From: Secretary of the Navy  
To: President, FY-21 Active-Duty Selection Board for Detail as Assistant Judge Advocate General (Civil Law) and Assistant Judge Advocate General of the Navy  

Subj: ORDER CONVENING THE FY-21 SELECTION AND CONTINUATION BOARD TO RECOMMEND A NAVY JUDGE ADVOCATE ON THE ACTIVE-DUTY LIST IN THE REGULAR GRADE OF CAPTAIN FOR DETAIL AS ASSISTANT JUDGE ADVOCATE GENERAL (CIVIL LAW) AND ASSISTANT JUDGE ADVOCATE GENERAL OF THE NAVY  

Ref: (a) FY-22 Active-Duty and Reserve Navy Flag Officer Promotion Selection Board Precept  
(b) 10 U.S.C.  
(c) FY-22 Active-Duty Navy Officer and Chief Warrant Officer Continuation Selection Board Precept  

Encl: (1) Board Membership  

1. Date and Location  

   a. The selection board, consisting of you as president and the officers listed in enclosure (1), is ordered to convene at the Navy Personnel Command, Millington, TN, at 0800, Friday, March 26, 2021, or as soon as practicable thereafter.  

   b. The board shall proceed in accordance with all guidance in this letter and, except when otherwise noted, the FY-22 Active-Duty and Reserve Navy Flag Officer Promotion Selection Board Precept, reference (a).  

2. Function. The function of the board is to consider eligible Regular Active-Duty List officers of the Navy Judge Advocate General's Corps and to select one officer for detail as Assistant Judge Advocate General (Civil Law) ("AJAG (Civil Law)"") and Assistant Judge Advocate General of the Navy ("AJAG of the Navy").  

   a. In accordance with 10 U.S.C. § 8089, I will detail the officer selected by this board to the designated AJAG positions as informed by recommendations from the Judge Advocate General of the Navy. The AJAG of the Navy is a statutory position, whereas the AJAG (Civil Law) is a Departmental position.
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established by SECNAVINST 1800.3A. The AJAG (Civil Law) is eligible for detail as AJAG of the Navy pursuant to 10 U.S.C. § 8089. The AJAGs are flag/general officer equivalent positions in the Department of the Navy and, at my discretion, are eligible for retirement in the higher grade of rear admiral (lower half) or brigadier general following performance of qualifying service.

b. Selection for AJAG is commensurate with selection for promotion to the grade of rear admiral (lower half). The officer you select should be of commensurate quality and capable of performing the duties of a flag officer.

c. The officer you select shall serve for three years as AJAG (Civil Law). Unless I deem it necessary for the officer to serve earlier, the officer selected will assume the title and duties of AJAG of the Navy for the last 12 months in the billet. Though authority to detail the AJAG of the Navy is contained in a specific statutory provision, the Department of the Navy, by policy, has chosen to follow the selection process provided in chapter 36 of title 10, U.S. Code, to the maximum extent practicable. Accordingly, the procedures to be employed by this board will closely follow those observed during regular statutory boards.

d. Eligible officers are only those judge advocates in the grade of captain on the Active-Duty List with a date of rank of March 1, 2018, or earlier, excluding any officer who:

1. submits a written request to the board president for non-consideration of eligibility no later than the day before the date this board convenes;

2. has an approved voluntary separation or retirement request, submitted by the officer and not required by policy, as of the convening date of the board;

3. was recommended by a previous selection board for appointment as AJAG of the Navy, Legal Counsel to the Chairman of the Joint Chiefs of Staff (pursuant to section 156 of title
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10, U.S. Code), Commander, Naval Legal Service Command, or Deputy Judge Advocate General of the Navy; or

(4) whose three-year tour as the AJAG (Civil Law) would extend the officer’s service beyond his or her 62nd birthday.

e. From among the officers eligible for consideration, the board may select one judge advocate for detail as AJAG (Civil Law) and AJAG of the Navy. This number is the maximum that may be selected. The board need not select to the number provided.

3. **Best and Fully Qualified Selection Standard**

a. **Fully Qualified.** The officer recommended for selection must be fully qualified; that is, the officer recommended must be capable of performing the duties as AJAG (Civil Law) and duties of the more senior position of the AJAG of the Navy. An officer who does not meet this standard shall not be recommended for selection.

(1) Officers fully qualified for selection demonstrate an appropriate level of leadership, professional skills, integrity, management acumen, grounding in business practices, and resourcefulness in difficult and challenging assignments. Their personal and professional attributes include adaptability, intelligent risk-taking, critical thinking, innovation, adherence to Navy and DoD ethical standards, physical fitness, and loyalty to the Navy core values.

(2) The Navy is composed of men and women representing dozens of different ethnic groups and hundreds of cultural heritages. Fully qualified officers must have shown the ability to successfully lead and mentor a diverse workforce, while executing the Navy’s strategic diversity initiatives and effectively retaining the right quality and quantity of performance-proven personnel.

(3) Fully qualified officers must be of the highest integrity and character, with the demonstrated ability to provide legal advice that is accurate, independent, objective, and reflective of the Navy core values.
b. **Best Qualified.** Among the fully qualified officers, you must recommend for selection the best qualified officer. The following core considerations should guide your recommendation. Members assigned to brief individual records are expected to use these considerations to guide the review and structure of their briefs. Each board member is expected to apply this guidance when deliberating and voting. Considerations are:

(1) **Proven and Sustained Performance**

(a) You are required to pick the best officer. Proven and sustained superior performance in significant leadership positions (e.g., command, OJAG Division Director, SJA on senior-flag officer/general officer staff, etc.), and in difficult and challenging in-service, joint, and overseas contingency operations (OCO) assignments is the definitive measure of fitness for selection. This is the number one factor that should guide your recommendations.

(b) When applying this factor, you must consider that the future Navy and joint force leadership will be comprised of a mix of officers who have excelled in both traditional career paths and alternate career paths. You must consider the critical competency/skill sets developed by officers who have excelled in alternate career paths.

(c) Our dynamic Navy requires equal consideration to those who have served in non-traditional, combat-related, nation-building roles. Successful performance and leadership in combat conditions demonstrate exceptional selection potential and should be given special consideration. However, the board is reminded that limited opportunities exist for senior judge advocates to serve in combat conditions. This community-specific limitation may have foreclosed combat leadership opportunities for many judge advocates. Therefore, officers who have not served in such conditions should not be viewed negatively, provided the officers have progressed in billet complexity, professional development, and leadership responsibility.
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(d) You should also consider for selection those men and women possessing the education, experience, and language skills that help improve the Navy's gender and cultural awareness and those who demonstrate mentoring skills that enhance the professional development of the Navy's future male and female leaders and the wide and varied diversity of the Navy.

(e) A critical goal of the Navy is to encourage — to demand — innovation and efficiency to ensure that we retain an adaptive, flexible, and effective naval force able to anticipate events and win across the spectrum of conflict. In your consideration, recognize that the continued preeminence of the Navy in the future is inextricably linked to its ability to successfully change and to manage for efficiency. Our future depends on male and female leaders who have demonstrated their awareness of this fact. Within the charter of best and fully qualified, seek to select these officers. Likewise, we must not restrict or limit the opportunity of any officer to think creatively, develop new ideas, take prudent risks, and maximize capabilities through sound management practices. Bear in mind that, in the context of a changing Navy, officers demonstrating innovative thinking, efficient management skills, prudent risk taking, and effective business practices, may reflect a variety of backgrounds.

(2) Education/Personal and Professional Development

(a) The Navy's ability to support future operational requirements depends on a well-educated and trained officer workforce. The Navy needs officers who have helped create a culture of continuous learning demonstrated by their professional development through education and training. You shall favorably consider professional military education (PME), relevant graduate education, and experience in specialized areas. Best and fully qualified candidates seek opportunities to improve performance by increasing their knowledge throughout their careers. The PME Continuum integrates four components of education: Advanced Education, Navy-Specific Professional Military Education (NPME), Joint Professional Military Education (JPME), and Leadership Development.
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(b) Applying advanced education in subspecialty tours and achieving specialized skills as reflected in Additional Qualification Designator (AQD) codes are significant career milestones.

(c) Post-Graduate Education. The Judge Advocate General’s Corps endeavors to provide all judge advocates with the opportunity to obtain post-graduate education. Of those officers afforded an opportunity to obtain post-graduate education, some will attend civilian educational institutions, while others will attend military institutions such as the Army’s Judge Advocate General’s Legal Center and School. Accordingly, post-graduate legal education obtained at a military institution shall be given weight equal to post-graduate legal education obtained at a civilian institution.

(3) Demonstration of Core Attributes. The challenges facing our Navy are growing in scope, scale, and pace. To meet these challenges, the Navy needs male and female leaders who have demonstrated estimable character and are prepared for decentralized operations. You should give careful consideration to officers who demonstrate the four core attributes that guide our decisions and actions: integrity, accountability, initiative, and toughness. Integrity may be demonstrated, as an individual or as a team member, when an officer displays conduct that is upright and honorable, and who works to strengthen the resolve of their peers, superiors, and subordinates. Accountability may be demonstrated by achieving and maintaining high standards, honestly assessing progress, and adjusting as required. Officers demonstrate initiative by taking ownership, acting to the limit of their authorities, and looking at new ideas with an open mind. Toughness can mean marshalling all sources of strength and resilience, including rigorous training, encouraging the fighting spirit of our people, and providing steadfast support of our families. Officers who demonstrate these core attributes ensure the U.S. Navy remains the world’s finest Navy and deserve your careful consideration when selecting officers who are best and fully qualified.
4. **Competency and Skill Guidelines.** The AJAG (Civil Law) performs a wide variety of legal duties and has independent responsibilities, including his or her role as Commanding Officer, Naval Civil Law Support Activity. More importantly, the AJAG of the Navy acts as the Judge Advocate General of the Navy in the absence of the Judge Advocate General and the Deputy Judge Advocate General. Consequently, the officer selected must be fully capable of performing the duties of a flag officer. I have developed the following criteria, set out below in order of significance, to which you are to adhere in making your selection. You must ensure that the future AJAG (Civil Law) and AJAG of the Navy has, to the greatest extent practicable, the following broad base of qualities and experience:

a. **Legal Advisor to Senior Leaders.** When serving as the AJAG of the Navy, the officer you select may be called on to act for the Judge Advocate General of the Navy. The AJAG (Civil Law)/AJAG of the Navy may have to advise the Department of the Navy's senior leadership on a broad range of complex legal issues affecting the shore establishment and the operating forces of the Navy. Accordingly, the officer selected must be able to work closely with the service chiefs, the civilian leadership, and the Office of General Counsel, possess a wide range of legal experience, and have a proven ability to analyze and manage complex legal issues. The officer should also have experience in, and practical knowledge of, procedures and practices at the headquarters level of the Department of the Navy. Experience in challenging Pentagon billets providing direct support to senior civilian or military leadership in the Department of the Navy, the Office of the Secretary of Defense, or the Office of the Chairman of the Joint Chiefs of Staff shall be given favorable consideration. A proven history of providing advice to senior Navy commanders or combatant commanders shall also be given favorable consideration.

b. **Command and Leadership.** The AJAG (Civil Law) commands a headquarters organization with over one hundred officers, enlisted personnel, and civilians providing legal services throughout the Department of the Navy. Demonstrated performance in command, as an OJAG Division Director, as an SUA on a senior flag staff, or other commensurate position, is a vitally
importance test of an officer's leadership and judgment. Accordingly, success in command or other significant leadership positions shall be given favorable consideration.

c. Legal Supervision in the Navy. As Rules Counsel for the Judge Advocate General, the AJAG (Civil Law) plays an instrumental role in administering the rules governing the professional conduct and discipline of all military attorneys in the Department of the Navy. The officer selected will assist in resolving sensitive personnel accountability matters, and in setting behavioral standards and policies. Accordingly, the officer you select must have impeccable professional ethics and be of the highest moral character with the finest sense of personal honor.

d. Direct Support of Overseas Contingency Operations (OCO)/Irregular Warfare. The board may give favorable consideration to those officers who, while serving in the grade of O-6, have displayed superior performance in a leadership role while serving in direct support of OCO or in Irregular Warfare assignments, in particular those assignments that are extraordinarily arduous or which involve significantly heightened personal risk. These individuals are developing valuable combat and nation-building skills under stressful conditions. Such assignments may not be typical of the officer's traditional community career path and the officer may be rated by a reporting senior unfamiliar with the officer's specialty and the Navy fitness report system.

5. Continuation Board

a. As the officer selected is expected to serve for three years, you should consider the following statutory provisions:

(1) Regular captains are required to retire upon reaching 30 years of active commissioned service.

(2) Captains may be selectively continued for up to five years past 30 years active commissioned service.
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(3) Regular commissioned officers shall be retired at age 62.

b. Accordingly, the board is not precluded from recommending an officer whose three-year tour as AJAG (Civil Law) would extend beyond the limits of the current policy regarding retirement upon attaining 30 years of active commissioned service. However, the board is precluded from recommending an officer whose three-year tour would extend the officer’s service beyond that officer’s 62nd birthday.

c. Upon completion of the selection board, the board president shall review the record of the officer recommended for selection. If the selected officer will have a mandatory retirement date between April 1, 2021 and July 31, 2024, the board shall reconvene as a continuation board in accordance with Sections 611(b) and 637 of reference (b) and with reference (c).

d. The continuation board may select for continuation the officer who is deemed by a majority of the members of the board to be fully qualified for continuation and whose continuation is in the best interests of the Navy. The officer selected will be continued on active duty for a period not to exceed: three years of service as the AJAG (Civil Law), including 12 months of service as the AJAG of the Navy, or 35 years of active commissioned service, whichever occurs earliest.

6. **Board Report.** The written report shall be signed by the board president, members, recorder, and assistant recording members and shall contain the name of the officer recommended for selection and the certifications required in reference (a), Enclosure (1), Appendix (C), except in the following instances:

   a. Page headings shall refer to the report as “Report of a selection board to recommend a Navy Judge Advocate on the Active-Duty List in the regular grade of captain for detail as Assistant Judge Advocate General (Civil Law) and Assistant Judge Advocate General of the Navy.”

   b. The certification in paragraph 1(c)(6) shall be replaced with the following:
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The officer recommended for selection is, in the opinion of the majority of the members of the board, fully qualified and best qualified for selection and appointment to meet the needs of the Navy among those officers whose names were furnished to the board.

c. The certification in paragraph 1(c)(7) shall be replaced with the following:

A majority of the members of the board, after consideration by all members of the board of any adverse information about the officer recommended for selection that is provided to the board, finds that the officer recommended for selection is best qualified for selection to meet the needs of the Navy consistent with the requirements of exemplary conduct set forth in section 8167 of title 10, U.S. Code, which states:

"All commanding officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the naval service, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge";

d. The certification required in paragraph 1(j) shall be replaced with the following:

"The officers who requested not to be considered in accordance with paragraph four of NAVADMIN 045/21 were not eligible for this board and, therefore, those records were not considered by the board. The following officers were not considered:"
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Or, in the case of a negative report, the certification required in paragraph 1(j) shall be replaced with the following:

"No officers requested that they not be considered by the board or otherwise caused their non-consideration through written communication to the board."

e. If the selection board reconvenes as a continuation board and selects the officer for continuation as described in paragraph 5, above, then the board report will include the following certification, as appropriate:

"In the opinion of a majority of the members of the board, the officer recommended for detail is fully qualified for continuation and his/her continuation is in the best interests of the Navy."

(f) The report shall be forwarded directly to me via the Chief of Naval Personnel, the Judge Advocate General, and the Chief of Naval Operations.

Thomas W. Harker
Acting