

MILPERSMAN 1910-120

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

Responsible Office	NAVPERSCOM (PERS-4832) Active enlisted members	Phone: DSN COM FAX	882-4431/4428 (901) 874-4431 882-2754
	NAVPERSCOM (PERS-4913) Inactive enlisted members	Phone: DSN COM FAX	882-4503 (901) 874-4503 882-2673

References	BUMEDINST 1300.2 NAVMED P-117, Manual of the Medical Department SECNAVINST 1850.4E DODD 1332.14 of 21 Dec 93 SECNAVINST 5300.30C Uniform Code of Military Justice (UCMJ)
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1. Separation Authority

a. Commanding Officer, Recruit Training Command (NAVCRUITRACOM) 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. They do not amount to a disability, but can affect potential for continued naval service (see above references). Conditions included, but not limited to the list of conditions as outlined in BUMEDINST 1300.2; NAVMED P-117, Chapter 18; and SECNAVINST 1850.4E, which covers:

CONDITIONS	
(1)	Enuresis (bedwetting).
(2)	Sleepwalking and/or Somnambulism.
(3)	Dyslexia and other learning disorders.
(4)	Attention Deficit Hyperactivity Disorder.
(5)	Stammering or Stuttering.
(6)	Incapacitating fear of flying confirmed by psychiatric evaluation.
(7)	Airsickness, Motion Sickness, and/or Travel Sickness.
(8)	Phobic fear of Air, Sea, and Submarine Modes of Transportation.
(9)	Uncomplicated Alcoholism or Other Substance Use Disorder.
(10)	Personality Disorders (not meeting criteria to justify separation under MILPERSMAN 1910-122).
(11)	Mental retardation.
(12)	Adjustment Disorders.
(13)	Impulse Control Disorders.
(14)	Sexual Gender and Identity Disorders paraphilias.
(15)	Factitious Disorder.
(16)	Obesity.
(17)	Overheight.
(18)	Pseudofolliculitis barbae of the face and/or neck.
(19)	Medical Contraindication to the Administration of Required Immunizations.
(20)	Significant allergic reaction to stinging insect venom.
(21)	Unsanitary habits.
(22)	Certain anemias - in the absence of unfitting sequelae - including G6PD deficiency, other inherited Anemia Trait, and Von Willebrand's Disease.
(23)	Allergy to Uniform Clothing or Wool.
(24)	Long Sleeper Syndrome.
(25)	Hyperlipidemia.

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

(Rev. 10-81), 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 member's 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 member incapable of completing obligated service (OBLISERV) in any capacity. This request is considered a voluntary separation; therefore, there are no separation pay entitlements and Selective Reenlistment Bonus (SRB)/Enlistment Bonus (EB), if applicable, will be recouped.

c. Whether command- or servicemember-initiated, specific documentation is required from the medical officer that condition renders member incapable of completing member's OBLISERV, e.g., forced conversion, reassignment, etc. If the request is forwarded to Navy Personnel Command (NAVPERSCOM) for disposition without the specific documentation mentioned above, the request will be disapproved.

d. NAVPERSCOM (PERS-40/49) can direct separation under this article for any member who is not worldwide assignable due to medical limitations.

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, unless servicemember has requested the separation.

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.

e. Medical documentation from a medical officer supporting separation due to the condition.

f. Administrative separation (ADSEP) message from NAVPERSCOM (PERS-40) based on operational unsuitability or assignment screening findings.

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 NAVPERSCOM and Chief of Naval Operations (CNO) (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.

5. **Human Immunodeficiency Virus (HIV) Personnel.** Personnel enrolled in the HIV program are governed under SECNAVINST 5300.30C and are not included in this article.

SAMPLE PACKAGE

COMMAND-INITIATED SEPARATION

Letter of Transmittal Format

(Use proper letter format containing the following.)

(date)

From: Commanding Officer (unit name)
To: Commander, Navy Personnel Command (PERS-4832) (PERS-4913)

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) BUPERS directed Administrative Separation message
(5) 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 (EAOS)/expiration of service (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; 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 member incapable of completing
obligated service (OBLISERV) 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:		
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-4832) for review.	NA	NA

ADDITIONAL NOTICE			
<p><u>For members on active duty not in civilian confinement:</u> 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.</p>			
<p><u>For members who are Reservists not on active duty:</u> 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.</p>			
<p><u>For members subject to reimbursement:</u> You are advised you may be subject to a reimbursement requirement for recoupment of advance education assistance costs, bonuses, or special pays.</p>			
<p><u>For members in civil confinement:</u> 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.</p>			
NAME OF MILITARY COUNSEL	ADDRESS OF MILITARY COUNSEL	PHONE	
CIVILIAN CONVICTION APPEAL INFORMATION (RESPONDENT INITIAL APPROPRIATE BLOCK)		YES	NO
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
(Use proper letter format containing the following.)

(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: CO'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.