (without pay) if otherwise eligible, of any member who is not physically qualified for assignment to active duty.

3. In view of the foregoing, it is requested that you take one of the following courses of action:

a. Request discharge by reason of being not physically qualified.

b. Request transfer to the Retired Reserve if eligible under provisions of reference (b).

c. Request a review by the Physical Evaluation Board on the basis of available medical records. You will be notified of the Board’s recommended findings and given an opportunity to accept or rebut, or to demand a formal hearing before a hearing panel empowered to conduct formal hearings. Appearance before a hearing panel must be at your own expense. You are not eligible to receive retirement pay, severance pay, or any other benefits specified in chapter 61 of reference (a).

4. If a reply is not received from you within 30 days, it will be considered that you do not desire a review, and action will be taken to discharge you involuntarily by reason of being not physically qualified.

COMMANDER'S/COMMANDING OFFICER'S SIGNATURE

6. **Member's Response**. The member shall reply to the commander/commanding officer (CO), within 30 days of receipt of his letter, using the following format: (Use proper letter format.)

From: (rate, first, middle, last name; branch of service; social security number)
(street address)
(city, state, zip code)
To: Commander/Commanding Officer, command

Subj: RESPONSE TO FINDING OF PHYSICAL DISQUALIFICATION

Ref: (a) CO, _____ ltr of _____

1. Having been informed in reference (a) that Chief, Bureau of Medicine and Surgery, Department of the Navy, has found that I am not physically qualified for retention in the Naval Reserve, I request (initial as appropriate)

( ) discharge by reason of being not physically qualified.

( ) transfer to the Retired Reserve (if eligible).

( ) a review by the Physical Evaluation Board on the basis of available medical records.

MEMBER'S SIGNATURE

7. **CO's Follow-up Responsibilities**. The CO shall follow up as indicated below, depending on the circumstances:

IF...	THEN...
discharge is requested, or if no reply to the letter informing the Reservist of his or her status is received within 30 days…	issue the appropriate discharge certificate citing as authority this article and the letter informing the member of their status. Make appropriate field service record (FSR) entries and forward the closed FSR to the Naval Reserve Personnel Center.
transfer to the Retired Reserve is requested and the Reservist is eligible…	he or she will be transferred.
a Physical Evaluation Board (PEB) review is desired	authorization will be issued by the Naval Reserve Readiness Commander or Commander, Naval Air Reserve Activity, as appropriate, citing this article as authority.
the member desires to rebut the findings of the PEB and a formal hearing with personal appearance before a hearing panel is demanded.	the Office of Naval Council of Personnel Boards will request the Naval Reserve Readiness Commander or the Commander, Naval Reserve Force, as appropriate, to issue authorization orders for the Reservist to appear before the hearing panel nearest his or her home (either Bethesda, Maryland 20014; Great Lakes, Illinois 60088; or San Diego, California 92134). See "Requesting Authorization to Appear Before a Hearing Panel."

8. **Requesting Authorization to Appear Before a Hearing Panel**. When the member requests a formal hearing panel the CO will prepare the following:

From: Commander/Commanding Officer
To: (rate, first, middle, last name; branch of service; Social Security Number)
(street address)
(city, state, zip code)
Via: President, Hearing Panel (insert appropriate mailing address)

Subj: AUTHORIZATION TO APPEAR BEFORE A HEARING PANEL

Ref: (a) SECNAVINST 1850.4D, Department of the Navy Disability Evaluation

1. Per reference (a), when notified by the via addressee that the necessary records are available for presentation of your case, you are authorized to report to that officer for an evaluation of your present physical condition.

2. In the evaluation of your physical condition, the Hearing Panel board will conduct the proceeding in all respects as provided for hearings in the case of active duty members, except that it will make only the recommended finding that you are or are not physically qualified for active service, and if not so qualified, will set forth the disqualifying defect or disability with the diagnostic nomenclature number therefore, and an opinion whether such disability is or is not due to intentional misconduct or willful neglect.

3. The above is authorized with the understanding that you will not be entitled to reimbursement for mileage or expense in connection therewith. In case you do not desire to bear this expense or, if for any reason, you fail to report to the Hearing Panel on the date specified, you will regard paragraph 1 of this authorization revoked.

4. You are advised that if, for any reason, you are unable to report in person to the Hearing Panel on the date specified, you may waive your right to appear in person. If you waive your right to appear in person, and elect not to have your counsel appear on your behalf and represent you at the hearing, your case will be considered by the Hearing Panel on the record.

5. Whether you appear in person to waive your right to appear in person, a counsel will be appointed to represent you. You will be given the opportunity to consult with counsel, after which you may waive counsel if you so desire. You may, if you so desire, also employ civilian counsel at your own expense, and retain your designated counsel, or you may waive designated counsel. If you choose not to appear in person at the hearing, you may elect to have your counsel appear on your behalf and represent your interest during the hearing.

6. By endorsement hereon the via addressee is requested to notify you of the date and place you are to appear and of your designated counsel. You are requested to advise President, Hearing Panel, (address), whether you desire to appear in person.

COMMANDER'S/COMMANDING OFFICER'S SIGNATURE

Copy to:
BUMED (MED-3361)
NAVPERSCOM (PERS-821 and PERS-913)

9. **Advisability of Requesting a Hearing**. Do not include entitlement to travel allowances in the authorization to appear before the panel since such must be at the member’s expense. As explained in the letter to the member, the option of requesting a hearing before a hearing panel is offered solely to comply with the provision of 10 U.S.C. 1214, which states that no member of the Armed Forces may be retired or separated for physical disability without a full and fair hearing if he or she demands it. Since such hearing does not normally alter the findings of the Board, particularly in cases of members who have never served on active duty and who are not qualified for retention in the Naval Reserve by reason of conditions arising in civilian life, members who inquire relative to the advisability of requesting a hearing should be so advised and discouraged from requesting a hearing due to the time and expense involved.

10. **If the Member Has Reported for Active Duty**. In any case where the member has reported for active duty, Navy Personnel Command (PERS-821) shall be notified of this fact together with return of the BUMED recommendation or request.

11. **Separations for Members on Inactive Duty**

a. Navy Personnel Command (PERS-913) shall authorize separations for those members listed in the “Policy - Members on Inactive Duty” paragraph of this article who are not separated locally by the commanding officer.

b. Characterization of service or description of separation shall be Honorable, General (Under Honorable Conditions), or Entry Level Separation following guidance in MILPERSMAN 1910-300.

MILPERSMAN 1910-182

DISPOSITION OF ENLISTED PERSONNEL DISENROLLED FROM A NAVY OFFICER CANDIDATE PROGRAM (INCLUDING THE NAVAL ACADEMY)

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN	882-2303
			COM	(901) 874-2303
			FAX	882-2754

1. **Policy**. Members may be separated from a Naval Officer Candidate Program, including the Naval Academy when

a. member requests disenrollment.

b. member is disenrolled or fails to satisfactorily meet any of the requirements for completion of the program in which enrolled, provided the member is not considered qualified for enlisted status.

2. **Separation Authority (Chief of Naval Education and Training)**

a. Chief of Naval Education and Training serves as separation authority for

(1) Aviation Officer Candidate (AOC).

(2) Naval Flight Officer Candidate (NFOC).

(3) Air Intelligence Officer Candidate (AI).

(4) Aviation Maintenance Officer Candidate (AMDOC).

(5) Aviation Reserve Officer Candidate (AVROC).

b. Chief of Naval Education and Training may delegate approval authority to Commander, Naval Recruiting Command (CNRC) and Commanding Officer, Naval Aviation Schools Command.

3. **Separation Authority (CNRC)**

a. Commander, Naval Recruiting Command serves as separation authority for inactive members who no longer meet eligibility criteria and are awaiting attendance at

(1) Officer Candidate School (OCS).

(2) Aviation Officer Candidate School (AOCS).

(3) other officer accession programs.

b. Commander, Naval Recruiting Command may delegate approval authority to commanding officer of the recruiting district.

4. **Separation Authority (Navy Personnel Command)**. Navy Personnel Command (PERS-834) serves as separation authority for members disenrolled from the Naval Academy and the Nuclear Power Officer Candidate (NUPOC) program.

MILPERSMAN 1910-184

DISPOSITION OF ENLISTED PERSONNEL ACCEPTED FOR APPOINTMENT TO THE MILITARY ACADEMY, THE AIR FORCE ACADEMY, OR THE COAST GUARD ACADEMY

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-2303 (901) 874-2303 882-2754

Governing Directive	10 U.S.C. 516

1. **Scope**. Provisions of this article govern disposition of enlisted members of the regular Navy or Naval Reserve appointed to the Military Academy, the Air Force Academy, or the Coast Guard Academy.

2. **Designated Commander - Appointment to the Military Academy**. Commanding Officer, Naval Support Activity, Brooklyn, New York, is designated the administrative commander responsible for further disposition of enlisted members serving on active duty who receive notification from Department of the Army they have qualified for, and will be accepted for appointment to, the Military Academy.

3. **Designated Commander - Appointment to the Air Force Academy**. Commanding Officer, Naval Reserve Center, Colorado Springs, Colorado, is designated the administrative commander responsible for further disposition of enlisted members serving on active duty who receive notification from Department of the Air Force they have qualified for, and will be accepted for appointment to, the Air Force Academy.

4. **Designated Commander - Appointment to the Coast Guard Academy**. Commanding Officer, Naval Submarine Base, New London, Groton, Connecticut, is designated the administrative commander responsible for further disposition of enlisted members serving on active duty who receive notification from Commandant of the Coast Guard they have qualified for, and will be accepted for appointment to, the Coast Guard Academy.

5. **Transfer of Member - Military Academy**. Upon executing a signed statement of intent to accept the appointment on NAVPERS 1070/613, Administrative Remarks of the service record, member shall be transferred to Naval Support Activity, Brooklyn, New York, in sufficient time for member to report to the Military Academy on the date and hour specified in the notification.

6. **Transfer of Member - Air Force Academy**. Upon executing a signed statement of intent to accept the appointment on NAVPERS 1070/613 of the service record, member shall be transferred to Naval Reserve Center, Lake and Logan Avenues, Colorado Springs, Colorado, in sufficient time for member to report to the Air Force Academy on the date and hour specified in the notification.

7. **Transfer of Member - Coast Guard Academy**. Upon executing a signed statement of intent to accept the appointment on NAVPERS 1070/613 of the service record, member shall be transferred to Naval Submarine Base, New London, Groton, Connecticut, in sufficient time for member to report to Superintendent, Coast Guard Academy on the date and hour specified in the notification.

8. **Administrative Command's Procedures Upon Appointment**. The administrative commands designated above shall comply with the following procedures for enlisted members appointed for active duty status to the service academy for which they have responsibility:

Step	Action
1	When member reports to the administrative command from active duty status, an agreement in the following format shall be executed by the member and witnessed by a commissioned officer: (date): "Upon acceptance of appointment as (cadet/midshipman) in the U.S. (Military, Air Force, Coast Guard) Academy effective (date), I understand according to provisions of 10 U.S.C. 516, should my appointment be terminated for reasons other than acceptance of a commission in a Regular or Reserve component of the Armed Forces, or the physical disability, I will be reverted to my former enlisted or inducted status in effect immediately prior to my entry into the (Military, Air Force, Coast Guard) Academy for the purpose of completing any remaining active and inactive service required under my enlistment contract or my service obligation under the Military Selective Service Act, or both, as appropriate. I further understand any time served as a (cadet/midshipman) shall be counted as time served under my enlistment contract or period of obligated service, or both, as appropriate." _____ (MEMBER'S SIGNATURE) Witnessed: _____
2	Orders shall be issued to member to report to the academy on the date and time specified in the official notification received from the military department concerned. The individual transfer directive and this article shall be shown as authority for this transfer.
3	Health, dental, and pay records only shall be transferred with member concerned. The enlisted field service record shall be retained and kept at the administrative command.
4	Appropriate loss entry shall be made in the personal diary.

9. **Administrative Command's Procedures Upon Acceptance of Appointment**. The commanding officer designated above shall comply with the following steps upon the member's acceptance of appointment:

Step	Action
1	Enlisted and inducted members of naval service who accept an appointment as cadet or midshipman at the service academy shall not be discharged from their enlisted contract and/or period of obligated service during the continuation of their cadet or midshipman status except for reasons which reflect a lack of potential for further military service, or for expiration of enlistment or obligated service as provided in 10 U.S.C. 516.
2	Upon receipt of notification from a service academy that member has executed the oath of acceptance as a cadet or midshipman, the following entry shall be made on a NAVPERS 1070/613 of the field service record, with a copy forwarded to Navy Personnel Command: "Accepted appointment as (cadet/midshipman) in the (Military, Air Force, Coast Guard) Academy effective (date). Enlisted status remains in effect until normal expiration of obligated service, acceptance of commission, or otherwise terminated by proper authority, whichever occurs first. AUTH: MILPERSMAN 1910-184."
3	A member shall be paid active duty pay and allowances through the date prior to acceptance of appointment as cadet or midshipman. Members may be paid lump-sum leave payments, if so authorized, but not mileage payment. Allotments of members concerned shall be canceled, since cadet or midshipman pay cannot be allotted.

MILPERSMAN 1910-186

DISPOSITION OF ENLISTED PERSONNEL DISENROLLED FROM THE MILITARY ACADEMY, THE AIR FORCE ACADEMY, OR THE COAST GUARD ACADEMY

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-2303 (901) 874-2303 882-2754

Governing Directive	NAVPERS 15909F, Enlisted Transfer Manual (ENLTRANSMAN)

1. **Scope**. The provisions of this article govern the disposition of enlisted members of the Regular Navy or Naval Reserve disenrolled from the Military Academy, the Air Force Academy, or the Coast Guard Academy. Policy and procedures governing the disposition of midshipmen disenrolled from the Naval Academy are contained in MILPERSMAN 1531-020.

2. **Member's Status**. Members disenrolled from a service academy, except for reasons of acceptance of commission, physical disability, or for reasons, which reflect a lack of potential for further military service, shall revert to their former enlisted status. Members so reverted to enlisted status shall continue in such a status for the remainder of their enlistment, or for the remainder of their obligated service, as applicable, unless sooner discharged.

3. **Computing Time Served**

a. In computing the unexpired portion of an enlistment contract or period of obligated service, time served as a cadet or midshipman shall be counted as time served under such contract or period of obligated service. Time served at the academy concerned is also counted as active duty for the purpose of completing the active duty obligation, if incurred, under the

terms of the member's enlistment contract whether the member entered the academy from either active or inactive duty.

b. It is not counted toward completion of the active duty, which is required for exemption from induction under the Military Selective Service Act. Selective Service regulations provide that individuals will not be inducted for active duty if they are either performing satisfactorily in the Ready Reserve or have completed 6 years of satisfactory service in a reserve component and have been discharged.

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4. **Disenrollment Processing**

a. Cadets and midshipmen reverted to former enlisted naval status shall be processed according to the following procedures:

Members appointed from . . .	**Who have . . .**	**Shall be . . .**
active duty in the regular Navy or the Naval Reserve	12 months or more remaining on their enlisted or active duty obligation,	made available to the Navy Personnel Command (NAVPERSCOM), for assignment under the applicable provisions of the ENLTRANSMAN. An appropriate gain entry shall be made in the personnel diary and, upon receipt of transfer directive from NAVPERSCOM, an appropriate loss entry shall be executed.
the regular Navy or Naval Reserve	less than 12 months active duty obligation remaining, and who have more than 3 months remaining on an enlistment contract or Military Selective Service obligation	released from active duty. A NAVPERS 1070/613 service record entry shall be executed stating the circumstances, citing this article as authority, and a copy shall be forwarded to NAVPERSCOM. A DD 214, Certificate of Release or Discharge From Active Duty, shall be prepared and separation processing shall be completed.

the regular Navy	less than 12 months remaining on enlistment contract and more than 3 months remaining on Military Selective Service obligation	transferred to the Naval Reserve and released to inactive duty. A DD 214 shall be prepared and separation processing shall be completed.
active duty in the regular Navy or Naval Reserve	3 months or less remaining on an enlistment contract or Military Selective Service obligation	discharged. A DD 256, Honorable Discharge Certificate, and DD 214 shall be issued. The DD 214 shall be completed to indicate fulfillment of service obligation or separation within 3 months of expiration of obligated service. Separation processing shall be completed.

b. Upon acceptance of commission, a cadet or midshipman who has enlisted status shall be discharged and the discharge dated the day prior to acceptance of commission. A DD 256 and a DD 214 shall be issued. The reason for discharge shall be entered on NAVPERS 1070/613 of the service record. The service record shall be closed and forwarded to the Commanding Officer, Naval Reserve Personnel Center.

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5. **Characterization of Separation**. The characterization of separation should be Honorable, unless an Entry Level Separation (ELS) or General (Under Honorable Conditions) is warranted per MILPERSMAN 1910-300 to 1910-308.

MILPERSMAN 1910-200

GUIDELINES ON SEPARATION AND SUSPENSION OF SEPARATION

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Scope**. This guidance applies to all enlisted administrative separations. Further guidance is provided under the specific reason for processing in MILPERSMAN 1910-100.

2. **In This Section**. This section covers the following:

Topic	See MILPERSMAN
Counseling and Rehabilitation	1910-202
Format of NAVPERS 1070/613, Administrative Remarks, for Counseling/Warning	1910-204
Temporary Duty (TEMDU) Transfer for Separation Processing	1910-206
Administrative Separation (ADSEP) Processing for Members Beyond EAOS	1910-208
Processing for All Reasons	1910-210
Factors Considered in Retention or Separation	1910-212
Adverse Matter from a Prior Enlistment	1910-214
Members Awaiting Medical Board Action	1910-216
Members Assigned to Limited Duty	1910-218
Limitations on Separation Actions	1910-220
Suspension of Separation	1910-222
Action During the Period of Suspension	1910-224
Conditional Waivers	1910-226
Uniforms and Pay Upon Separation	1910-228
Discharge in Absentia	1910-230
Pre-Separation Treatment for Drug/Alcohol Dependent Personnel	1910-232
Mandatory Separation Processing	1910-233

MILPERSMAN 1910-202

COUNSELING AND REHABILITATION

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **Why and When Required**

a. There is substantial investment in the training of personnel in the Navy. All reasonable efforts at rehabilitation should be made prior to initiating any separation proceedings.

b. Counseling is intended to give a member the opportunity to improve by identifying specific, undesirable behavior, which the member must alter or cease.

c. A formal NAVPERS 1070/613, Administrative Remarks counseling and warning (MILPERSMAN 1910-204) identifies deficiencies in performance or behavior, provides recommended corrective action, indicates who is available to help with guidance, provides a timeframe for completing corrective action and provides alternatives should the individual not complete the necessary corrective actions. The purpose is to provide an opportunity to overcome deficiencies. A NAVPERS 1070/613 is valid throughout a member's current enlistment, and does not preclude Administrative Separation (ADSEP) processing for any of the mandatory reasons listed in MILPERSMAN 1910-210. A member must be given a NAVPERS 1070/613 and a reasonable period to comply with the counseling. The member must have violated the counseling before processing is initiated for the following reasons:

(1) Convenience of the Government (COG) - parenthood;

(2) COG - personality disorder;

(3) COG - physical or mental conditions;

(4) Entry level performance and conduct;

(5) Weight control failure;

(6) Unsatisfactory performance;

(7) Misconduct - a pattern of misconduct; or

(8) Misconduct - minor disciplinary infractions.

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2. **Violating Counseling**. A NAVPERS 1070/613 may be considered violated based on further misconduct or deficiencies in performance or behavior, and does not require disciplinary or civil court action, though the violation must be substantiated.

MILPERSMAN 1910-204

FORMAT OF NAVPERS 1070/613, ADMINISTRATIVE REMARKS, FOR COUNSELING/WARNING

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

Governing Directive	Uniform Code of Military Justice (UCMJ)

1. **Preparation**. MILPERSMAN 1070-320 provides general information on the preparation of NAVPERS 1070/613 and disposition. Use this format when preparing NAVPERS 1070/613. To document administrative counseling:

(DATE) **ADMINISTRATIVE COUNSELING/WARNING**

1. You are being retained in the naval service, however, the following deficiencies in your performance and/or conduct are identified: _____

2. The following are recommendations for corrective action: _____

3. Assistance is available through: _____

4. Any further deficiencies in your performance and/or conduct will terminate the reasonable period of time for rehabilitation that this counseling/warning entry provides and may result in disciplinary action and processing for administrative separation. All deficiencies or misconduct during your current enlistment, occurring before and after the date of this action will be considered. Subsequent violation of the UCMJ, conduct resulting in civilian conviction, or deficient conduct or performance of duty could result in an administrative separation Under Other Than Honorable Conditions.

5. This counseling/warning is made to afford you an opportunity to undertake the recommend corrective action. Any failure to adhere to the guidelines cited above will make you eligible for administrative separation.

6. This counseling/warning entry is based upon known deficiencies or misconduct. If any misconduct, unknown to the Navy, is discovered after this counseling/warning is executed, this counseling/warning is null and void.

U. R. COUNSELED
By Direction

(**DATE**): I hereby acknowledge the above NAVPERS 1070/613 entry and desire to (make a statement/not make a statement).

MEMBER'S SIGNATURE

Witnessed: (person who actually counseled member)

NOTE: If the member refuses to sign, a notation shall be indicated and signed by an officer.

MILPERSMAN 1910-206

TEMPORARY DUTY (TEMDU) TRANSFER FOR SEPARATION PROCESSING

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Policy**

a. Commanding officers may only process for separation those personnel who are permanently assigned to their command; therefore, when circumstances warrant, commands may transfer a member of their command TEMDU (not temporary additional duty) to be processed and/or separated at another command. Prior to transfer, the member must meet minimum criteria for processing, and transferring command must have full concurrence of the receiving command and immediate superior in command.

b. The transferring command shall ensure the separation physical is complete and forward a copy of the administrative separation package and all supporting documentation to the processing command. In cases where the separation physical cannot be completed due to operational commitments, advise the gaining command. The transferring command should provide the gaining command the member’s scheduled date/time of arrival.

c. When a member is in civilian confinement or required by civilian authorities to remain in a geographical area pending trial, the command may request authority from the area coordinator (see OPNAVINST 5400.24D) where the member is located to designate an activity to investigate, track, and process for administrative separation. Upon designation from the area coordinator, the command shall transfer the member TEMDU to that command.

MILPERSMAN 1910-208

ADMINISTRATIVE SEPARATION (ADSEP) PROCESSING FOR MEMBERS BEYOND EAOS

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Policy**

a. Members may not be involuntarily extended beyond expiration of active obligated service (EAOS) for the sole purpose of administrative separation processing. (This includes members who are held beyond EAOS for Special Court Martial/General Court Martial and do not receive punitive discharges.) However, voluntary extensions may be requested from Navy Personnel Command (NAVPERSCOM) (PERS-83).

b. Members who have voluntarily extended service beyond their EAOS for the specific purpose of medical treatment and are being processed for ADSEP must be advised that they may decline further medical treatment and request immediate separation without further ADSEP processing.

c. A member who has been processed for ADSEP due to misconduct and is subsequently determined to be not medically qualified for separation, shall not be retained on active duty for medical treatment without the written consent of NAVPERSCOM (PERS-83) (MILPERSMAN 1910-218).

MILPERSMAN 1910-210

PROCESSING FOR ALL REASONS

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

Governing Directive	Uniform Code of Military Justice, Subchapter 10, Section 934, Article 134; Section 912a, Article 112a; and Section 883, Article 83

1. **Policy**

a. The administrative separation (ADSEP) process encompasses a performance review of a service member's entire military record, especially the current enlistment. Accordingly, commands are required to process members for all reasons for which minimum criteria are met. This enables the Separation Authority to approve separation for the most appropriate reason and prevents processing a member one offense at a time.

b. Separation Authorities may, if necessary to approve the most appropriate reason for separation, direct reprocessing when commands fail to process members for all reasons.

NOTE: Dual processing is intended to describe separate events/incidents, not the same situation. For example do not use:

(1)	Homosexual conduct as evidenced by member engaging in, attempting to engage in, or soliciting another to engage in homosexual acts and misconduct due to commission of a serious offense as evidenced by UCMJ, article 134 (indecent assault).
(2)	Misconduct due to drug abuse and misconduct due to commission of a serious offense as evidenced by UCMJ, article 112a.
(3)	Defective enlistments and inductions due to fraudulent entry and misconduct due to commission of a serious offense as evidenced by UCMJ, article 83.

MILPERSMAN 1910-212

FACTORS CONSIDERED IN RETENTION OR SEPARATION

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4438 (901) 874-4438 882-2624

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1. **Factors**. The following factors should be considered on the issue of retention or separation:

   a. The seriousness of the offense.

   b. The likelihood of a recurrence.

   c. Member’s potential for further service.

   d. Member’s military record.

MILPERSMAN 1910-214

ADVERSE MATTER FROM A PRIOR ENLISTMENT

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Guidance on Adverse Matter from a Prior Enlistment**

a. Adverse matter from a prior enlistment should be used as a basis for separation if the adverse matter was unknown to competent authority at the time of reenlistment. For example, a member who committed child abuse 10 years ago may be processed for erroneous enlistment if an interim reenlistment occurred and competent authority was unaware the offense occurred. Conversely, if a member was disciplined for drug abuse in a prior enlistment, and not processed for administrative separation, he/she cannot be processed in the current enlistment for that offense.

b. Adverse matter from a prior enlistment, such as records of nonjudicial punishment and convictions by court-martial, may be considered when such records would have a direct value in determining whether separation is appropriate.

c. Adverse matter from a prior enlistment may not be considered in recommending or authorizing characterization of service.

MILPERSMAN 1910-216

MEMBERS AWAITING MEDICAL BOARD ACTION

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Policy**

a. A member who is pending medical board action for a possible disability discharge shall be separated when

(1) awarded an unsuspended punitive or administrative discharge for misconduct,

(2) separated in lieu of trial by court-martial, or

(3) being transferred to the Fleet Reserve/Retired List/Retired Reserve in lieu of administrative separation processing.

b. Punitive or administrative separations for misconduct take precedence over medical disability considerations. In such instances, completion of

(1) SF 88, Report of Medical Examination, or

(2) SF 93, Report of Medical History,

with physical defects noted, shall be completed and made a permanent part of the member's Health Record. If applicable, the member's Medical Board report shall also be filed in the member's Health Record. The member may then be separated with no further medical action or findings.

c. **Exception:** For members in immediate danger of death or where the medical condition is extremely severe, hold administrative discharge in abeyance and contact Navy Personnel Command (NAVPERSCOM) (PERS-83) and medical facility where patient is located, for further guidance. The final decision on discharge or retention will be made solely by NAVPERSCOM.

MILPERSMAN 1910-218

MEMBERS ASSIGNED TO LIMITED DUTY

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Policy**. A member assigned to limited duty will be discharged when awarded an unsuspended punitive or administrative discharge for any reason. The medical condition of the member is not a bar to separation and does not provide the member the right to suspend separation actions. In unusual cases of hardship, the commanding officer may petition Navy Personnel Command (PERS-83) to retain the service member for further medical treatment.

2. **Exception**. For members on limited duty while awaiting medical board action for disability consideration, refer to MILPERSMAN 1910-216.

MILPERSMAN 1910-220

LIMITATIONS ON SEPARATION ACTIONS

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Limitations**. A member may not be separated on the basis of:

CONDUCT that has been...	EXCEPT WHEN...
the subject of judicial proceedings resulting in an acquittal or action having the effect thereof,	• such action is based upon a judicial determination not addressing the guilt or innocence of the respondent (nolo contendere, deferred prosecution, etc.). • the judicial proceeding was conducted in a State or foreign court and the separation is approved by the Secretary of the Navy in the Best Interest of the Service (BIOTS), or • the acquittal from the judicial proceedings was based on a finding of not guilty only by reason of lack of mental responsibility. Members in this category normally shall be separated under BIOTS (see MILPERSMAN 1910-164) unless separation for Disability (see MILPERSMAN 1910-168) is appropriate.
the subject of an administrative separation proceeding resulting in a final determination by a separation authority that the member should be retained,	• there is subsequent conduct or performance forming the basis, in whole or in part, for a new proceeding, or • there is newly discovered evidence that was not reasonably available at the time of the prior proceeding.

CONDUCT that has been...	EXCEPT when...
subject to a prior administrative board in which the board found that the evidence did not sustain the allegations (finding of no misconduct or other reason),	• the conduct is the subject of a rehearing ordered on the basis of fraud or collusion by the respondent.

MILPERSMAN 1910-222

SUSPENSION OF SEPARATION

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Rules on Suspension**. Follow this guidance on suspension of separation:

a. Unless prohibited by this manual (e.g., fraudulent enlistment), a separation may be suspended for a period of not more than 12 months, if the circumstances of the case indicate a reasonable likelihood of rehabilitation. Navy Personnel Command will serve as the Separation Authority for all cases involving recommendations for suspension if separation processing is based on mandatory reason(s).

b. During the suspension, the member shall be afforded an opportunity to meet appropriate standards of conduct and performance.

c. Unless sooner vacated or remitted, execution of approved separation shall be remitted upon completion of the probationary period, upon termination of the member’s enlistment or period of obligated service, or upon decision of the separation authority that the goal of rehabilitation has been achieved.

MILPERSMAN 1910-224

ACTION DURING THE PERIOD OF SUSPENSION

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **What Can Happen During Suspension**? If there is misconduct, or further deficiencies in performance or behavior during the period of suspension, one or more of the following actions may be taken:

a. disciplinary action (nonjudicial punishment or court-marital),

b. new administrative separation processing action, or

c. vacation of the suspended discharge and execution of the separation.

2. **Vacating Suspension**. Prior to vacation of a suspension, the member shall be notified in writing of the basis for the action, be afforded the opportunity to consult with counsel and given the opportunity to submit a statement in writing to the separation authority. The respondent shall be provided a reasonable period of time, but not less than 2 working days, to act on the notice. If the respondent identifies specific legal issues for consideration by the separation authority, the matter shall be reviewed by a judge advocate or civilian lawyer employed by Navy prior to final action by the separation authority.

MILPERSMAN 1910-226

CONDITIONAL WAIVERS

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

Governing Directive	Uniform Code of Military Justice (UCMJ), Subchapter 10, Sections 894, 899, 900-902, 904, 906, 913, and 918

1. **What Is a Conditional Waiver**? A request initiated by a respondent waiving the right to an administrative board, contingent upon receiving a General (Under Honorable Conditions) characterization of service, vice an Under Other Than Honorable (OTH).

2. **Restrictions**. Conditional waivers cannot be used in connection with any of the mandatory reasons for processing listed in MILPERSMAN 1910-233, nor may conditional waivers be used when processing for misconduct due to commission of a serious offense based on any of the following violations of the UCMJ:

UCMJ Article	Title
94	Mutiny and sedition
99	Misbehavior before enemy
100	Subordination compelling surrender
101	Improper use of countersign
102	Forcing safeguard
104	Aiding the enemy
106	Spying
106a	Espionage
113	Misbehavior of sentinel or lookout (in time of war only)
118	Murder

3. **Sample Request**. The following is a sample of a Conditional Waiver request: (Use proper letter format.)

(Date)

From: Service member
To: Convening Authority

Subj: CONDITIONAL WAIVER REQUEST

Ref: (a) Commanding Officer, (letter identifying notification of administrative separation processing)
(b) MILPERSMAN 1910-226

1. I understand that I am being considered for administrative separation from Naval Service by reason of _____, as stated in reference (a), and that such discharge could result in an Under Other Than Honorable characterization of service.

2. In lieu of electing an administrative board for which I am entitled, per reference (b), I request a General (Under Honorable Conditions) Discharge from naval service for the reason(s) stated above, and if granted, I will waive my right to any administrative board action.

3. I have been given a reasonable opportunity to consult with counsel and (have/have not) consulted with legal counsel prior to making this decision. I understand that this characterization of service as General (Under Honorable Conditions), with the basis for my administrative separation, may deprive me of certain veteran’s benefits based upon my current period of active service, and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of separation and service rendered in any branch of the Armed Forces, or the character of discharge received, may have a bearing.

4. I enter into this conditional waiver free of duress or other promises of any kind.

5. I understand that if this request is disapproved, administrative separation processing will continue, and I will have the right to elect an administrative board.

6. (I have no other statements to make./My personal statement is enclosed.)

SIGNATURE OF MEMBER

4. **Commanding Officer's (CO's) Action**. The CO has two options when the member requests a conditional waiver. These options are:

a. Favorably endorse the conditional waiver request and forward to General Court-Martial Convening Authority, or higher, who then serves as separation authority (SA). The SA may approve and direct the discharge of the member for the reason processed with a General characterization of service, or disapprove the conditional waiver request and direct the command to continue administrative separation (ADSEP) processing.

b. Return the request with an appropriate endorsement indicating why the conditional waiver will not be approved and continue with ADSEP processing.

NOTE: A copy of the conditional waiver request, whether favorably endorsed or not, shall be forwarded to the SA, and to Navy Personnel Command, with the complete ADSEP package for filing.

MILPERSMAN 1910-228

UNIFORMS AND PAY UPON SEPARATION

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

Governing Directives	DOD 7000.14-R, DOD Financial Management Regulation, Volume 7A, Chapter 35 10 U.S.C. 771a

1. **Pay**. Refer to DOD 7000.14-R, volume 7A, chapter 35 for entitlement to discharge gratuity.

2. **Uniforms**

a. Per 10 U.S.C. 771a, enlisted members who are discharged for reasons other than misconduct, or who are not discharged with a Dishonorable, Bad Conduct, or OTH discharge, are entitled to retain their uniforms per the following:

(1) Members may wear their uniform only from place of discharge to home.

(2) Only one complete uniform appropriate to the season may be retained by a member who has served less than 6 months active duty after last authorization to an initial clothing allowance (except when discharged to accept a direct commission).

b. Enlisted members who are separated for misconduct, or who are discharged for any reason with a Dishonorable, Bad Conduct, or OTH characterization or description of service, shall surrender all their outer garments and distinctive parts of their uniforms. The following rules apply:

(1) When the items of clothing retained by the member are insufficient to provide the member with one outfit of civilian clothing suitable for the season to wear home, a suit of civilian clothing and an overcoat when necessary, both to cost not more than $30, may be issued. These items of clothing

will be issued regardless of the state of member’s military pay account or amount of personal funds in the member’s possession.

(2) Spare clothing, luggage, umbrellas, etc., will not be issued.

(3) Members transferred to another activity for actual discharge shall take all their uniforms with them. Those items not retainable by the member will be collected by the separation activity.

(4) Clothing will not be issued to a member discharged from appellate leave.

MILPERSMAN 1910-230

DISCHARGE IN ABSENTIA

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Policy**. Discharge in absentia may be effected by the separation authority (SA) (MILPERSMAN 1910-700) provided the member has been properly given notice of the administrative separation action. At a minimum this means

a. member acknowledged receipt and signed the notification letter advising them of the reason for processing;

b. the letter of notification clearly indicated the least favorable characterization of service;

c. the letter of notification clearly indicated the individual's right to an administrative board (or General Court-Martial Convening Authority review), and to make a statement; and

d. an Under Other Than Honorable (OTH) discharge is authorized. To be awarded a discharge in "absentia" the member must be in an Unauthorized Absence (UA) status or in jail. To award a General (Under Honorable Conditions) or Honorable discharge while in a UA status is inappropriate. Processing for a General or Honorable discharge should be held in abeyance for members who go UA prior to separation. Upon a member's return from UA of less than 30 days, the SA may use discretion to either effect the previously authorized General/Honorable discharge or reprocess for an OTH; however, UA in excess of 30 days is a serious offense and reprocessing for an OTH is appropriate.

2. **Restriction**. Personnel incarcerated by foreign civilian or military authorities outside of the jurisdiction of the United States, will not be discharged in absentia.

NOTE: This does not preclude processing the member for separation to be effected upon return to U.S. jurisdiction.

MILPERSMAN 1910-232

PRE-SEPARATION TREATMENT FOR DRUG/ALCOHOL DEPENDENT PERSONNEL

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Policy**

a. Members separated for any reason who have demonstrated an ongoing, excessive involvement with drugs and/or alcohol must be medically screened for a drug or alcohol problem. If found dependent on drugs or alcohol by competent medical authority, appropriate treatment must be offered prior to separation. A medical screening will be required, even if the member has been previously diagnosed as dependent, to evaluate member's history of previous screening and treatment, elapsed time since prior treatment, and the member's amenability to treatment, in order to determine the intensity and extent of treatment to be offered.

b. Members previously screened for alcohol problems and diagnosed as not dependent or abusive need only be reevaluated if they have demonstrated an ongoing, excessive involvement with drugs and/or alcohol, or they have incurred a drug and/or alcohol incident within the last 6 months. Use the following guidelines and procedures:

(1) Make a NAVPERS 1070/613, Administrative Remarks entry advising member of the right to accept rehabilitation treatment, and have member sign, annotating whether they desire rehabilitation treatment;

(2) Treatment will be completed at an authorized Department of Defense Military Treatment Facility (MTF). VA treatment is not authorized;

(3) If separation is authorized prior to a dependent member's End Active Obligated Service (EAOS) and treatment is elected, then voluntary extension of member's EAOS for treatment is authorized;

(4) Transfer member for Temporary Duty (TEMDU) to a MTF within 3 days of the scheduled start date. The MTF and/or servicing PERSUPP DET will effect discharge either upon completion of, or disenrollment from treatment;

(5) The member's separation physical must be completed prior to transfer; and

(6) Copy of all separation documents and separation authority letters must be enclosed in member's field service records upon transfer.

2. **Exception to This Policy**. Treatment will not be authorized if member

a. has previously received treatment, and is currently in a prescribed aftercare status; or

b. is incarcerated in a civilian facility; or

c. is discharged in absentia.

MILPERSMAN 1910-233

MANDATORY SEPARATION PROCESSING

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4437 (901) 874-4437 882-2624

1. **Rationale**. Certain bases for administrative separation are so detrimental to good order and discipline, mission readiness, and appropriate standards of performance and conduct that processing for administrative separation is mandatory using administrative board procedures in accordance with MILPERSMAN 1910-404. Commanding officers must process for separation individuals who have committed the following based on reliable evidence:

		MILPERSMAN
a.	Deviant Sexual Behavior	1910-142 and 1910-144
b.	Sexual Harassment	1910-142
c.	Misconduct - civil or military offenses that could result in death or serious bodily injury	1910-142 and 1910-144
d.	Misconduct - civil conviction for offenses that could result in death or serious bodily injury	1910-144
e.	Misconduct - drug abuse	1910-146
f.	Illicit use of inhalants and excessive use of prescription and/or over-the-counter drugs	1910-142
g.	Homosexual Conduct	1910-148
h.	Supremacist/Extremist Conduct	1910-160
i.	Alcohol Rehabilitation Failure, unless waiver is obtained from Navy Personnel Command (NAVPERSCOM) (PERS-832)	1910-152

2. **Policy**. Navy Personnel Command retains authority to direct separation processing. In cases where an administrative board makes findings of no misconduct or recommends retention or suspended separation, forward case to NAVPERSCOM (PERS-832) for final action.

NOTE: A NAVPERS 1070/613, Administrative Remarks, Counseling and Warning issued after an incident which requires mandatory processing is considered to be invalid and will not preclude administrative separation processing.

MILPERSMAN 1910-300

GUIDELINES ON CHARACTERIZATION OF SERVICE

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Characterization**. The following types of separation are authorized:

a. Honorable (HON).

b. General (Under Honorable Conditions) (GEN).

c. Under Other Than Honorable (OTH).

d. Entry Level Separation (ELS).

e. Order of release from the custody and control of the naval service by reason of void enlistment or induction.

2. **This Section Covers**. This section covers the following:

Topic	See MILPERSMAN
General Considerations on Characterization of Service	1910-302
Description of Characterization of Service	1910-304
Limitations on Characterization of Service	1910-306
Entry Level and Uncharacterized Separations	1910-308

MILPERSMAN 1910-302

GENERAL CONSIDERATIONS ON CHARACTERIZATION OF SERVICE

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Policy**. Characterization of service upon separation shall be based on the following:

a. the quality of the member's service, including the reason for separation, subject to the limitations set forth under the specific reason for separation. The quality of service shall be determined according to standards of acceptable personal conduct and performance of duty.

b. the reason for separation, the specific circumstances that form the basis for the separation, as well as the military record, shall be considered on the issue of characterization. Generally, characterization will be based upon the member's total performance of duty and conduct during the current enlistment; however, there are circumstances where the conduct or performance of duty reflected by a single incident may form the basis of characterization. A single adverse incident such as discreditable involvement with civil and/or military authorities that is prejudicial to good order and discipline may be used to characterize a Sailor's overall service. The incident does not have to result in punishment (nonjudicial punishment, court-martial, civil conviction).

c. due consideration shall be given to the member's length of service, grade, aptitude, physical and mental condition.

MILPERSMAN 1910-304

DESCRIPTION OF CHARACTERIZATION OF SERVICE

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **Types of Characterization**. Use this table along with MILPERSMAN 1910-302 to determine a member's characterization of service upon separation, except for entry-level separation and uncharacterized separations (see MILPERSMAN 1910-308).

NOTE: For determining characterization of service for members separating at expiration of active obligated service refer to MILPERSMAN 1910-104.

ASSIGN	WHEN
Honorable (HON)	the quality of the member's service generally met the standard of acceptable conduct and performance for naval personnel, or is otherwise so meritorious that any other characterization of service would be clearly inappropriate.
General (Under Honorable Conditions) (GEN)	the quality of the member's service has been honest and faithful; however, significant negative aspects of the member's conduct or performance of duty outweighed positive aspects of the member's service record. In the absence of a specific finding from an administrative board, a characterization of service as General may be awarded based on a review of a Sailor's overall service record.

Under Other Than Honorable (OTH)	Conduct involving one or more acts of omissions that constitute a significant departure from the conduct expected of members of naval service. Examples of factors that may be considered include the use of force or violence to produce serious bodily injury or death, abuse of special position of trust, disregard by a superior of customary superior-subordinate relationships, acts or omissions that endanger the security of the United States or the health and welfare of other Servicemembers of the military service, those punishable by punitive discharges, extended unauthorized absence, drug abuse and drug distribution (trafficking). OTH can be awarded only if administrative board procedures were used, regardless of whether the board was held or member requests OTH in Lieu of Trial by Court-Martial (see MILPERSMAN 1910-106). The OTH must be approved by a General Court-Martial Convening Authority, Navy Personnel Command (NAVPERSCOM), or Secretary of the Navy (see MILPERSMAN 1910-704).

MILPERSMAN 1910-306

LIMITATIONS ON CHARACTERIZATION OF SERVICE

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

Governing Directive	OPNAVINST 5350.4C

1. **Limitations**. Characterization will be determined solely on the member's service record during the current enlistment or period of service to which the separation pertains, plus extensions prescribed by law, regulations, or effected with the consent of the member. The following may not be used when characterizing service:

a. Records of activities from prior enlistments or periods of service, including court-martial convictions, unauthorized absences, and other offenses.

b. Voluntary submission to a DOD treatment and rehabilitation program and voluntary disclosed evidence of prior personal drug use by the member as part of a course of treatment in such a program except as provided in OPNAVINST 5350.4C.

c. Preservice activities, except when separation proceedings concern Defective Enlistments and Inductions - Fraudulent Entry (MILPERSMAN 1910-134).

d. Conduct in the civilian community of a member of the Naval Reserve who is not on active duty or active duty for training, except when the conduct

(1) directly affects the performance of the member's military duties (i.e., member is incarcerated and prohibited from attending drills or being mobilized).

(2) has an adverse impact on the overall effectiveness of the Naval Service, including good order, discipline, morale and unit efficiency.

MILPERSMAN 1910-308

ENTRY-LEVEL AND UNCHARACTERIZED SEPARATIONS

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Entry-Level Separation (ELS)**

a. A separation initiated while a member is in entry-level status (i.e., within first 180 days of continuous active duty, computation starts upon enlistment and terminates on the date notification of separation proceedings are initiated) will be described as **ELS** except when characterization of service as

(1) **Under Other Than Honorable** is authorized under reasons for separation and is warranted by circumstances of the case.

(2) **Honorable** is clearly warranted by presence of unusual circumstances involving personal conduct and performance, and is approved on a case-by-case basis by Secretary of the Navy. An Honorable will be considered only for the following reasons:

Reason	MILPERSMAN
Selected changes in service obligation	1910-102
Convenience of the Government	1910-100
Disability	1910-168
Best Interest of the Service	1910-164

b. When a member of Naval Reserve is separated from the Delayed Entry Program with an ELS, such separation is “Under Honorable Conditions.”

2. **Void Enlistments and Inductions**. Use this table to determine when an enlistment is void and when a constructive enlistment arises.

AN/A...	WHEN...
enlistment or induction is void	• it was effected without the voluntary consent of a person enlisting in Navy, including enlistment of a person who was intoxicated or insane at time of enlistment, or when one was coerced into enlisting by being presented with the option of either enlisting or being subjected to a sentence of confinement by a court; or • the person is under 17 years of age; or • the person is a deserter from another military service.
constructive enlistment arises	• member submitted voluntarily to military authority; • member performed military duties; • member received military pay or allowances; and • member met the mental competency and minimum age qualifications at the time of voluntary submission to military authority.

3. **Characterization of Separation**. Use the below table to determine characterization of service or description of separation.

IF the enlistment...	THEN...
is void and a constructive enlistment has not resulted,	member shall be separated by an order of release from custody and control of naval service.
is void at its inception and is followed by a constructive enlistment within the same term of service,	characterization of service per MILPERSMAN 1910-302 and 1910-304 is appropriate.
was void by reason of desertion from another service,	member shall be separated by an order of release from custody and control of naval service, regardless of any subsequent constructive enlistment.

NOTE: If the separation is described as "**an order of release from custody and control of the naval service,**" member shall not receive

a. a discharge certificate,

b. characterization of service at separation, or

c. an ELS.

MILPERSMAN 1910-400

ADMINISTRATIVE SEPARATION (ADSEP) PROCESSING NOTIFICATION

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Two Types of Administrative Separation**. A member may be processed for administrative separation by either Notification or Administrative Board Procedures. The primary difference between these two procedures is as follows:

a. **Notification Procedure** - The member is notified that the least favorable characterization of service possible is General; and that he or she has a right to elect an administrative board only if he or she has 6 or more years of total service and/or reserve military service. MILPERSMAN 1910-402 provides notification letter and statement of awareness formats for Notification Procedure.

b. **Administrative Board Procedure** - The member is notified that the least favorable characterization of service possible is Under Other Than Honorable; and that he or she has the right to elect an administrative board regardless of the number of years of active and/or reserve military service. MILPERSMAN 1910-404 provides notification letter and statement of awareness formats for Administrative Board Procedure.

NOTE: Processing commands, separation authorities, and separation activities are urged to pursue adherence at every level to the established Navy administrative separation processing goals in MILPERSMAN 1910-010.

2. **In This Section**. This section covers the following:

Topic	See MILPERSMAN
Notice of Notification Procedure	1910-402
Notice of Administrative Board Procedure	1910-404
Consultation with Counsel Prior to Electing Rights	1910-406
Response Time to Notice	1910-408
When a Member is Processed for Multiple Reasons	1910-410
How to Prepare a Sworn Affidavit of Service by Mail	1910-412
Actions of the Commanding Officer	1910-414

MILPERSMAN 1910-402

NOTIFICATION PROCEDURE

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **Notice**. The processing command will retain a signed copy pending receipt of member's response. When member responds, command will maintain original for administrative separation package. Member will be given a completed, signed copy. If additional space is required, list reasons, etc., on a separate page and attach.

2. **Form**. NAVPERS 1910/32 (Rev. 09-01), Administrative Separation Processing Notification Procedure is the only authorized form to be used for making notification. The form may be accessed by clicking on the link above, then completed on screen and printed.

MILPERSMAN 1910-404

NOTICE OF ADMINISTRATIVE BOARD PROCEDURE

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN	882-4439
			COM	(901) 874-4439
			FAX	882-2624

1. **Notice**. The processing command will retain a signed copy pending receipt of member's response. When the member responds, the command will maintain the original for the administrative separation package. The member will be given a completed, signed copy. If additional space is required, list reasons, etc., on a separate page and attach.

2. **Form**. NAVPERS 1910/31 (09-01), Administrative Separation Processing Notice - Administrative Board Procedure is the only authorized form to be used for making notification. The form may be accessed by clicking on the link above, then completed on screen and printed.

MILPERSMAN 1910-406

CONSULTATION WITH COUNSEL PRIOR TO ELECTING RIGHTS

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Qualified Counsel**. Use the following table to determine a member's right to consult with counsel:

The member...	Except WHEN...	THEN...
has the right to consult with qualified counsel prior to electing any rights,	he or she is away from or deployed outside the United States or away from an overseas home port, or deployed to a shore activity remote from Judge Advocate resources,	nonlawyer counsel shall be appointed. Any appointed nonlawyer counsel shall be a commissioned officer with no prior involvement in the circumstances leading to the basis of the proposed separation, and no involvement in the separation process itself. The nonlawyer counsel should seek advice from any judge advocate on legal issues relevant to the case whenever necessary.
	no qualified counsel is assigned or reasonably available in the activity's geographical area (normally within 50 miles),	
	the commanding officer (CO) does not anticipate having access to qualified counsel from another vessel, unit, or activity, for at least the next 10 calendar days,	
	the CO determines that the needs of the naval service require processing before qualified counsel will be available,	
may consult with civilian counsel at the member's own expense, **NOTE**: The member's use of civilian counsel does not eliminate the requirement of the CO to furnish qualified counsel or nonlawyer counsel as appropriate.	consultation with civilian counsel will delay orderly processing,	

MILPERSMAN 1910-408

RESPONSE TIME TO NOTICE

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **Response Timetable**. Use this table to determine a member's response time to a notice of processing.

IF the member is...	THEN the member has a minimum of...	AND a maximum...
on active duty and not in civilian confinement,	2 working days to respond to the notice,	number of working days to respond as determined by the commanding officer.
in civilian confinement,	30 days from the date the notice is delivered personally or received by mail at the confinement address,	
an inactive duty reservist,	30 days from the date the notice is delivered personally or received by mail at the designated mailing address (suggest return receipt),	

RULE: Failure to respond to the notice constitutes a waiver of rights and an appropriate notation will be made on the command copy of the member's notice. If applicable, the individual who mailed the notice shall prepare a sworn affidavit of service by mail per MILPERSMAN 1910-412.

MILPERSMAN 1910-410

WHEN A MEMBER IS PROCESSED FOR MULTIPLE REASONS

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **Guidance**. When members are processed for separation for multiple reasons, the following guidelines apply:

a. The requirements for each reason will be applied to the fullest extent practicable;

b. if a reason for separation set forth in the notice of proposed action requires processing under the Administrative Board Procedure, the entire matter shall be processed under the Administrative Board Procedure;

c. if more than one reason for separation is approved by an administrative board, the guidance on characterization that provides for the least favorable discharge should be applied;

d. if administrative board was waived or notification procedures were used, the guidance on characterization that provides for the least favorable discharge should be applied; and

e. if a conflict in procedures cannot be resolved on the basis of the foregoing principles, the procedure most favorable to the respondent shall be used.

NOTE: Separation for misconduct should normally take precedence over all other reasons for separation unless the misconduct is minor in nature and/or far removed in time.

MILPERSMAN 1910-412

HOW TO PREPARE A SWORN AFFIDAVIT OF SERVICE BY MAIL

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **When Member Does Not Respond**. If members do not respond to their notice of separation processing by the allotted time, the person who mailed the notice shall prepare the below affidavit and forward it to the Separation Authority along with the PS 3800 (Receipt for Certified Mail), and PS 3811 (Domestic Return Receipt).

SWORN AFFIDAVIT OF SERVICE BY MAIL	
STATE	**COUNTY**

I, _____, have been duly sworn,

declare that on the _____ day of _____, 19____, I mailed the original notice, a true copy of which is attached hereto, by Certified Mail (return receipt requested) (or by an equivalent form of Notice if such service by U.S. Mail is not available outside of the United States) to:

_____

_____

_____

_____

in a securely wrapped and sealed official postal envelope with a PS 3811 (Domestic Return Receipt) attached. A PS 3800 (Receipt for Certified Mail) attesting to such action is attached to this affidavit.

SIGNATURE OF INDIVIDUAL MAILING NOTICE	**SWORN BEFORE ME THIS _____DAY OF _____ 19 _____.**
RANK AND JOB TITLE	**RANK/RATE AND JOB TITLE**

MILPERSMAN 1910-414

ACTIONS OF THE COMMANDING OFFICER

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **Commanding Officer's Action**. The commanding officer will use this table to determine disposition of administrative separation case.

IF the member	**AND the commanding officer**	**THEN**
elects an administrative board	does not have Special Court-Martial Convening Authority (SPCMCA)	forward the case to an officer having SPCMCA to convene an administrative board. Member may need to be transferred TEMDU to the SPCMCA.
	has SPCMCA	go to MILPERSMAN 1910-500 to convene an administrative board.
waives or is not entitled to an administrative board	has SPCMCA	go to MILPERSMAN 1910-700 to determine Separation Authority.
requests a conditional waiver	has SPCMCA	forward the case to an officer having General Court-Martial Convening Authority (GCMCA) (or higher) (see MILPERSMAN 1910-700).
elects GCMCA review	has SPCMCA	forward case to officer having GCMCA for review. GCMCA, after review, returns case to processing activity directing applicable actions.
elects GCMCA review	has GCMCA	forward case to another officer having GCMCA or Navy Personnel Command for review.

MILPERSMAN 1910-500

GUIDELINES ON CONDUCTING AN ADMINISTRATIVE BOARD

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **In This Section**. This section covers the following:

Topic	**See MPM**
Administrative Board Composition	1910-502
Right to Counsel	1910-504
Senior Member of the Board	1910-506
Witnesses at Administrative Board	1910-508
Presentation of Evidence	1910-510
Rights of the Respondent	1910-512
What is Binding on Administrative Boards?	1910-514
Record of Proceedings	1910-516
Findings and Recommendations	1910-518

MILPERSMAN 1910-502

ADMINISTRATIVE BOARD COMPOSITION

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4438 (901) 874-4438 882-2624

Governing Directive	SECNAVINST 1910.4B OPNAVINST 1752.2A

1. **Composition**

a. Convening authority shall ensure women and minorities are given equal opportunity to serve on administrative boards. Mere appointment or failure to appoint a member of such a group to board, however, is not a basis to challenge proceeding.

b. Per SECNAVINST 1910.4B, use this guidance to compose an administrative board:

APPOINT to board…	**AND if…**	**THEN…**
at least three experienced commissioned, warrant, or noncommissioned officers to serve as voting members, • Senior member must be in Navy and grade O-4 or higher. • Majority of board members must be commissioned and/or warrant officers. • Enlisted personnel appointed to board shall be in grade E-7 or above and be senior to respondent.	member is a reservist,	at least one member must be a Reserve officer and all members must be commissioned officers.
a non-voting recorder,	board is for child and/or spouse abuse cases,	recorder should be judge advocate per OPNAVINST 1752.2A.
a non-voting legal advisor to assist board (if desired).		

c. Respondent’s commanding officer and executive officer may not act as recorder or sit as members.

2. **Appointment Letter**. Use this format when appointing an administrative board. Send this letter to all three members.

From: Convening Authority
To: (senior member (or member) of board - rank, name, component)

Subj: APPOINTMENT OF AN ADMINISTRATIVE BOARD FOR (RATE, NAME, COMPONENT, SSN) WHO IS BEING PROCESSED FOR ADMINISTRATIVE SEPARATION BY REASON(S) OF _____

Ref: (a) MILPERSMAN 1910-502
(b) MILPERSMAN 1910-516

1. Per reference (a), you are assigned as senior member (or member) of an administrative board to be convened at (time, date, location) or as soon as practicable thereafter. Other individuals assigned to board are

_____ Member
_____ Member
_____ Recorder
_____ Counsel for Respondent
_____ Legal Advisor

2. General procedural instructions are contained in reference (b). You and other board members should become familiar with reference (b) prior to convening of board.

3. You are admonished not to discuss pending case with anyone and not to review any documents, including service record of respondent, prior to convening of board.

_____
(Signature of convening authority;
commanding officer,
acting commanding officer, or
By direction)

Copy to:
Respondent/Counsel
Board members
Recorder
Legal advisor

MILPERSMAN 1910-504

RIGHT TO COUNSEL

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **Counsel for the Respondent**

a. The convening authority shall assign a qualified counsel, or may appoint qualified counsel of the member's own choice. If reasonably available, the member's choice of qualified counsel is assigned duties as defense counsel at the servicing command.

b. Unless otherwise directed, appointment of a qualified counsel of member's own choice relieves the previously assigned counsel. If the member so requests in writing and if the interest of fair procedure so requires, the convening authority may continue the previously assigned counsel in representing the member. Approval is within the sole discretion of the convening authority and that decision is final.

c. The convening authority may appoint nonlawyer counsel to represent the member at an Administrative Board if the member expressly declines appointment of qualified counsel and requests a specific nonlawyer counsel, or the convening authority assigns nonlawyer counsel as assistant counsel.

d. The convening authority shall allow the member to be represented by civilian counsel, all at the member's expense if such representation does not delay orderly processing.

NOTE: The member's use of civilian counsel does not eliminate the requirement to furnish qualified counsel or nonlawyer counsel as appropriate. Appointed military counsel is not relieved until expressly stated by respondent in writing.

MILPERSMAN 1910-506

SENIOR MEMBER OF BOARD

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **Responsibilities**

a. Senior member shall

(1) be a U.S. Navy (Active or Reserve) officer in paygrade O-4 or above,

(2) preside over proceedings of board, and

(3) rule on all matters of procedure (to include granting of continuances) and evidence.

b. Rulings of senior member may be overruled by a majority of board.

NOTE: Convening authority or assigned legal advisor will rule on all challenges for cause.

MILPERSMAN 1910-508

WITNESSES AT ADMINISTRATIVE BOARD

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **Requesting Witnesses**

a. Respondents or their counsel may request the attendance of witnesses on their behalf at the hearing. Requests shall be submitted to the convening authority via the senior member of the Board.

b. If witnesses require temporary additional duty (TEMADD) or invitational travel orders, requests shall contain

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

(2) an explanation of the relevance of such testimony; and

(3) an explanation as to why written or recorded testimony would not be sufficient to provide for a fair determination.

2. **Witness Availability**. Follow this table if respondent submits a request for witnesses.

IF	THEN the hearing
the senior member of the Board determines that the personal testimony of the witness is not required	shall be postponed to provide the respondent with a reasonable opportunity to obtain a written statement from the witness.
the commanding officer of a military witness determines that military necessity precludes the witness' attendance at the hearing	
a civilian witness declines to attend the hearing. (This provision does not authorize a Federal employee to decline to appear as a witness if directed to do so in accordance with applicable procedures of the employing agency.)	
the convening authority determines that the personal testimony of a witness is required	will be postponed, if necessary for a reasonable time, to permit the attendance of the witness.

3. **Funding for Production of Witnesses**. The convening authority may authorize funding for production of witnesses only if the senior member of the Board (after consultation with a judge advocate) or the legal advisor (if appointed) determines

a. the testimony of a witness is not cumulative;

b. the personal appearance of the witness is essential to a fair determination on the issues;

c. written or recorded testimony will not accomplish adequately the same objective;

d. the need for live testimony is substantial, material, and necessary for a proper disposition of the case; and

e. the significance of the personal appearance of the witness, when balanced against the practical difficulties in producing the witness, favors production of the witness. Factors to be considered in relation to the balancing test include, but are not limited to

(1) the cost of producing the witnesses;

(2) the timing of the request for production of the witness;

(3) the potential delay that may be caused by producing the witness; or

(4) the likelihood of significant interference with military operations.

MILPERSMAN 1910-510

PRESENTATION OF EVIDENCE

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **Evidence**

a. The rules of evidence for court-martial and other judicial proceedings do not apply in an administrative board hearing.

b. Reasonable restrictions shall be observed, however, concerning authenticity, relevancy, and competency of evidence presented.

MILPERSMAN 1910-512

RIGHTS OF THE RESPONDENT

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4439 (901) 874-4439 882-2624

Governing Directive	Uniform Code of Military Justice (UCMJ)

1. **Rights of the Respondent**

a. In addition to the respondent's right to testify on his or her own behalf, subject to the right against self-incrimination under UCMJ, Article 31(b), the respondent or respondent's counsel may

(1) challenge a voting member of the Board or the legal advisor, if any, for cause only;

(2) at any time during the proceedings, submit written or recorded matter for consideration by the Board;

(3) call witnesses on behalf of the respondent;

(4) question any witness who appears before the Board; and

(5) present argument prior to the closing of the hearing for deliberation on findings and recommendations.

b. Inactive duty naval reservists in Records Review (non-drilling) status may be issued permissive (no-cost) orders to attend the administrative board hearing.

MILPERSMAN 1910-514

WHAT IS BINDING ON ADMINISTRATIVE BOARDS

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **Policy**

a. When processing includes

(1) any court-martial conviction; or

(2) a civilian conviction, or finding tantamount to a finding of guilty by a civil court system;

the board may not render its own findings because these matters have already been judicially determined to have occurred.

b. Unless there are additional reasons for separation, the board will proceed directly to the separation/retention recommendation phase of the hearing.

c. The only exception is civil convictions from foreign nations which are not binding on administrative boards.

MILPERSMAN 1910-516

RECORD OF PROCEEDINGS FOR ADMINISTRATIVE SEPARATION BOARDS

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4439 (901) 874-4439 882-2624

Governing Directives	Uniform Code of Military Justice (UCMJ) Manual for Courts-Martial (MCM) JAGINST 5800.7C

1. **Preparation of the Records**

a. The record of proceedings shall be kept in summarized form unless the convening authority or the separation authority directs that a verbatim record be kept.

EXCEPTION: When the case involves child sexual abuse or homosexual conduct, a verbatim record shall be kept. Navy Personnel Command (NAVPERSCOM) (PERS-832) will grant exceptions to this policy on a case-by-case basis. The failure to keep a verbatim record is not a basis to challenge the proceeding.

b. The following abbreviations will be used throughout the record of proceedings. A recording device should be used in order that an accurate summary may be prepared.

Abbreviations	Titles
SM	Senior Member
MEM	Member of Board
REC	Recorder
RESP	Respondent
CR	Counsel for the Respondent
WIT	Witness
LA	Legal Advisor

2. **The Script**. Follow this script when conducting and preparing the record of proceedings.

SCRIPT:

From: (Senior Member of the Board)
To: (Convening Authority)

Subj: RECORD OF PROCEEDINGS OF AN ADMINISTRATIVE BOARD IN CASE OF (respondent)

Ref: (a) MILPERSMAN 1910-500

Encl: (1) Appointment of an Administrative Board
(2) Respondent's Notice of Notification/Administrative Board Procedure
(3) Other Government Exhibits
(4) Respondent's Exhibits (if any)
(5) Any supporting documents presented to the Board
(6) Privacy Act Statement (if applicable)
(7) Board Findings/Recommendations Sheet or Homosexual Conduct Board Findings/Recommendations Sheet (as appropriate)

1. Per reference (a), the following record of proceedings of an administrative board in case of (respondent) is submitted:

SM: The board will come to order. The recorder shall record the time, date, and place of hearing.

NOTE: The recorder should record the time and date of the opening and closing of each session of the board and the presence (or absence) of all parties (board members, recorder, respondent, and counsel for the respondent).

SM: The board is convened by an order of the convening authority, _____, dated _____, a copy of which has been furnished to each member of the board, the recorder, the respondent and counsel for the respondent.

The following persons named in the appointing order are present:

Members	
	Senior Board Member
	Member
	Member
	Recorder
	Legal Advisor (if applicable)
	Respondent
	Reporter (if applicable)

The following person(s) named in the appointing order (is) (are) absent, having been excused by the convening authority:
_____

NOTE: If a reporter has been made available for the purpose of making a verbatim record of testimony, the reporter's presence is also noted. The reporter need not be sworn.

SM: Will counsel for the respondent state his or her legal qualifications?

CR: Counsel for the respondent is (not) a lawyer within the meaning of Article 27(b), UCMJ. (If a civilian, include mailing address and phone number.)

SM: Will the recorder state his or her legal qualifications?

REC: The recorder is (not) a lawyer within the meaning of Article 27(b), UCMJ.

SM: This board has been convened for the purpose of considering the pertinent facts relating to the case of (**rate, name, component, SSN**), who is being processed for administrative separation by reason(s) (state reason(s) from respondent's notice). The board will make findings of fact for each reason and will make a recommendation with respect to final action of retention, separation or suspension and to characterization of service or description of separation. If discharge is recommended, the reason(s) will be stated along with the type and characterization of discharge recommended.

(**RESP'S NAME**), I shall now review with you your rights in connection with this hearing. If you have any questions about any of these rights, do not hesitate to ask me, or if you wish, you may discuss your questions with your counsel.

NOTE: Respondents may waive reading of their rights and procedures.

a. You may appear in person before this board, with or without counsel. In your absence, you may be represented by counsel at all open proceedings of the board. You may have a military counsel of your own choice, provided proper authority determines the counsel requested is reasonably available. You may use civilian counsel at no expense to the government.

b. You may challenge any voting member of the board for cause; that is, by showing that the member cannot render a fair and impartial decision. You or your counsel may question any voting member to determine whether a basis for challenging exists. The convening authority (or assigned legal advisor) will rule on the challenge. If any member is successfully challenged, this board proceeding will be suspended pending appointment of qualified substitute.

c. You may submit an oral or written statement in your own behalf; you may testify in your own behalf; or you may remain silent. If you choose to testify under oath, you may be cross-examined on your testimony. In the alternative, you may make an unsworn statement, personally or through counsel. You may not be cross-examined on such an unsworn statement unless you choose to answer questions about it; however, the recorder may introduce evidence to rebut anything contained in such a statement. If you decide not to testify under oath, or if you decide not to make any statement at all, that fact will not be considered against you in any way.

d. You may request the attendance of witnesses at the hearing. The request shall be in writing, dated, signed by you or your counsel, and submitted to the convening authority via the senior member of the board once the need for the witness is known to you or your counsel. Failure to submit a request for witnesses in a timely fashion shall not automatically result in denial of the request, but it may be considered along with other factors in deciding whether or not to provide the witness. Further, the testimony of a witness may be excluded if the legal advisor or, in the absence of a legal advisor, the senior member

of the board, determines that its value to determine the truth of the allegations against you is substantially outweighed by considerations or undue delay, waste of time, or needless presentation of cumulative evidence.

(1) If production of a witness requires funding by the convening authority, the written request shall contain the following:

(a) a synopsis of the testimony that the witness is expected to give,

(b) an explanation of the relevance of the testimony, and

(c) an explanation as to why written or recorded testimony would not be sufficient.

(2) The convening authority may authorize funding for production of witnesses only if the senior member of the board (after consultation with the legal advisor, or another judge advocate if reasonably available) determines that

(a) the testimony of a witness is not cumulative;

(b) the personal appearance of the witness is essential to a fair determination on the issues;

(c) written or recorded testimony will not adequately accomplish the same objective; and

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

(3) If the convening authority determines that the personal testimony of a witness is required, the hearing shall be postponed, if necessary, to permit the attendance of the witness. Military witnesses required shall be issued TEMADD orders and civilian witnesses shall be issued invitational

travel orders. Guidance for funding the travel of required witnesses may be found in sections 0145 and 0146 of JAGINST 5800.7C.

(4) The hearing shall be postponed to provide you a reasonable opportunity to obtain a written statement from the witness if the witness requested by you is unavailable when

(a) the senior member of the board or legal advisor determines that the personal testimony of the witness is not required;

(b) the commanding officer of a military witness determines that military necessity precludes the witness' attendance at the hearing; or

(c) a civilian witness declines to attend the hearing.

e. You may, at any time before or during the proceedings, submit any answers, depositions, sworn or unsworn statements, affidavits, certificates, or stipulations. This includes, but is not limited to, depositions of witnesses not deemed to be reasonably available or witnesses unwilling to appear voluntarily.

f. The provisions of Article 31, UCMJ, apply to all proceedings of the board. You may submit to examination by the board if you desire. If you choose not to submit to examination by the board, the fact will not be considered against you in any way.

g. You and your counsel may question any witness who appears before the board.

h. Your failure to invoke any of these rights cannot be considered as a bar to the board proceedings, findings, or recommendations.

Now, (**respondent**), there are some procedural rules in connection with this board which I shall explain to you.

First, these proceedings are administrative in nature and the board is not bound by formal rules of evidence. Thus, the board may consider information which might not be admissible at a court-martial. Also, you should be aware that the board's

decision will be based upon a preponderance of the evidence presented.

Second, if you or your counsel have any objection to any matters introduced or to any proceedings of the board, you or your counsel may state your objection and the reasons for it. I shall rule finally on all matters of procedure and evidence; however, a majority of the board may overturn any ruling that I make.

(**Respondent**), do you have any questions concerning your rights or procedures before this board?

RESP: (No, Sir/Ma'am.) (_____).

SM: Does the recorder, counsel for the respondent, or respondent wish to question any member of this board in relation to any matter which may constitute a ground for challenge for cause?

REC: (The recorder has no questions.) (_____).

RESP or CR: (The respondent has no questions.) (_____).

SM: Does either side have a challenge for cause against any voting member of this board?

REC: (The recorder does not.) (_____).

RESP or CR: (The respondent does not.) (_____).

NOTE: Grounds for challenge must show that the member cannot render a fair and impartial decision. The convening authority, upon being informed of the circumstances of the challenge and the recommendation of the other members, may appoint a substitute for the challenged member. At this point in the proceedings the senior member should ensure that all persons scheduled to testify as witnesses are excluded from the proceedings except when actually testifying before the board.

SM: Does either the recorder or respondent desire to make an opening statement?

REC: _____

RESP or CR: _____ (may be made now or before respondent's case).

SM: Is the recorder ready to present the government's case in this matter?

REC: The recorder is ready to proceed. The recorder presents the following documents for the board's consideration in this case.

GOVERNMENT'S CASE

Exhibit 1: Appointment of an Administrative Board

Exhibit 2: Respondent's Notice

Exhibit 3: Copy of the most recent NAVPERS 1070/613, Administrative Remarks counseling/warning from respondent's service record (if such exists).

Exhibit 4: Note: Recorders must present, at a minimum, the information which caused the convening authority to convene the board.

SM: Does respondent have any objections to the board's consideration of any of these exhibits?

RESP or CR: (We have no objections.) (We object to Exhibit __ because _____).

SM: (Your objection and my ruling will be noted for the record. Do either of the other members wish to challenge my ruling or discuss it further? (If either member indicates an interest in discussing the ruling, the board will close for deliberations on the issue. All three board members will deliberate out of hearing of other participants. At the conclusion of the deliberations, the board will re-open, and state for the record the ruling.)) Exhibits 1 through ___ are accepted and will be made a part of the record.

REC: The recorder intends to call the following witnesses:

REC: The first witness is (**full name, grade, and duty station**).

REC: Do you swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth?

WIT: I do.

REC: Would you state your name, rank, unit, and armed force? (If civilian, state name and mailing address.)

WIT: _____

REC: Do you know the respondent in this case?

WIT: _____

NOTE: The recorder, counsel for the respondent, and the board members will now be afforded a full opportunity to question the witness.

SM: You may be excused.

REC: (After all witnesses have testified.) I have nothing further to present.

SM: (Respondent), you have already indicated an understanding of your rights at these proceedings. Are you and your counsel ready to proceed?

RESP: Yes, Sir/Ma'am.

RESPONDENT'S CASE

CR: Yes, Sir/Ma'am (if he or she has not already done so, counsel for the respondent may now make an opening statement).

NOTE: At this point in the proceedings, counsel for the respondent may present documentary or real evidence, stipulations, affidavits, etc., and may call witnesses to testify. The recorder may object to any documentary evidence. If an objection is registered, the senior member should rule and review with the other members, as was done during the recorder's case above. This is also the time for respondent to testify, either by way of sworn or unsworn testimony, or to make any other statement, either personally or through counsel. If counsel for the respondent calls witnesses to testify, the recorder should administer the required oaths.

Counsel for the respondent should have the opportunity to conduct direct examination. Thereafter, the recorder and board members may question the witness. Should the respondent elect to provide information to the board, the board may wish to solicit personal information from the respondent. Before the respondent provides personal information in response to such a request, the respondent must be given a Privacy Act Statement. It is recommended that, if the Privacy Act Statement is provided to the respondent in writing, a copy signed by the respondent be included in the record. The Privacy Act Statement should be signed before the board convenes, if possible.

CR: We have nothing further to present.

NOTE: Rebuttal and surrebuttal witnesses may be called, or recalled, at this point. The recorder and counsel for the respondent will then be given an opportunity to make an argument.

REC: The recorder (has a) (waives) closing argument.

CR: Counsel for the respondent (has a) (waives) closing argument.

REC: The recorder (has a) (waives) rebuttal argument.

SM: Has the recorder anything further to offer?

REC: I (do) (do not).

SM: This board will close for deliberations.

NOTE: When the board deliberates, only the voting members will be present. Prior to deliberations, the board members should review the appropriate board findings worksheet. Upon completion of the deliberations, but before the findings are announced, the board must complete the appropriate findings worksheet.

SM: This board will come to order. This administrative board has concluded its deliberations and has completed the board findings sheet with all signatures affixed. (Read boards findings/recommendations for the record.)

_____
_____
_____
_____

SM: The board is adjourned (time and date).

(Signature of senior member)

BOARD FINDINGS/RECOMMENDATIONS SHEET

Findings:

By a vote of		The preponderance of evidence		Reason number
		Supports	Does Not Support	
				(1)
				(2)
				(3)
				(4)

Specific evidence considered relating to acts, omissions, or circumstances alleged in the Letter of Notification includes:

_____
_____
_____
_____

Recommendations (Separation or retention):

By a vote of		Supports reason number	For (retention, separation, or suspended separation for ( ) months)

Recommendation (only one (1) characterization if recommending separation):

By a vote of		The board recommends (ELS/HON/GEN/OTH)

Recommendation (regarding transfer to Individual Ready Reserve (IRR) (MILPERSMAN 1910-518 refers):

By a vote of		The board recommends/does not recommend transfer to the IRR

Transfer to Fleet Reserve (if applicable):

By a vote of		The board recommends transfer to Fleet Reserve/Retired Reserve/Retired List (as applicable) in:	
		Current Pay Grade	Reduced Pay Grade (Specify Pay Grade)

We certify that records of activities from prior enlistments, including courts-martial convictions, unauthorized absences, and commission of other offenses, were not considered on the issue of characterization.

Signatures:

Senior Member of Board	Member	Member

Dissenting member comments and signature:

_____

_____

_____

_____

I do/do not intend to submit a Letter of Deficiency

_____
(Signature, Counsel for Respondent)

A letter of deficiency must be received by the convening authority no later than the end of the fifth working day (or more if approved by the convening authority in writing) from the end of the board, or 10 days prior to member's expiration of active obligated service (EAOS), whichever is sooner. If no letter of deficiency is received by the time designated, such will be deemed a waiver, and the record will be forwarded without it. Convening authorities are not required to allow the counsel for the respondent (or member) to review the record of proceedings, summarized testimony of witnesses, or exhibits before sending the case to the separation authority. Counsel for the respondent will receive a copy of the record of proceedings when it is forwarded.

NOTE: ALL BOARD MEMBERS AND COUNSEL FOR THE RESPONDENT **MUST SIGN** THIS FORM PRIOR TO THE CONCLUSION OF THE BOARD.

HOMOSEXUAL CONDUCT
BOARD FINDINGS/RECOMMENDATIONS SHEET

Findings:

By a vote of		The preponderance of evidence		Reason number
		Supports	Does Not Support	
				(1)
				(2)
				(3)
				(4)

Specific evidence considered relating to acts, omissions, or circumstances alleged in the Letter of Notification includes:

_____
_____
_____
_____

Affirmative Defense: The respondent has raised an affirmative defense for which you must make specific findings as to each of the following:

	By a vote of		Yes	No
Is this behavior the member's usual and customary behavior?				
Under all of the circumstances, are the behaviors likely to recur?				
Were the acts accomplished by use of force, coercion, or intimidation?				
Is the member’s continued presence in the naval service inconsistent with the interest of the naval service in proper discipline, good order, and morale?				
Does the member have a propensity or intent to engage in homosexual acts?				

If you answer Yes to any of the above questions, then the respondent has not proven the affirmative defense. You **MUST** recommend separation, and you should proceed to the section on characterization.

Recommendations (separation or retention):

By a vote of		Supports reason number	For (retention, separation, or suspended separation for ( ) months)

Recommendation (only one (1) characterization if recommending separation):

By a vote of		The board recommends (ELS/HON/GEN/OTH)

Recommendation (regarding transfer to IRR (MILPERSMAN 1910-518 refers):

By a vote of		The board recommends/does not recommend transfer to the IRR

Transfer to Fleet Reserve (if applicable):

By a vote of		The board recommends transfer to Fleet Reserve/Retired Reserve/Retired List (as applicable) in:	
		Current Pay Grade	Reduced Pay Grade (Specify Pay Grade)

We certify that records of activities from prior enlistments, including courts-martial convictions, unauthorized absences, and commission of other offenses, were not considered on the issue of characterization.

Signatures:

_____	_____	_____
Senior Member of Board	**Member**	**Member**

Dissenting member comments and signature:

_____

_____

_____

_____

I do/do not intend to submit a Letter of Deficiency

_____
(Signature, Counsel for Respondent)

A letter of deficiency must be received by the convening authority no later than the end of the fifth working day (or more if approved by the convening authority in writing) from the end of the board, or 10 days prior to member's expiration of active obligated service (EAOS), whichever is sooner. If no letter of deficiency is received by the time designated, such will be deemed a waiver, and the record will be forwarded without it. Convening authorities are not required to allow the counsel for the respondent (or member) to review the record of proceedings, summarized testimony of witnesses, or exhibits before sending the case to the separation authority. Counsel for the respondent will receive a copy of the record of proceedings when it is forwarded.

NOTE: ALL BOARD MEMBERS AND COUNSEL FOR THE RESPONDENT **MUST SIGN** THIS FORM PRIOR TO THE CONCLUSION OF THE BOARD.

MILPERSMAN 1910-518

FINDINGS AND RECOMMENDATIONS

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **Board Guidelines**. The board shall determine its findings and recommendations in closed sessions with only voting members present.

Step	Action
1	Determine whether each reason in the notification letter is supported by a preponderance of evidence. **IF** / **THEN** a reason is supported by a preponderance of evidence — GO to STEP 2. a reason is not supported — STOP. No further action required for non-mandatory reason(s). Mandatory processing reason cases must be forwarded to Navy Personnel Command (NAVPERSCOM). **NOTE:** When processing includes a court-martial conviction or a civilian conviction (or civil action tantamount to a civil conviction), the board may not render its own findings, because these matters have already been judicially determined to have occurred. The only exception is civil convictions from a foreign court, which are not binding on administrative boards.

<table>
<tr><td>2</td><td>Determine whether the findings warrant separation.
<table>
<tr><th>IF</th><th>THEN</th></tr>
<tr><td>the findings warrant separation</td><td>recommend separation and GO TO STEP 3.</td></tr>
<tr><td>the findings do not warrant separation</td><td>recommend retention. No further action required for non-mandatory reason(s). Mandatory processing reason cases must be forwarded to NAVPERSCOM.</td></tr>
</table></td></tr>
<tr><td>3</td><td>Recommend characterization of service or description of separation using the guidelines of MILPERSMAN 1910-300 and the reason for separation.</td></tr>
<tr><td>4</td><td>Recommend under the guidelines of MILPERSMAN 1910-010 whether the member should be retained in the Individual Ready Reserve (IRR) as a mobilization asset to fulfill the respondent’s total military obligation.

NOTE: This option applies to cases involving separation from active duty or from the Selected Reserve. Personnel separated by reason of

drug abuse,
homosexual conduct, or
defective enlistment or induction,

will not be transferred to the IRR. Personnel who receive an OTH characterization or are discharged with a medical condition that would make the member unavailable to meet mobilization requirements will not be transferred to the IRR.</td></tr>
<tr><td>5</td><td>If member has 20 years Total Active Federal Military Service (TAFMS), recommend whether member should be transferred to Fleet Reserve/Retired List in current or reduced pay grade.</td></tr>
</table>

MILPERSMAN 1910-600

FORWARDING CASES TO THE SEPARATION AUTHORITY (SA)

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4439 (901) 874-4439 882-2624

Governing Directive	SECNAVINST 5212.5D

1. **Methods**. Processing activities may forward most cases to the SA by letter of transmittal or message. The following cases must be submitted by letter only:

a. Cases where an Administrative Board was held,

b. Cases involving USNR-R members, and

c. Cases where SECNAV is SA.

NOTE: Processing commands, separation authorities, and separation activities are urged to pursue adherence at every level to the established Navy administrative separation goals in MILPERSMAN 1910-010.

2. **Enclosures**. The following supporting documents should be enclosures to the letter unless already part of the record of proceedings:

a. Member’s Notice of Notification Procedure or Notice of Administrative Board Procedure (as appropriate),

b. Member’s written statement (if submitted),

c. Other pertinent documentation: (examples below)

d. Applicable NAVPERS 1070/613, Administrative Remarks (if required under the reason for processing);

e. Drug laboratory message;

f. NAVPERS 1070/606, Record of Unauthorized Absence;

g. NAVPERS 1070/607, Court Memorandum;

h. Copies of any other relevant NAVPERS 1070/613s;

i. Copy of medical officer’s evaluation;

j. Copy of member’s DD 1966, Record of Military Processing-Armed Forces of the United States (for fraudulent enlistment);

k. For members processed for unsatisfactory participation in the Ready Reserve, copy of the drill muster record, NAVRES 1570/2, Satisfactory Participation Requirements/Record of Unexcused Absences; notices to report for physical examinations; and letters trying to locate the Reservist.

l. Record of proceedings of an Administrative Board (if applicable),

m. Appointing letter for board, and

n. Sworn affidavit of service by mail (if applicable).

NOTE: Commands are required to retain a complete file copy of all administrative separation cases for 2 years, per SECNAVINST 5212.5D.

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3. **Letter of Transmittal Format**. Use this format when submitting an administrative separation case to the SA via letter, or when forwarding the case to Navy Personnel Command (NAVPERSCOM) in cases where member was locally discharged.

From: Command
To: Separation Authority (or NAVPERSCOM)

Subj: (RATE/NAME/USN (R)(TAR)/SSN); RECOMMENDATION FOR ADMINISTRATIVE SEPARATION

Ref: (a) MILPERSMAN 1910-600

Encl: (1) As required

1. Per reference (a), the following information is submitted:

a. Reason for processing.

b. Basic record data. Active duty start date; date of current enlistment; EAOS/EOS; race/ethnicity; marital status and dependents; months on board; date and amount of most recent enlistment/reenlistment bonus; deployment status: deployed/pending deployment (number of months)/not deployed; is member pending orders (YES/NO/NA); age; total service (active, inactive); participated in Montgomery GI Bill (YES/NO/NA); specialized training (i.e., nuclear power).

c. Involvement with civil authorities. (If none, annotate NA.)

d. Summary of military and civilian offenses.

e. Findings of the Administrative Board.

f. Recommendations of Administrative Board.

g. Type of discharge recommended by Administrative Board.

h. Psychiatric or medical evaluation as required.

i. Most recent NAVPERS 1070/613 warning (critical if required under reason for processing).

j. Comments of the commanding officer. (Ensure a clear picture of what/when/why is provided.)

k. If member was separated locally under authority granted by MILPERSMAN 1910-700, provide date, reason, characterization, and SPD code (ensure a copy of DD 214 is attached as an enclosure).

l. Point of contact/location of command/telephone (DSN/COMM)/ E-Mail:

/s/ CO or ACTING CO
(**not By direction**)

Copy to:
DON CAF, WDC (29A)
(ISIC, TRANSITPERSU, PERSUPP DET where applicable)

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4. **Message Format**. Use this format when submitting an administrative separation case to the SA via message. Message format cannot be used if admin board was held, SECNAV is SA, or cases involving USNR-R personnel.

FM: (COMMAND)
TO: SEPARATION AUTHORITY (OR NAVPERSCOM)
INFO: DON CAF WASHINGTON DC//29A//
(ISIC, TRANSITPERSU, PERSUPP DET WHERE APPLICABLE)
BT
UNCLAS //N01910//

SUBJ/(RATE, NAME, USN(R), (R-TAR), SSN): RECOMMENDATION FOR ADMIN SEPARATION

MSGID/GENADMIN/_____//

REF/A/DOC/NAVPERSCOM/ //

AMPN/REF A IS MILPERSMAN 1910 ARTICLES WHICH PROVIDE POLICY AND GUIDANCE CONCERNING ADSEPS//

POC/NAME/RANK/PRIMARY PHONE NO/-/POC LOCATION/SECONDARY PHONE NO/-//

RMKS/1. IAW REF A, FOLLOWING REQUEST FOR ADMIN DISCH SUBMITTED. CO HAS REVIEWED REF A AND CERTIFIES THAT THIS MESSAGE SUBMISSION

SUPPORTS THE MOST APPLICABLE REASON(S) FOR PROCESSING. AN ADMIN BOARD HAS NOT BEEN CONVENED IN THIS CASE.

2. REASON FOR SEPARATION PROCESSING. (LIST VERBATIM FROM MBR'S NOTICE.)

3. BASIC RECORD DATA. ACTIVE DUTY START DATE; DATE OF CURRENT ENLISTMENT; EAOS/EOS; RACE/ETHNICITY; MARITAL STATUS AND DEPENDENTS; MONTHS ON BOARD; DATE AND AMOUNT OF MOST RECENT ENLISTMENT/REENLISTMENT BONUS; DEPLOYMENT STATUS: DEPLOYED/PENDING DEPLOYMENT (NUMBER OF MONTHS)/NOT DEPLOYED; IS MEMBER PENDING ORDERS (YES/NO/NA); AGE; TOTAL SERVICE (ACTIVE, INACTIVE); PARTICIPATED IN MONTGOMERY GI BILL (YES/NO/NA); SPECIALIZED TRAINING (I.E., NUCLEAR POWER).

4. INVOLVEMENT WITH CIVIL AUTHORITIES: (IF NONE, ANNOTATE N/A.)

A. CIRCUMSTANCES OF OFFENSE(S). (INCLUDE FACTS AND CIRCUMSTANCES SURROUNDING OFFENSE(S) IN SUFFICIENT DETAIL TO INDICATE NATURE AND SERIOUSNESS OF OFFENSE(S).)

B. ACTION BY CIVIL AUTHORITIES. (CHARGE(S) ON WHICH ARRAIGNED; FINAL OUTCOME (I.E., PLEAD GUILTY, TRIED AND CONVICTED, OR ACQUITTED), AND SENTENCE OF COURT OR PENDING TRIAL.)

C. CIVIL CONVICTION APPEAL INFO. (MBR DOES/DOES NOT INTEND TO FILE AN APPEAL. IF MBR INTENDS TO FILE, ADVISE IF MBR REQUESTS SEPARATION PRIOR TO FINAL ACTION ON APPEAL.)

5. SUMMARY OF MILITARY OFFENSE(S): (LIST IN CHRONOLOGICAL ORDER BY SUBPARAGRAPH DATE OF NJP/CM; TYPE (NJP/CM); OFFENSE(S); DATE OF OFFENSE(S). NOTE: IDENTIFY OFFENSE(S) TO INCLUDE ALL SPECIFICATIONS WITH NARRATIVE REASONS (E.G., DATE/LENGTH OF UA, SLEEPING ON WATCH, ETC.). ICO COURT-MARTIAL, INDICATE DATE OF CONVENING AUTHORITY (CA) FINAL ACTION, APPROVED FINDINGS, AND SENTENCE.)

6. RECOMMENDATION REGARDING RETENTION/REENLISTMENT.

7. PROCEDURE USED. (NOTICE OF NOTIFICATION PROCEDURE (MILPERSMAN 1910-402) OR NOTICE OF ADMINISTRATIVE BOARD PROCEDURE (MILPERSMAN 1910-404) SIGNED BY MBR ON (FILL IN DATE), LIST THE FOLLOWING SPECIFIC VERBATIM REASON(S) FOR PROCESSING. (FILL IN - DO NOT USE ABBREVIATIONS.) (THIS PARAGRAPH SHOULD MIRROR EXACTLY THE REASON AS CITED ON THE LETTER OF NOTIFICATION.))

8. DATE MBR ACKNOWLEDGED RECEIPT OF NOTICE.

9. DATE MBR RESPONDED: (IF LESS THAN 2 DAYS SINCE RECEIPT OF NOTICE, EXPLAIN WHETHER MEMBER KNEW HE/SHE HAD A MINIMUM OF TWO DAYS TO RESPOND.)

10. THAT IF SEPARATION IS APPROVED, CHARACTERIZATION OF SERVICE MAY BE (FILL-IN). MBR REQUESTED FOLLOWING RIGHTS. (LIST ALL RIGHTS ELECTED.) SNM WAIVED ALL OTHER RIGHTS.

11. MBR'S WRITTEN STATEMENT IS QUOTED VERBATIM AS FOLLOWS. (IF NONE, SO STATE.)

12. MEDICAL EVALUATION AS FOLLOWS. (BRIEFLY LIST PERTINENT FINDINGS, DIAGNOSIS, RECOMMENDATION(S), AND ADVISE IF MEMBER CONSIDERED A DANGER TO SELF OR OTHERS.) MEDICAL OFFICER/CLINICAL PSYCHOLOGIST SIGNED EVALUATION ON (DATE). (ANNOTATE IF MEMBER SCREENED FOR DRUG/ALCOHOL ABUSE, AND RECOMMENDATIONS OF EVALUATION AS APPLICABLE.)

13. MOST RECENT NAVPERS 1070/613 ISSUED TO MBR. (MANDATORY IF REQUIRED UNDER REASON FOR PROCESSING. ALSO STATE HOW THE COUNSELING/WARNING ENTRY WAS VIOLATED. IF NO NAVPERS 1070/613 BEEN ISSUED TO MBR - SO STATE.)

14. COMMENTS AND RECOMMENDATION OF CO: (ICO ALCOHOL OR DRUG ABUSE REHAB FAILURE, PROVIDE DATES OF TREATMENT OR DATE MBR SIGNED NAVPERS 1070/613 REFUSING TREATMENT. IF SEPARATION IS RECOMMENDED, CO SHALL MAKE SPECIFIC RECOMMENDATION AS TO CHARACTERIZATION OF SERVICE OR DESCRIPTION OF SEPARATION, AND TRF TO THE IRR (IF APPROPRIATE).)

15. STATE LOCATION OF SNM IF TRANSFERRED TEMADD/TEMDU SUBSEQUENT TO COMPLETION OF CASE PROCESSING. (INCLUDE AS INFO ADDEE.)

16. LOCATION/HOMEPORT OF COMMAND: (DEPLOYED OR (FILL IN)). UIC: (FILL IN.)

17. POC E-MAIL: (FILL IN.)

18. CO SENDS. (MSG MUST BE RELEASED BY CO OR ACTING CO.)// BT

NOTE: Forward a complete copy of the Administrative Separation package and SA action, with a copy of member's DD 214, Certificate of Release or Discharge from Active Duty, to the appropriate NAVPERSCOM code for review and filing in member's permanent personnel record for historical purposes.

MILPERSMAN 1910-700

SEPARATION AUTHORITY

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4438 (901) 874-4438 882-2624

1. **In This Section**. This section covers:

Topic	SEE MILPERSMAN
General Separation Authority Guidance	1910-702
Determining Separation Authority	1910-704
Separation Authority Action When Notification Procedures or Administrative Board is Waived	1910-708
Procedures When an Administrative Separation Board was Held	1910-710
GCMCA Letter and Message Formats for Directing Administrative Separation	1910-712

MILPERSMAN 1910-702

GENERAL GUIDANCE FOR SEPARATION AUTHORITIES (SA)

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4439 (901) 874-4439 882-2624

Governing Directive	**SECNAVINST 5820.4G**

1. **Separation Authority**

a. The separation authority is the individual who makes the final retention or separation decision. Depending on the reason for processing and the circumstances of the case, the separation authority will be:

(1) Commanding Officer (Special Court-Martial Convening Authority (SPCMCA)),

(2) General Court-Martial Convening Authority (GCMCA),

(3) NAVPERSCOM (PERS-832 or PERS-913 as appropriate), or

(4) Secretary of the Navy (SECNAV) (via NAVPERSCOM (PERS-832 or PERS-913) as appropriate).

b. Any separation authority can refer a case to NAVPERSCOM for action. This can be useful if unique circumstances are present.

2. **Deliberating Final Action**. In deliberating final action, SAs should understand:

a. They may not approve findings and characterization recommendations less favorable to the respondent than those rendered by an Administrative Board.

b. If SAs find legal prejudice to a substantiated right of the respondent or that the Board's findings were obtained by fraud or collusion, the case may be referred to a new Board made up of all new members. The new Board may not make findings/recommendations less favorable than the member's previous Board unless the SA finds that fraud or collusion in the previous Board is attributable to the respondent or to individuals acting on the respondent's behalf (witness, counsel, etc.).

c. Members confined in foreign jails may be processed for separation, but may not be discharged or separated from the service until the completion of imprisonment and return to the United States. In unusual cases, (i.e., life sentence without possibility of parole) separations may be authorized by SECNAV. SECNAVINST 5820.4G refers.

d. They will ensure maximum recoupment of bonuses and debts to the government prior to separation, where appropriate.

e. In every case in which characterization of service Under Other Than Honorable Conditions is recommended, the record of the Board's proceedings will be reviewed by a judge advocate or civilian attorney employed by the Navy prior to action by the SA. Such review is not required when another characterization (Honorable, General, or Entry Level) is recommended unless the respondent identifies specific legal issues for consideration by the SA.

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3. **When Conflicting Recommendation Exists**

a. If an administrative board finds the member committed the reason for processing and recommends retention, but the convening authority or GCMCA recommends separation, forward the case with written rationale to NAVPERSCOM for possible forwarding to SECNAV for final action.

b. If the board finds the member committed the reason for processing, but votes to retain, and the SA concurs, direct the convening authority to issue a NAVPERS 1070/613 counseling/warning per MILPERSMAN 1910-202, outlining the deficiency, (i.e., the board's findings and recommendations).

c. If the board finds the member did not commit the reason for processing, and votes to retain, and the SA finds no errors in the board, the SA should advise the convening authority in writing that: “No further action on the case is considered appropriate because member’s administrative board of (date) found member did not commit misconduct due to commission of a serious offense as evidenced by (NJP, NCIS report, etc.).”

d. Members may not be involuntarily held past their EAOS for the purpose of administrative discharge processing. Therefore, all review actions must be done, discharge authorized, and the member separated as of 2359 the day of EAOS. If this can’t be done, separate the member at EAOS with discharge as characterized by the service record review (see MILPERSMAN 1910-104). The commanding officer may assign an RE-4 reenlistment code (not recommended for reenlistment) and document such action with a NAVPERS 1070/613.

MILPERSMAN 1910-704

DETERMINING SEPARATION AUTHORITY

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **Separation Authority**. Use this table to determine separation authority. (NOTE: COG refers to Convenience of the Government.) Exceptions to these rules are noted in the "rule" section that follows.

NOTE: Commands are advised that lowest separation authority should be used whenever practicable to reduce processing time and expenditure of government funds.

IF member is being separated by reason of …	THEN separation authority is …
• Selected changes in service obligation – Inactive Reserves • Selected changes in service obligations - immediate reenlistment • Selected changes in service obligations - within 90 days of expiration of active obligated service (EAOS) • Expiration of service obligation	Commanding Officer

IF member is being separated by reason of …	THEN separation authority is …
• COG - dependency or hardship • COG - pregnancy or childbirth • COG - surviving family member • COG - reservist becomes a minister • COG - other designated physical or mental conditions • COG - personality disorder • COG – parenthood (if less than 1 year obligated service and not in critical rating) • COG - review action • COG - early release to further education • Entry level performance and conduct • Unsatisfactory performance • Drug abuse rehabilitation failure • Alcohol abuse rehabilitation failure • Family Advocacy Program Rehabilitation Failure (Best Interest of the Service (BIOTS) cases to Secretary of the Navy (SECNAV)) • Defective Enlistments and Inductions - erroneous • Defective Enlistments and Inductions - minority • Defective Enlistments and Inductions - defective enlistment agreements • Defective Enlistments and Inductions - separation from delayed entry program	Special Court-Martial Convening Authority (SPCMCA) or higher

IF member is being separated by reason of …	THEN separation authority is …
• Misconduct - a pattern of misconduct • Misconduct - commission of a serious offense • Misconduct - civilian conviction • Misconduct - drug abuse • Defective Enlistments and Inductions - fraudulent entry into naval service • Unsatisfactory participation in Ready Reserve	General Court-Martial Convening Authority (GCMCA) or higher when administrative board procedure was used and • Board recommended OTH • Board recommended retention • Member waived a board • Member requested a conditional waiver if applicable SPCMCA or higher when • notification procedure was used • administrative board procedure was used and board recommended separation with Honorable, General or Entry Level Separation

IF member is being separated by reason of …	THEN separation authority is …
• Separation in lieu of trial by court-martial	GCMCA unless request is based solely on an absence without leave of more than 30 days, then SPCMCA is separation authority. Navy Personnel Command (NAVPERSCOM) (PERS-83) is separation authority if request is based on homosexual conduct referred to court-martial.
• Selected Changes in Service Obligations - general demobilization or reduction in authorized strength • Selected Changes in Service Obligations - acceptance of active duty commission or appointment • COG - Conscientious Objection • COG - Being an Alien • When member has Physical Evaluation Board (PEB) action completed or pending, and at same time being administratively processed for separation • Homosexual conduct	COMNAVPERSCOM
• Disability • BIOTS	SECNAV

2. **Rules**:

a. COMNAVPERSCOM is separation authority when a member is processed for a mandatory reason and a recommendation for retention or suspended separation is made and the separation authority above supports the recommendation.

b. CHNAVPERS or SECNAV is separation authority:

(1) When an administrative board finds that a preponderance of the evidence supports one or more of the reasons for separation and recommends retention, but the separation authority above recommends separation. (SECNAV)

(2) For involuntary separation of active duty members with 18 or more years total active military service. (CHNAVPERS)

(3) When the GCMCA recommends disapproval of a conscientious objector case. (CHNAVPERS).

(4) For involuntary separation of active duty reservists within 2 years of retired or retainer pay (10 U.S.C. 12686 refers). (SECNAV)

(5) When the sole basis for separation is a serious offense that resulted in a conviction by a special or general court-martial that did not impose a punitive discharge, and an Other Than Honorable discharge is recommended by an Admin Board (or CO when no board was held). (SECNAV)

(6) The separation authority above determines that an Honorable Discharge is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of naval duty for a member in an entry level status who is being separated by reason of Selected Changes in Service Obligations, Convenience of the Government, Disability, or Best Interest of the Service. (SECNAV)

(7) When a member is processed for misconduct - civilian conviction and final action on the appeal has not been taken, and the member does not request separation before final action on the appeal is taken. (SECNAV)

NOTE: Review individual reason processing articles to determine correct NAVPERSCOM code where administrative separation should be mailed.

MILPERSMAN 1910-708

SEPARATION AUTHORITY ACTION WHEN USING NOTIFICATION PROCEDURES OR ADMINISTRATIVE BOARD IS WAIVED

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4439 (901) 874-4439 882-2624

Governing Directives	SECNAVINST 5212.5D BUPERSINST 1900.8

1. **Notification Procedures or Administrative Board Waived**. When member waives right to an administrative board, or when using notification procedures, command should

a. process for all reasons for separation per MILPERSMAN 1910-210.

b. assign characterization (see MILPERMAN 1910-300) for primary reason for separation. Characterization should normally be commensurate with least favorable reason for processing. Normally, misconduct takes precedence over other reasons for separation.

c. determine, under guidelines of MILPERSMAN 1910-010, whether member should be retained in Individual Ready Reserve (IRR) to fulfill his/her total military obligation. This applies in cases involving separation from active duty or from Selected Reserve.

d. if member (with less than 6 years of service) requests, forward case to General Court-Martial Convening Authority (GCMCA) for review. GCMCA then becomes separation authority.

e. forward all cases where administrative board procedures were used, and administrative board was waived, to GCMCA or higher for action. Navy Personnel Command (NAVPERSCOM) will serve as separation authority for all cases involving

recommendations for retention or suspended separation if separation processing is based on mandatory reason(s).

f. execute discharge, forward administrative separation (ADSEP) package and GCMCA action (if applicable), with a copy of DD 214, Certificate of Release or Discharge from Active Duty, to NAVPERSCOM, as appropriate. Ensure correct Separation Program Designator (SPD) code per BUPERSINST 1900.8 and correct reason for discharge is documented on DD 214.

NOTE: Commands are required to retain a complete file copy of all ADSEP cases for 2 years per SECNAVINST 5212.5D.

MILPERSMAN 1910-710

PROCEDURES WHEN AN ADMINISTRATIVE SEPARATION BOARD WAS HELD

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4436 (901) 874-4436 882-2624

1. **Procedure**. Separation authority (SA) shall take following action upon receipt of an administrative separation (ADSEP) case where an administrative board (admin board) was held:

IF admin board ...	**THEN SA ...**	**BUT modify admin board's recommendation by**
a. finds a preponderance of evidence supports one or more of the reasons for separation and recommends **separation**,	may approve board's findings and recommendations.	
	may approve board's findings,	suspending execution of separation (non-mandatory processing reasons only) per MILPERSMAN 1910-222,
		suspending execution of separation pending member's agreement to transfer to Fleet Reserve/Retired List within 60 days in current or next inferior paygrade, **NOTE: Applies to Fleet Reserve/Retired List, Retired Reserve eligible members only.**
		changing recommended characterization of service or description to a more favorable characterization or description,
		changing board's recommendation concerning transfer to Individual Ready Reserve (IRR), or
		disapproving board's recommendation and forwarding case to Commander, Navy Personnel Command (COMNAVPERSCOM) to retain member.

IF admin board…	**THEN SA…**	**BUT modify admin board's recommendation by…**
b. finds a preponderance of evidence supports one or more of the reasons for separation and recommends **suspended separation,**	may approve board's findings and recommendations only for cases involving non-mandatory reasons for processing. **NOTE: Only Chief of Naval Personnel (CHNAVPERS) can approve suspended separation in mandatory processing cases.**	
	may approve board's findings,	disapproving suspension of separation.
c. finds a preponderance of evidence supports one or more of the reasons for separation and recommends **retention,**	may approve board's findings and recommendations only for cases involving non-mandatory reasons for processing. **Mandatory processing cases must be forwarded to CHNAVPERS.**	
	may approve board's findings,	submitting case to Secretary of the Navy (SECNAV), via COMNAVPERSCOM, recommending separation for one of the specific reasons supported by a preponderance of evidence.

IF admin board…	**THEN SA…**	**BUT modify admin board's recommendation by…**
d. finds a preponderance of evidence does **not** support one or more of the reasons for separation alleged and recommends **retention,** **NOTE: Board is required to find misconduct when processing includes any court-martial conviction, or a civilian conviction, or finding tantamount to a finding of guilty by a civil court-system.**	must approve board's findings and recommendations unless the overwhelming weight of evidence of record was not recognized by admin board, in which case convening authority may reprocess case under Best Interest of the Service for submission to SECNAV for final action. **NOTE: If SA finds findings of board were obtained by fraud or collusion on part of respondent, case may be referred to a new board.**	

2. **What Next**. Based on procedures above, SA shall take following steps.

<table>
<tr><th>Step</th><th>Action</th></tr>
<tr><td>1</td><td>Choose most appropriate reason for separation.</td></tr>
<tr><td>2</td><td>Forward action taken to processing activity for appropriate action.</td></tr>
<tr><td>3</td><td>Processing activity will take following actions:
<table>
<tr><th>IF…</th><th>THEN…</th><th>AND…</th></tr>
<tr><td>separation is directed,</td><td>forward case and SA action to personnel office/PERSUPP DET to effect discharge,</td><td>forward a complete copy of ADSEP package and SA action, with a copy of member’s DD 214, Certificate of Release or Discharge from Active Duty, to appropriate COMNAVPERSCOM code for review and filing in member’s permanent personnel record for historical purposes.</td></tr>
<tr><td>suspended separation is directed or retention is directed,</td><td>forward case and SA action to appropriate COMNAVPERSCOM code for review and/or filing in member’s permanent personnel record for historical purposes.</td><td></td></tr>
</table>
NOTE: Commands are required to retain a complete file copy of all ADSEP cases for 2 years.</td></tr>
</table>

MILPERSMAN 1910-712

GENERAL COURT-MARTIAL CONVENING AUTHORITY (GCMCA) LETTER AND MESSAGE FORMATS FOR DIRECTING ADMINISTRATIVE SEPARATION (ADSEP)

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN	882-4439
			COM	(901) 874-4439
			FAX	882-2624

Governing Directives	DOD 7000.14-R, Department of Defense Financial Management Regulation (DODFMR), Volume 7A OPNAVINST 1900.2 BUPERSINST 1900.8 MILPERSMAN Article 1910-232

1. **GCMCA Action (Message)**. Below is the recommended message format for directing the separation of a Sailor:

```
FROM:  GCMCA
TO:    CONVENING AUTHORITY
INFO:  DON CAF WASHINGTON DC//29A//
       PERSUPP DET _______________ (if applicable)
       NAVPERSCOM MILLINGTON TN//PERS-832 or 913, as
appropriate//
BT
UNCLAS //N01910//
SUBJ/ADMIN DISCHARGE ICO//
REF/A/-/-/-//
REF/B/DOC/CHNAVPERS/28JUN93//
NARR/REF A IS ADSEP REQ. REF B IS BUPERSINST 1900.8//
POC/-/-/-/PHONE//
RMKS/1.  PER REF A, DISCH MBR WITHIN 10 DAYS OF RECEIPT OF THIS
MSG. PREPARE DD 214 PER REF B, ENTER ON DD 214:
BLK 23:  DISCHARGED
BLK 24:  (CHARACTERIZATION OF DISCHARGE)
BLK 25:  (MILPERSMAN ARTICLE FOR WHICH SEPARATION IS AUTHORIZED)
BLK 26:  SPD CODE (PER BUPERSINST 1900.8)
BLK 27:  REENLISTMENT CODE (PER BUPERSINST 1900.8)
BLK 28:  (NARRATIVE REASON LISTED FOR MILPERSMAN ARTICLE CITED
BLK 25)
```

2. IF APPLICABLE, RECOUP ANY UNEARNED BONUS PAID AND COLLECT ALL EXISTING INDEBTEDNESS PER DODFMR.
3. ENSURE COMPLIANCE WITH OPNAVINST 1900.2 REGARDING TRANSITION ASSISTANCE SERVICES.
4. IF MEMBER IS DRUG/ALCOHOL DEPENDENT, OFFER APPROPRIATE TREATMENT PRIOR TO SEPARATION (MILPERSMAN 1910-232 REFERS).
5. FWD COMPLETE COPY OF ADSEP PKG WITH COPY OF MBR'S DD 214 TO APPROPRIATE PERS CODE FOR REVIEW AND FILING IN MBR'S PERMANENT SERVICE RECORD FOR HISTORICAL PURPOSES.//
BT

2. GCMCA Action (Letter). Below is the recommended letter format for directing the separation of a Sailor:

From: Commander, (GCMCA)
To: Convening Authority

Subj: ADMIN DISCHARGE ICO (RATE/NAME/SSN)

Ref: (a) Your ADSEP package …
(b) MILPERSMAN 1910- (appropriate article)
(c) BUPERSINST 1900.8

1. In response to reference (a) which processed member for administrative separation per reference (b), authority is granted to discharge member within 10 working days after receipt of this letter. Prepare DD 214 per reference (c), entering the following:

BLK 23: “DISCHARGED”
BLK 24: (CHARACTERIZATION)
BLK 25: (MILPERSMAN ARTICLE FOR WHICH SEPARATION IS APPROVED)
BLK 26: (SPD CODE FOR REASON WHICH SEPARATION IS APPROVED)
BLK 27: (RE CODE PER REFERENCE (C))
BLK 28: (NARRATIVE REASON FOR WHICH SEPARATION IS APPROVED)

2. If applicable, recoup any unearned bonus paid and collect all existing indebtedness per DODFMR.

3. Ensure compliance with OPNAVINST 1900.2 regarding transition assistance services.

4. If member is drug/alcohol dependent, offer appropriate treatment prior to separation. MILPERSMAN 1910-232 refers.

5. Forward a complete copy of the ADSEP package and Separation Authority action, with a copy of member's DD 214, to the appropriate PERS code for review and filing in member's permanent service record for historical purposes.

s/Commander/Acting/By direction

Copy to:
DON CAF Washington DC (Code 29A)
PERSUPP DET (serving convening authority, if applicable)
NAVPERSCOM (PERS-832 or 913, as appropriate)

MILPERSMAN 1910-800

ACTIONS WHICH EFFECT THE SEPARATION

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **Policy**. The obligation to Navy members does not cease when members elect to be separated. The following MILPERSMAN articles delineate actions that must be completed in connection with enlisted separations. This section covers the following topics.

Topic	**See MILPERSMAN**
Preseparation Interview of Enlisted Personnel	1910-802
Information to be Provided Upon Separation Regarding Claims for Compensation, Pension, or Hospitalization to be Filed with the Department of Veterans Affairs (DVA)	1910-804
Acknowledgment of Service upon Separation	1910-806
Physical Examination upon Separation	1910-808
Issuance of Certificates, Buttons, and Pins upon Separation	1910-810
Place of Separation	1910-812

NOTE: Processing commands, separation authorities, and separation activities are urged to pursue adherence at every level to the established Navy administrative separation processing goals in MILPERSMAN 1910-010.

MILPERSMAN 1910-802

PRESEPARATION INTERVIEW OF ENLISTED PERSONNEL

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4439 (901) 874-4439 882-2624

Governing Directives	OPNAVINST 1160.5 10 U.S.C. 651

1. **Policy**. Prior to separation, all enlisted personnel shall be interviewed and informed as to whether or not they are recommended for reenlistment, and afforded an opportunity to express their desires regarding reenlistment intentions. In the case of members who are transferred for separation, compliance with this article is the direct responsibility of the last permanent duty station - not the activity to which member was transferred. The reenlistment recommendation of the former commanding officer is the guide for effecting a separation.

2. **What to Do**

a. When member **is not** recommended for reenlistment, advise in writing using NAVPERS 1070/613, Administrative Remarks the reason for non-recommendation. OPNAVINST 1160.5 provides additional guidance.

b. When member **is** recommended for reenlistment,

(1) advise member of the Navy career advantages (i.e., training, promotions, pay, and allowances, retirement benefits, etc.);

(2) brief the various deadlines for reenlistment bonus eligibility;

(3) if eligible, provide the opportunity to reenlist in the Naval Reserve for inactive duty. Provide the address and telephone number of Navy Reserve Recruiter nearest to member's home of record; and

(4) where there is no intent to immediately reenlist, advise the member that future reenlistments may require NAVPERSCOM approval and application via a Navy Recruiter.

c. **In all cases**, prepare a NAVPERS 1070/613 entry, reflecting at a minimum,

(1) interview date;

(2) member's reenlistment intentions; and

(3) commanding officer's recommendation regarding retention. Provide rationale for non-recommendations.

(4) Include DD 2648, Preseparation Counseling Checklist.

d. Instruct members on their obligation regarding 10 U.S.C. 651 service requirements. Advise 8-year Military Service Obligators with reserve affiliation requirements, and after active duty release, the Chief of Naval Reserve will notify them of their nearest Naval Reserve Training Activity and direct them to report for interviews were required.

MILPERSMAN 1910-804

INFORMATION TO BE PROVIDED UPON SEPARATION REGARDING CLAIMS FOR COMPENSATION, PENSION, OR HOSPITALIZATION TO BE FILED WITH THE DEPARTMENT OF VETERANS AFFAIRS (DVA)

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN	882-2303
			COM	(901) 874-2303
			FAX	882-2754

Governing Directive	10 U.S.C. 1218

1. **Policy**

a. According to 10 U.S.C. 1218, prior to discharge/release from active duty members with disabilities must:

(1) file/refuse to file a claim with the Department of Veterans' Affairs (DVA) for compensation, pension, or hospitalization; or

(2) sign/refuse to sign a statement acknowledging that claim procedures were fully explained.

b. A right that members may assert after failing/refusing to sign a claim is not affected by that failure/refusal.

c. This section does not prevent the immediate transfer of a member to DVA facilities for needed hospital care.

2. **Rules**

a. Designated separation activities must ensure disabled members are not discharged, retired, or released from active duty until they are fully briefed on the right to file a claim for compensation, pension, or hospitalization.

b. Instruct members that any hospitalization or benefits from the DVA at a later date are generally contingent upon the filing of a claim. Delay in filing may result in the eventual loss of monetary benefits or deprivation of hospitalization.

c. Advise member in some instances DVA benefit payments may exceed their retirement pay entitlement.

d. Commanders of separation activities are responsible for DVA claims submission. Where practicable use DVA counselors for assistance.

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3. **Separation Activity Actions**

a. Within 5 days of separation, separation activity will submit a member's claim form VA 21-526e, Veterans Application for Compensation or Pension at Separation from Service, to the DVA regional office serving the locality where member intends to live (VA Bulletin I-IV refers). Use the following to complete the claim:

(1) VA 21-526e

(2) DD 214, Certificate of Release or Discharge from Active Duty (copy 3)

(3) a certified and legible complete copy of member's military health records (medical) (less jacket cover), including enlistment and separation physical examination records

(4) one copy of the NAVMED 6100/1, Medical Board Report Cover Sheet, including all attachments if applicable

(5) a certified and legible copy of member's complete military dental treatment record (less jacket cover).

b. Omission of any document or record could cause undue delay in adjudicating the claim by the DVA resulting in undue hardship for the member.

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4. **SF 600, Chronological Record of Medical Care**

a. When the member does not desire to file a claim, request them to sign the following statement on the SF 600, Chronological Record of Medical Care:

"I have been told that I am to be (discharged/retired/released) from active duty in the Naval service by reason of disability and have been advised of my right to file a claim with the Department of Veterans Affairs for compensation, pension, or hospitalization. I have decided not to submit a claim for any of those benefits at this time. I understand that my failure to file a claim at this time does not prejudice any right to submit a claim in the future."

SIGNATURE OF MEMBER WITNESS' SIGNATURE

b. While the above statement is not a waiver of any rights, it should be forwarded to the Naval Reserve Personnel Center with the member's closed Health Record. If the member later files a claim, this along with a copy of the health record, must be forwarded to the DVA.

5. **Others Filing for Compensation**. Members being separated for reasons other than disability may also file compensation claims with the DVA under this article. All claims are submitted according to this article.

MILPERSMAN 1910-806

ACKNOWLEDGMENT OF SERVICE UPON SEPARATION

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-4439 (901) 874-4439 882-2624

1. **Policy**

a. Commanding officers (or executive officers) will personally convey to members detaching from their permanent duty station, expressions of appreciation for service on behalf of the President of the United States, Secretary of Defense, Secretary of the Navy, and Chief of Naval Operations. If undue delay/inconvenience to the separating member would be caused by CO/XO absence, another officer should render this honor.

b. Prior to detachment, commands are encouraged to present a personalized letter, summarizing the member's naval duties and expressing the Navy's appreciation for honorable and faithful service.

c. Accord members transferring to the Fleet Reserve or Retired List special recognition for their long and faithful service in a preseparation ceremony with an appropriate letter and certificate described in MILPERSMAN 1800-010. A formal letter of appreciation citing member's duty stations, assignments and awards will be delivered to those transferring to the Fleet Reserve or Retired List.

d. Formal ceremonies are encouraged, but the decision rests with the separating member.

2. **Exceptions**. Discretion shall be exercised in determining to whom letters shall be delivered. Members who are being separated for reasons of poor performance shall not be given letters of appreciation; under no circumstances shall a member being separated Under Other Than Honorable conditions or as a result of the execution of a punitive discharge awarded by court-martial, be given a letter of appreciation under this article for his or her service.

MILPERSMAN 1910-810

ISSUANCE OF CERTIFICATES, BUTTONS, AND PINS UPON SEPARATION

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN COM FAX	882-2303 (901) 874-2303 882-2754

Governing Directives	NAVSUPP P-2002D, Unabridged Navy Index of Publications, Directives and Forms Uniform Code of Military Justice (UCMJ) 10 U.S.C. 651

1. **Policy**

a. Certificates of discharge, Honorable discharge buttons and pins, Naval Reserve membership buttons and pins, and appropriate identification cards (as applicable) will be delivered upon separation to all personnel entitled thereto, by the commanding officer or designated representative.

b. All certificates, buttons, and pins shall be safeguarded against access by unauthorized persons and against loss or misuse.

c. If a unit is placed out of commission, excess certificates, buttons, and pins will be transferred to the command's Immediate Superior in Command (ISIC) or returned to the place of issuance.

2. **Require Explanations**. Article 137, UCMJ, shall be complied with for each enlistment, extension of enlistment (voluntary or involuntary), reenlistment, and entrance on active duty or within 6 days thereafter, and upon completion of 6 months of active duty. Personnel shall be advised of the various types of discharges (and certificates) and the basis for issuance and the possible effects of such discharge relative to reenlistment, civilian employment, veteran's benefits and related matters.

Failure on the part of the member to receive or to understand such explanation is not considered a defense in an administrative discharge proceeding or a bar.

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3. **Honorable Discharge Buttons**. The Honorable Discharge Button or Pin (pin for women) (regular Navy or Naval Reserve design) is awarded to enlisted personnel who are entitled to a DD 256N, Honorable Discharge Certificate. Personnel who completed an enlistment in the regular Navy as part of their obligations under 10 U.S.C. 651 and who were transferred to the Naval Reserve to fulfill the terms of their obligation, shall receive (if otherwise qualified) the Honorable Discharge Button or Pin. It may be worn on civilian clothes only by eligible personnel, active or separated. Any entry will be made noting the award on NAVPERS 1070/613, Administrative Remarks.

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4. **Naval Reserve Membership Buttons or Pins**. Buttons (pins for women) indicating membership in the Naval Reserve may be issued by separating commands and enlisting activities, to members of the Naval Reserve on inactive duty. These buttons/pins will not be given to members of the NROTC or to members already in possession of such button/pin. They may be worn with civilian clothing only.

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5. **Discharge Certificates**. Entries on DD 256N will be in ink or typewritten, with the rate, full name, and branch of service entered after the words “This is to certify that…”. In the case of reserve personnel, type “U.S. Naval Reserve” following the member’s name. Duplicate certificates are not to be issued. Upon request to Navy Personnel Command (PERS-324), a certificate in lieu of a lost or destroyed certificate may be issued.

MILPERSMAN 1910-812

PLACE OF SEPARATION

Responsible Office	NAVPERSCOM (PERS-832)	Phone: DSN COM FAX	882-4439 (901) 874-4439 882-2624

Governing Directive	Joint Federal Travel Regulations (JFTR), U5120, U5125

1. **Policy**

a. **Inside the continental United States (CONUS):** Members eligible for separation while serving in the 48 contiguous United States will normally be separated onboard their current command.

b. **Outside the continental United States (OCONUS):** Members eligible for separation while serving on a permanent station OCONUS, except Hawaii, unless immediately reenlisted on board, shall be transferred to the appropriate separation activity listed in this article, nearest to the port of debarkation in CONUS. Members should have their separation physical completed prior to transfer.

c. **Hawaii:** Members eligible for separation while serving in Hawaii shall be separated at their duty station; otherwise such members shall be transferred to Naval Station, Pearl Harbor for separation. Members being transferred to the Fleet Reserve or Retired List shall be transferred to the appropriate separation activity listed in this article nearest to the port of debarkation in CONUS, unless they desire separation in Hawaii.

NOTE: Prior to effecting transfer to a separation activity, ensure members have their complete service record, a completed separation physical, and all separation processing documents.

2. **Exceptions to the Policy**

a. Under special circumstances, type commanders may exempt ships or other mobile units from separating members onboard.

b. Members eligible for separation may be transferred to a separation activity not listed in this article, provided the gaining activity has no objections to receiving personnel for separation processing, and the gaining command's PERSUPPDET has separation capability.

c. Members eligible to be separated or discharged while deployed from their homeport or permanent duty station, may be authorized travel via their home port or permanent duty station when it is determined that it is necessary for the member to travel via homeport or permanent duty station to arrange shipment of household goods, pick-up personal possessions, or to arrange for movement of family members and/or settle personal affairs.

d. At the member's request and with the approval of their commanding officer, members eligible to be separated or discharged under honorable conditions, while serving at an overseas shore station, including Alaska, ships homeported overseas, or onboard a ship with separation capabilities while in port OCONUS in other than belligerent countries, may be separated at their duty station subject to the following conditions:

(1) Member's record does not reflect performance of duty which would bring discredit upon the United States;

(2) Member has made application for a passport and visa for the area in which he or she will reside or travel at a time substantially prior to the normal date of separation, which will be accompanied by a statement from the commanding officer relative to the date the member will be eligible for separation (under honorable conditions);

(3) Member's request to the commanding officer contains a statement that application has been made for a passport, that such passport will be granted upon separation, and that permission to remain in the foreign area has been, or will be, obtained; and

(4) Enlisted members will have an entry to this effect made on a NAVPERS 1070/613, Administrative Remarks, of the service record; or

(5) Officers will have their orders modified as follows:

"Your separation at (duty station) is as per your request. Active duty pay and allowances are authorized until actual separation; however, any travel necessary for physical examination or other procedures incident to your separation processing will be at your expense and you will not be entitled to per diem while on temporary duty in connection with separation processing. Your attention is directed to JFTR U5125 for time limitations on entitlements for transoceanic travel."

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3. **CONUS Rules Associated With Policy**. Members may request separation at an activity other than those listed in this article provided the request appears to be reasonably justified, is approved by the commanding officer, transfer is authorized at no additional expense to the government than would be incurred if the member were separated at the separation activity nearest member's duty station, transfer is not effected earlier than 7 working days plus travel time prior to the date directed in an officer's basic orders or the date an enlisted member is eligible for separation, if member is authorized separation or retirement leave an appropriate NAVPERS 1070/613 entry is made, and the following statement is signed by the member and included in the endorsement on officers orders or under supplemental instructions on enlisted orders:

"(date): At your request you have been authorized to report to (activity and location) instead of (activity and location), your normal separation activity, for temporary duty in connection with separation processing, with the understanding that you are not entitled to reimbursement for additional mileage or expenses in connection with such transfer. Your entitlement to mileage allowance upon separation will be computed not to exceed that allowed for travel from your old duty station (to which you would have normally been transferred for separation) to your home of record, place from which ordered to active duty, or home of selection (if applicable). If you do not desire to bear this

expense, this authorization is canceled and you will carry out your basic orders."

SIGNATURE OF MEMBER WITNESSED:

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4. **OCONUS/Hawaii Rules, Associated with Policy**

a. Naval aviators should be separated, when feasible, at the nearest naval aeronautical activity, provided no additional expense is involved.

b. Government transportation shall be directed when available.

c. Members separated in Hawaii may not receive a cash advance instead of government transportation or government procured transportation for the transoceanic travel to CONUS.

d. Transoceanic travel from Hawaii must be performed using government transportation within 180 days of separation or the member loses entitlement to transportation or reimbursement.

e. Members may request separation at one of the other separation activities listed in this article, instead of the separation activity nearest the port of debarkation or the permanent station of members required to be separated in Hawaii. Such authorization will be indicated by supplemental instructions and enlisted orders, or be an endorsement to modify officer separation orders. Entry must contain one of the following statements (whichever is applicable):

(1) "At your request, you are authorized to report to (activity and location) instead of the separation activity nearest the port of debarkation, for temporary duty in connection with separation processing, with the understanding that you are not entitled to reimbursement for mileage or expenses in excess of that allowed for travel to the separation activity nearest the port of debarkation to your home of record, place from which ordered to active duty, or home of selection (when applicable). In case you do not desire to bear this expense, you will regard this authorization canceled and carry out your basic orders."

(2) “At your request you are authorized to report to (activity and location) instead of being separated at your duty station in Hawaii, for temporary duty in connection with separation processing, with the understanding that you are not entitled to reimbursement for mileage or expenses, nor to proceed or travel time in connection therewith. Your entitlement to mileage allowance upon separation shall be computed not to exceed that allowed for travel from your old duty station to your home of record, place from which ordered to active duty, or home of selection (when applicable). In case you do not desire to bear this expense, you will regard this authorization canceled and carry out your basic orders.”

f. One copy of an officer’s orders bearing either of the above endorsements shall be promptly forwarded to Navy Personnel Command (NAVPERSCOM) (PERS-4).

g. Members who desire to be separated at a naval activity in CONUS other than one of the major naval activities listed in this article shall submit a request, with reason, to that activity for consideration. Commands are encouraged to accommodate such requests when separation facilities are available. When the activity has no objection, the member shall be authorized by endorsement on officer orders or under supplemental instructions on enlisted orders to report to that activity for separation processing using the applicable authorization statement above.

h. Members authorized travel via their homeport or permanent duty station shall have supplemental instructions, or an endorsement to orders in case of officers, with one of the following statements signed by the commanding officer (or by direction):

(1) “Travel authorized from (location from which member is to commence travel) to (ultimate activity transferred for separation processing nearest to member’s homeport or permanent duty station) via (location of homeport or permanent duty station to which travel is authorized as outlined above) per JFTR U5120.”; or

(2) “Travel authorized from (location from which member is to commence travel) to (member’s homeport or permanent duty station) from separation processing. Member’s homeport or permanent duty station is the appropriate activity for separation processing per JFTR U5120.”

i. An enlisted member being separated by reason of pregnancy may be separated under the foregoing conditions provided the member, or the member's spouse, has an established residence in the area of the duty station.

j. Members on temporary additional duty (TAD), deployed OCONUS, with a permanent duty station inside CONUS, must return to their permanent duty station in CONUS, on the return portion of member's TAD orders.

NOTE: Additional travel time is computed by subtracting allowed travel time from actual travel time used. Additional travel time will be charged as leave. If leave charged to cover additional travel time will result in excess leave, normal checkage procedures will be followed. If otherwise entitled, travel time from the place of separation of a member's choice in CONUS, to his or her home of record, will be determined based on such travel time authorized by common carrier or privately owned vehicle (whichever member certifies intention to use), and computed from the place of separation nearest the port of debarkation in CONUS to the home of record.

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5. **CONUS Separation Activities**. The following are naval activities in CONUS to which members may be transferred as provided above, for separation processing:

Separation Activity	**Location**
Transient Personnel Unit	San Diego, CA
Transient Personnel Unit	Puget Sound, Bangor, WA
Transient Personnel Unit	Norfolk, VA
Transient Personnel Unit	Great Lakes, IL
Naval Air Station	Brunswick, ME
Naval Air Station	Pensacola, FL
Naval Air Station	Jacksonville, FL
Naval Air Station	Lemoore, CA
Naval Station	Anacostia, Washington, DC
Construction Battalion Center	Port Hueneme, CA
Construction Battalion Center	Gulfport, MS

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6. **OCONUS Separation Activities**

a. Members eligible for separation under honorable conditions, whose home of record or place from which ordered to active duty is one of the following may, at their request, elect transfer to the commands listed below for temporary duty pending separation.

Location	Separation Activity
Guam	Naval Station, Guam, MI
Hawaii	Naval Station, Pearl Harbor, HI
Puerto Rico	Naval Station, Roosevelt Roads, PR

b. Such election will be executed on a NAVPERS 1070/613 of the enlisted service record, or for officers a letter approved by the commanding officer and filed in the officer's service record. Members transferred to the Fleet Reserve who elected transfer to their home of record or place from which ordered to active duty per above, shall be advised that once a home is selected and travel or transportation to such home provided, such election is irrevocable and further entitlement to select a home for travel purposes after transfer to the Fleet Reserve does not exist.

c. Member eligible to be separated under honorable conditions whose home of record is located in Panama shall be separated under normal procedures prescribed above. Entry into Panama requires the consent and permission of the Government of Panama.

7. **Citizens of the Republic of the Philippines**

a. Enlisted personnel who are citizens of the Republic of the Philippines, whose home of record or place from which called to active duty is in the Philippines, and whose separation is authorized or directed, will be separated under the provisions contained in this article. Transfer to the Philippines for separation processing is not authorized.

b. Filipinos who have become naturalized citizens of the United States and elect to return to the Philippines upon separation, transfer to the Fleet Reserve, or retirement will be advised that a United States passport and an entrance visa are

required for both permanent and temporary admission into the Philippines.

c. Filipinos who are not naturalized citizens, but remain Philippines citizens, shall have in their possession a valid passport from the Republic of the Philippines. Passports must be obtained at personal expense. The separating command will notify, via letter, the Immigration and Naturalization Service (INS) serving the area where member is being separated of the pending separation action, with the following information:

(1) name and social security number of the member being separated;

(2) name of member's dependents (if applicable);

(3) member's nationality;

(4) status in the United States: "Recruited in the Philippines pursuant to 1947 Military Bases Agreement, as amended";

(5) date military status will terminate (date of actual discharge);

(6) Philippine passport number;

(7) address where presently located as well as located after separation; and

(8) travel information (if known).

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8. **Members Separated Under Other Than Honorable Conditions**

a. No member will be separated OCONUS (including Hawaii) with an Other Than Honorable (OTH) Discharge without the specific written approval of NAVPERSCOM (PERS-832).

Exception: Members of the insular force who are governed by separate instructions to the commands concerned and members with a home of record in Hawaii, Guam, or the Philippines whose discharge may be effected as authorized in this manual.

b. Members discharged under OTH conditions, attached to ships or overseas commands, will be transferred to a CONUS

separation activity listed in this article. Members in this category who are stationed in the central or western Pacific area and whose home of record is Hawaii or Guam should be discharged at Naval Station, Pearl Harbor, Hawaii or Naval Station, Guam, MI as applicable. The member is entitled to transportation in kind and subsistence from the place of separation to the member's home of record and may elect such transportation to a place other than their home of record under certain conditions (JFTR refers).

c. Members requesting transportation to Panama must be informed that the Government of Panama may exclude members who have committed a felony or other offenses involving moral turpitude, persons of notoriously bad character, and those likely to become public charges.

d. Enlisted members may be separated while in the custody of U.S. civil authorities when specifically authorized by the separation authority. Such members shall be paid monies due per pay directives. Such separation shall be effected in absentia. Discharge certificates and other separation forms shall be sent via registered mail to the civil place of confinement under a letter of transmittal explaining the fact of discharge and requesting the forms enclosed be delivered to the person concerned. Entries in the service record, and discharge papers, normally signed by the member, will be labeled "Discharged in Absentia."

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9. **Maximizing Efficiency and Economy**

a. Personnel transferred to another activity for separation processing shall be transferred no earlier than 7 working days, plus travel time, prior to actual date of separation.

b. Separations should be expedited once commenced to minimize on per diem payments and to stay within the 7 day window where possible.

c. Personnel authorized retirement or separation leave are prohibited from reporting to any activity for the purpose of terminating the leave status and remaining onboard until the date of retirement/Fleet Reserve.

MILPERSMAN 1910-900

DISPOSITION OF PERSONNEL AWAITING FINAL ACTION ON PHYSICAL EVALUATION BOARD (PEB) PROCEEDINGS

Responsible Office	NAVPERSCOM (PERS-821)	Phone: DSN COM FAX	882-3229 (901) 874-3229 882-2622

Governing Directives	NAVPERS 15909G, Enlisted Transfer Manual SECNAVINST 1850.4D

1. **Policy**

a. A member (except a Reservist called or ordered to perform active duty for training for 30 consecutive days or less, or inactive duty training or active duty for training for any duration) who has been found by a Physical Evaluation Board (PEB) to be unfit to perform the duties of the office, grade, rank or rating, has unconditionally accepted the findings of unfit and is awaiting final action on the case by Secretary of the Navy, may, at the member’s request and with the approval of the member’s commanding officer (CO), be placed in a home-awaiting orders status during the interim period.

b. The CO of such members shall utilize to the maximum extent possible the services of those members who do not desire to be placed in a home-awaiting orders status and whose physical conditions do not warrant continued treatment.

2. **Disposition Pending Final Action on the Proceedings of the Board**. Pending final action on the proceedings of the board, the member shall do one of the following:

IF...	THEN...
the member has not been detached from their permanent duty station and has been ordered to appear before a formal PEB,	regardless of whether the board's recommendation is a finding of "fit for duty" or "unfit for duty," the member shall be returned to their permanent duty station pending final action on the proceedings of the board.
the member has been detached from a permanent duty station and has been found "fit" by a PEB,	the CO of the Naval medical treatment facility shall issue, at their discretion within the purview of regulations governing the disposition and placement of personnel and without prior approval of Navy Personnel Command (NAVPERSCOM), appropriate temporary additional duty orders assigning the member to temporary duty locally or within the immediate vicinity where a minimum of travel will be incurred. An Enlisted Availability Report must be submitted within 15 days of NAVPERSCOM notification of "fit" finding.

3. **Unconditional Acceptance of PEB Findings of Unfit by the Member**

a. Upon the unconditional acceptance of PEB findings of unfit, a member may request to be placed in a home-awaiting orders status during the period awaiting final action by the Secretary of the Navy. Some factors that should be considered prior to approval of such a request are

(1) member's leave balance,

(2) physical ability to perform a service, and

(3) whether the member's service could contribute to the overall mission of the command.

b. Some members are not eligible to be placed in a home-awaiting orders status. See "Personnel Not Eligible to be Placed in a Home-Awaiting Orders Status" block for more information.

c. If an enlisted member requests and is eligible in all respects, the responsible CO has full authority to approve or disapprove this request without reference to NAVPERSCOM provided it does not involve a transfer from inside to outside of the 50 states and the District of Columbia. Provided otherwise eligible, enlisted personnel may be placed in a home-awaiting orders status from overseas locations, if they are returning to the 50 states or the District of Columbia.

d. Orders placing members in a home-awaiting orders status shall be directive in nature and shall not contain permissive language. Orders placing members who request and are granted permission to proceed home in an awaiting orders status pending final action on PEB findings shall be prepared following the sample contained in NAVPERS 15909G.

e. Cost of such travel for all initial orders to home-awaiting orders status shall be charged to permanent change of station funds. Members are entitled to mileage allowances for any travel performed pursuant to orders for reexamination or reevaluation in connection with disability separation proceedings which may be required while in an awaiting orders status, chargeable to the temporary additional duty funds of the command maintaining the records of the member concerned.

4. **Final Action of PEB Proceedings Involving Separation or Retirement**

a. It is not mandatory that a member be placed in an awaiting orders status as, under certain conditions, it might be expedient and proper to retain the member while waiting for final action. Final action of PEB proceedings involving separation or retirement is normally completed within 45 days after the hearing is completed. When a member has been in an awaiting orders status for 30 days and retirement orders or other directives from NAVPERSCOM have not been received, the command holding the member’s record should request information from NAVPERSCOM (PERS-821) as to the current status of the case. The member concerned should be cautioned to request advice from the activity holding their records when no word is received within the above period.

b. The records and accounts of a member who has been placed in an awaiting orders status shall be retained by the responsible activity until final action has been taken and

disposition is directed by NAVPERSCOM. Records and accounts shall not be forwarded to another activity unless such action is directed by NAVPERSCOM.

5. **Prior to Member's Departure for Home**. Prior to departure of a member to member's home upon being placed in an awaiting orders status, those portions of the separation processing requiring the presence of the member shall be completed so that if separation or retirement is directed, such action can be done by mail. The member shall not be required to return to the command for actual retirement, discharge, or release from active duty.

6. **Personnel Not Eligible to be Placed in a Home-Awaiting Orders Status**. Personnel not eligible to be placed in a home-awaiting orders status, as indicated below, shall be retained in an appropriate duty status pending final action by the Secretary of the Navy and disposition instructions from NAVPERSCOM:

a. Personnel with a drug or alcohol problem having a need for, but who have not yet been afforded an opportunity for, rehabilitation at a rehabilitation center (Naval Alcohol Rehabilitation Center (NAVALREHCEN)).

b. Personnel in a disciplinary or administrative hold status.

c. Personnel precluded in view of geographical limitations listed above.

d. Personnel previously retained by the Secretary of the Navy under special circumstances.

7. **Personnel in Home-Awaiting Orders Status Subsequently Involved with Civil Authorities**. Personnel who have been placed in home-awaiting orders status and subsequently are involved with civil authorities will be recalled from that status at the earliest practical date by the CO holding the member's records or as directed by NAVPERSCOM. Members recalled under this paragraph will then be retained by the responsible command while awaiting final action and are not eligible to return to home-awaiting orders status.

8. **Procedure**. To ensure compliance with the existing regulations governing the use of ID cards and forwarding of retirement or separation documents, the following procedures are hereby established for personnel being placed in home-awaiting orders status:

Step	Action
1	Prior to the member's departure from responsible separation activity, the member's Armed Forces of the United States Identification Card (DD Form 2) (ACT), (RES), and Uniformed Services Identification and Privilege Card (DD Form 1173), if appropriate, will be destroyed and temporary cards will be issued for a maximum period of 120 days. This action is not required if authorized cards have an expiration date of 6 months or less.
2	A tickler file shall be maintained by responsible separation activity to ensure that all identification (ID) cards are returned as required. If the member is being transferred to the Disability Retired List (Permanent or Temporary), official notification of destruction and reissuance of ID cards will suffice. If cards are not returned or official notification of destruction is not received within 60 days, all pertinent facts will be reported to Naval Investigative Service (NIS), Tricare Management Activity (TMA), and NAVPERSCOM (PERS-332). If member is still in possession of an ID card beyond date of separation, notify servicing Personnel Support Detachment (PSD) or NAVPERSCOM (PERS-332) to have member's record terminated in Defense Enrollment Eligibility Reporting System (DEERS).
3	Personnel will be required to sign a statement that they have been counseled as to when and how the ID cards are to be returned and official action will be taken if they are not returned promptly. Self-addressed envelopes for return of cards should be provided by separation activity.
4	Upon receipt of the retirement or separation documents from NAVPERSCOM, prompt notification to the member via their CO is required using the sample format contained in NAVPERS 15909F. Notification via certified mail should be utilized to ensure receipt. After retirement or separation action is completed, all pertinent documents should be mailed promptly to the member via certified mail. These documents are required to assist the separated member in applying for VA benefits, procuring employment, and other actions necessary to ease the readjustment to civilian status.

9. **Officers' Request for Home-Awaiting Orders Status**

a. Officers who desire to be placed in a home-a3waiting orders status should submit their request via their CO to NAVPERSCOM (PERS-821) with a copy to NAVPERSCOM (PERS-82). Facsimile and message submissions are acceptable and responsible separation activity should be an info addressee.

b. The following information is to be provided:

(1) Grade, name, branch and class of service, social security number/designator.

(2) Date of unconditional acceptance of PEB findings.

(3) Recommended findings of the board.

(4) CO's recommendations as to temporary disposition of the officer while awaiting final action. If awaiting-orders status is recommended, include the officer's home city and state, a specific statement that the officer has or has not agreed to go home in an awaiting-orders status with the full knowledge that while in such status the member shall be using accrued leave, the present command of the officer, and other comments desired, if any.

10. **Additional Information**. Additional information regarding disposition of personnel awaiting final action on physical evaluation board proceedings may be found in SECNAVINST 1850.4D.