THE SECRETARY OF THE NAVY
WASHINGTON DC 20350-1000

AUG 15 2018

From: Secretary of the Navy
To: FY-19 Active Duty Navy Captain and Commander Selective Early Retirement Boards

Subj: FY-19 ACTIVE-DUTY NAVY UNRESTRICTED LINE, RESTRICTED LINE, STAFF CORPS, AND LIMITED DUTY OFFICER (LINE AND STAFF) CAPTAIN AND COMMANDER SELECTIVE EARLY RETIREMENT BOARDS PRECEPT

Encl: (1) FY-19 Active-Duty Officer Selective Early Retirement Boards Guidance

1. Function and Membership

a. The function of the Selective Early Retirement (SER) boards is to recommend for early retirement those officers on the Active-Duty List (ADL) in the grade of captain and commander whose early retirement, in the opinion of the majority of the members of the board, is in the best interest of the Navy. The boards shall consider carefully, without prejudice or partiality, the record of every eligible officer. The records and names of all eligible officers, determined as of the date the board convenes, will be furnished to the board.

b. I personally appoint the members of these boards. During the board process, officers assigned as board members work directly for me, under oath. Board members are entrusted with selecting officers for early retirement. During the board process, all other duties of assigned members are secondary to the board process and the utmost care will be given to ensure the process is not compromised or rushed to accommodate outside concerns. Each record reviewed represents years of service by the individual officer. It is absolutely essential that our evaluation afford each eligible officer fair and equitable consideration.

2. The SER boards shall proceed in accordance with the convening order, any guidance contained in this letter, and the enclosure, FY-19 Active-Duty Officer Selective Early Retirement Boards Guidance.

3. Unless expressly authorized or required by the President, Secretary of Defense, or me, neither you nor any member of the

board or administrative staff may disclose the proceedings, deliberations, or recommendations of the SER boards. Nevertheless, the Chief of Naval Personnel may provide the recommendations of the SER Boards to the senior flag officer responsible for recommending community assignments and to senior community detailers, to the extent necessary to facilitate community assignments. All board members and administrative staff must comply fully with these requirements, and I expect each board president to emphasize the need for strict confidentiality.

4. In order to continually improve the SER board process, each board president is directed to offer written feedback regarding the guidance contained in the precept at the selection board call outs to me and the Chief of Naval Operations. Feedback should include, for example, whether the precept guidance was sufficiently direct, clear, and concise to assist board members in performing their duties.

Richard V. Spencer

FY-19 ACTIVE DUTY OFFICER
SELECTIVE EARLY RETIREMENT BOARDS GUIDANCE

Appendix	Subject
A	**General Procedural Guidance**
	- Duties of the Board President - Board Proceedings - Marital Status - Leadership of Diverse Organizations - Area Tours - Adverse Information
B	**Equal Opportunity Guidance**
	- Addresses Equitable Consideration for all Officers
D	**Board Reports**
	- Addresses Content and Routing of Selection Board Reports
E	**Oaths**
	- Provides Oaths for Board Members and Support Personnel

APPENDIX - A

GENERAL GUIDANCE

1. **Duties of the Board President**. The president of the board has been appointed by me and shall perform prescribed administrative duties. The board president has no authority to constrain the board from recommending for early retirement those officers whose early retirement the majority finds would be in the best interest of the Navy.

2. **Board Proceedings**. The following directions apply to all board proceedings:

a. Each of you (president, members, recorders, and administrative support personnel) must maintain the integrity and independence of this selection board, and foster careful consideration, without prejudice or partiality, of all eligible officers. DoDI 1332.32 and SECNAVINST 1420.1B provide specific rules governing the conduct of officer Selective Early Retirement (SER) boards, and section 638a, title 10, U.S. Code is the law governing SER authorization.

b. You must pay particularly close attention to the rules governing communications with and among other board members, the information authorized to be furnished to you, and the procedures you should follow if you believe that the integrity of this selection board has been improperly affected.

c. You may not receive, initiate, or participate in communications or discussions involving information that DoD and Service regulations preclude from consideration by the selection board. You are to base your recommendations on the material in each officer's military record, any information I have provided to the board, and any information communicated to you by individual eligible officers under regulations I have issued. In your deliberations, you may discuss your own personal knowledge and evaluation of the professional qualifications of eligible officers to the extent that such matters are not precluded by law, or DoD and Service regulations from consideration by a selection board or inclusion in an officer's military personnel record. You may not discuss or disclose the opinion of any person not a member of the board concerning an officer being considered unless that opinion is contained in material provided to the board.

d. When discussing your own personal knowledge concerning the professional qualifications of eligible officers, the board is reminded that if personal remarks could be considered adverse, the member cannot discuss any personal knowledge or evaluation unless such matters are contained in the officer's official record or other material placed before the board in compliance with the law and Service regulation. In addition, should an officer's record reveal the removal of a fitness report, the member may not discuss any personal knowledge regarding the circumstance which resulted in the removal of the report, nor should any member conjecture or draw any inference as to the underlying circumstances involved.

e. I am the only person who may appear in person to address you on matters that are not administrative in nature. All communications with this board, other than those that are clearly administrative, must be in writing, given to each of you, and made part of the board's record. I have designated in writing those persons authorized to provide routine administrative information to you.

f. To ensure impartiality, you may not visit or communicate with detailers, placement officers, community managers, or any candidate immediately prior to or during the selection board. As a general rule, communications of any kind or method with outside parties (i.e., persons other than board members, recorders, assistant recorders, board sponsors, and administrative support personnel) before, during, or after the board relating in any way to the selection board or its proceedings, discussions, deliberations, or recommendations are prohibited. Questions concerning the propriety of any communications prior to the board should be addressed to the board sponsors. The proceedings, discussions, deliberations, or recommendations of the selection board shall not be disclosed, nor shall any written or documentary record of such proceedings, discussions, deliberations, or recommendations be used for any purpose, unless expressly authorized or required by the President of the United States, the Secretary of Defense, or me.

g. To ensure the integrity of the board process, it is imperative that you advise the board sponsors of any relationship with any eligible officer that may affect the perceived integrity of the board. Such relationships include, but are not limited to, spousal, immediate relative by blood, marriage, adoption, or blended family up to the fourth degree of kinship (i.e., first cousin), fiancé(e), significant other or other intimate partner, ex-family member, business relationship, or an accuser/accused in

legal proceedings. If you have any doubts or reservations, err on the side of disclosing the relationship. This is a continuing obligation throughout the board proceedings. If necessary, take such action as it will protect the integrity of the board process.

h. Before the report of the SER board is signed, the recommendations may be disclosed only to members of the board, recorders, and those administrative support personnel I have designated in writing. After you sign the board report, the recommendations of the board may only be disclosed as prescribed in this precept or in DoD or service regulations. I will release the names of the selectees for notification after I approve the board's report. Do not discuss the names of recommended selectees until this notification has been made. The proceedings and deliberations of the board may not be disclosed to any person who is not a board member or board recorder.

i. If, at any time, you believe that you cannot in good conscience perform your duties as a member of the board without prejudice or partiality, you have a duty to request relief by me from this duty. I will honor any such request. If a member, recorder, or assistant recorder believes that the integrity of the board's proceedings has been affected by improper influence of military or civilian authority, misconduct by the board president or a member, or believes someone is exerting or attempting to exert inappropriate influence over the board or its proceedings, or any other reason, he or she has a duty to request from me or the Secretary of Defense relief from the obligation not to disclose board proceedings and, upon receiving it, to report the basis for this belief.

3. **Marital Status**. Selective early retirement boards are prohibited from considering the marital status of an eligible officer or the race, religion, color, sex (including gender identity), sexual orientation, national origin, employment, education, or volunteer service of an eligible officer's spouse.

4. **Leadership of Diverse Organizations**

a. Our differences give us the strength, courage, and creativity necessary to accomplish our mission in, and meaningfully contribute to, an ever-changing world. The ability to maintain current and future readiness requires that we understand our differences, and recognize the valuable

contributions our differences make to the Department of the Navy and to our Nation. As we build the Navy of the 21st Century, we must be able to operate successfully, and with credibility, across our Nation and in a challenging multi-cultural world. When reviewing an officer's record, consider that the Navy benefits when the officer corps possesses a broad spectrum of experience, background, perspective, innovative talent, and a depth and breadth of vision, drawn from every facet of the society it serves and understanding of the world within which it operates. The Navy needs innovative and bold male and female leaders to lead, think creatively, challenge assumptions, and take well-calculated risks that maximize effectiveness.

b. Today's Navy is composed of men and women representing dozens of different ethnic groups and literally hundreds of cultural heritages. Similarly, our allies, partners, and friends across the globe represent a broad range of experience, backgrounds, perceptions, and understandings - regionally, nationally, or through agreements. To be effective, the Navy officer corps must draw upon its rich diversity of experience, backgrounds, perspective, innovative talent, and depth and breadth of vision. You should give careful attention to officers who possess these valuable attributes and have demonstrated the potential to lead large organizations in a complex world composed of men and women coming from widely varying backgrounds. The Navy's ability to meet this leadership challenge depends, in part, on having leaders for, and from, our entire Navy who reflect our very best, including performance, background, professional experience, education, and the spectrum of professional communities. These are factors for you to consider in your deliberations.

5. **Area Tours**. If an officer's record contains multiple or consecutive tours in a particular geographic location, it should not be viewed negatively, provided the officer has progressed in billet complexity, professional development, and leadership responsibility.

6. **Adverse Information**. You must consider adverse information, as defined by DoDI 1320.04, that is documented in an officer's official service record, with an emphasis on adverse information occurring in the current grade, when determining those officers who are to be recommended for early retirement.

APPENDIX - B

EQUAL OPPORTUNITY GUIDANCE

1. The Department of the Navy is dedicated to equality of treatment and opportunity for all personnel without regard to race, religion, color, gender, or national origin. The Navy strives to maintain a professional working environment in which an individual's race, religion, color, sex (including gender identity), or national origin will not limit his or her professional opportunities. Accordingly, within this board's charter to determine those officers who are recommended for early retirement, you must ensure that officers are not disadvantaged because of their race, religion, color, sex (including gender identity), or national origin.

2. Your evaluation of all officers must afford them fair and equitable consideration. You should be particularly vigilant in your evaluation of records to take care that no officer is disadvantaged by service utilization policies or practices. You should evaluate each officer's ability to perform the responsibilities and assigned duties of the current pay grade.

3. The Navy has assigned some officers outside of traditional career development patterns, e.g., institutional instructors, recruiting and equal opportunity billets. In addition, other utilization policies or practices, such as those based on statutory restrictions on the assignment of women, may have had an effect on career opportunities. These assignments, though beneficial to the Navy, may have foreclosed, to the officers so assigned, opportunities available to other officers. Such assignment practices should not prejudice the selection for early retirement. Successful performance of assigned duties is the key in measuring an officer's potential for continued service. Accordingly, in determining selection for early retirement of any officer who has been affected by such utilization policies or practices, duty performed well in such assignments should be given weight equal to duty performed well by an officer not affected by such policies or practices.

4. The Navy has assigned some officers outside of traditional career development patterns, e.g., institutional instructors, recruiting, diversity officers, and equal opportunity billets. These assignments, though greatly beneficial to the Navy, may have foreclosed to the officers so assigned opportunities available to other officers. In addition, other utilization policies or practices, such as those based on statutory

restrictions on the assignment of women, may have had an effect on career opportunities. Such assignment practices should not prejudice the consideration of these men and women for early retirement; to do so may deny the Navy the diversity of talent, background, and experience we should seek and which is necessary for sustained success in our changing world. Successful performance of duties assigned is the key in measuring an officer's record; duties performed well by men and women affected by such utilization policies or practices should be given weight equal to duties performed well by an officer not affected by such policies or practices.

5. This guidance shall not be interpreted as requiring or permitting preferential treatment of any officer or group of officers on the grounds of race, religion, color, sex (including gender identity), sexual orientation, or national origin.

APPENDIX - C

BOARD REPORTS

1. The record of the board's proceedings shall be compiled by the recorders and administrative support staff. The written report of the board shall be signed by the board president, the board members, and board recorders. It shall contain a list of the officers recommended for early retirement, as well as the following items:

a. Convening notice.

b. All instructions, information, and guidance that were provided to the board, under DoDI 1332.32 and SECNAVINST 1420.1B, except information concerning particular officers, which must be retained and transferred to the Chief of Naval Personnel.

c. Certification that:

(1) To the best of your knowledge, the board complied with section 638a of title 10, U.S. Code, DoDI 1332.32 and SECNAVINST 1420.1B, all instructions contained in the precept, and, as appropriate, other letters of guidance or instruction provided by me;

(2) You were not subject to or aware of any censure, reprimand, or admonishment about the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board;

(3) You were not subject to or aware of any attempt to coerce or influence improperly any action in the formulation of the board's recommendations;

(4) You were not party to or aware of any attempt at unauthorized communications;

(5) To the best of your knowledge, the board carefully considered the record of each officer whose name was furnished to the board;

(6) Of all of the officers considered by the board, the early retirement of the recommended officers is, in the opinion of the majority of the members of the board, in the best interest of the Navy;

(7) You are aware that the selectees for early retirement will be notified after the board report is approved, and you know that you may not disclose recommended selectees until after official notification; and

(8) You understand that, except as authorized by SECNAV Instruction 1420.1B, you may never disclose the proceedings and deliberations of the board to any person who is not a board member or board recorder.

d. A list of all officers eligible for consideration.

e. Precept.

f. Convening order.

2. The report shall be forwarded for approval to me via first, the Chief of Naval Personnel; second, the Chief of Naval Operations; and third, the Judge Advocate General of the Navy for legal review.

APPENDIX - D

OATHS

1. The president of the board(s) shall administer the following oath or affirmation to the recorder and assistant recorders:

> "Do you, and each of you, solemnly swear (or affirm) that you will keep a true record of the proceedings of this board, and you will not divulge the proceedings of this board except as authorized or required by the Secretary of the Navy or higher authority, so help you God?"

2. The recorder shall then administer the following oath or affirmation to the members of the board(s):

> "Do you, and each of you, solemnly swear (or affirm) that you will perform your duties as a member of this board without prejudice or partiality, having in view both the special fitness of officers and the efficiency of the Naval Service, and you will not divulge the proceedings of this board except as authorized or required by the Secretary of the Navy or higher authority, so help you God?"

3. The recorder shall then administer the following oath or affirmation to administrative support personnel:

> "Do you, and each of you, solemnly swear (or affirm) that you will not divulge the proceedings of this board except as authorized or required by the Secretary of the Navy or higher authority, so help you God?"