

CHAPTER VII

LAWS AND POLICIES OF SIGNIFICANCE TO LDOs/CWOs/WO1s

701. GENERAL

This chapter provides a general description of the Defense Officer Personnel Management Act (DOPMA) and related laws and policies that should answer many questions and clear up misunderstandings. Also included is a listing of the specific sections of Title 10, United States Code, and various instructions and manual articles that are applicable to LDOs and CWOs. You should be aware of their existence and may wish to refer to them for more details.

702. DOPMA AND THE LDO/CWO/WO1

DOPMA is a series of changes and additions to laws that existed in 1981 and that are now an integral part of current statutes (principally Title 10, United States Code, "Armed Forces").

When you hear "by law" or "under Title 10", chances are it is in reference to some provision of DOPMA -- The Defense Officer Personnel Management Act of 15 September 1981. DOPMA was the first major revision to statutes governing officer personnel management since the Officer Personnel Act of 1947.

DOPMA provides a uniform system of laws within DoD concerning the appointment, promotion, separation and retirement of Regular officers, allows SECDEF and the Service secretaries substantial authority in regulating those actions, equalizes the treatment of male and female Regular officers, and establishes an all Regular permanent officer career force by the O-4 grade.

It is not plausible to cover or answer all possible scenarios in one handbook. If you have questions regarding DOPMA, laws or policies that affect your personal career situation, you should contact the LDO/CWO Community Manager, BUPERS 319, via email at ldocwoocm.fct@navy.mil or phone - Commercial: (901) 874-2236/3044/2464/3042; DSN: 882.

703. RETIREMENT

Voluntary Retirements. Officers submit voluntary retirement requests to SECNAV, via their commanding officer (or ISIC as appropriate) and BUPERS (PERS-27), nine to 12 months prior to the desired date ([MILPERSMAN 1810-020](#)). If officers wish to retire at their PRDs, retirement requests may be submitted six to nine months prior. If it is less than six months before

PRD and an officer is notified by any means (official letter, message, postcard, telephone call or personal visit) that PCS orders will be issued, a retirement request is normally disapproved. Retirement requests that do not meet the above criteria are normally disapproved.

Involuntary (statutory) Retirements. Involuntary retirements are determined by an officer's grade, total active service, age, and number of failures-of-selection (FOS) for promotion. It is important to know your statutory retirement date, especially since the Selective Early Retirement law exempts from SER consideration those whose statutory retirement date falls within a certain time frame.

Each LDO/CWO category has its own retirement laws;

- **6XX0 - LDO:** [Title 10, Chapter 843, Section 8372](#) - Captain: First day of second month after 38 years total active naval service. Commander: First day of second month after 35 years total active naval service, or first day of seventh month after failing to select for O-6 for second time, whichever occurs first. LCDR/below: First day of second month after 30 years total active service, or first day of seventh month after failing to select for next higher grade for second time, whichever occurs first.

- **7XX1 - CWO:** [Title 10, Chapter 65, Section 1305](#) - CWO5: First day of third month after 33 years total active service. CWO4 and below: First day of third month after 30 years total active service, or first day of seventh month after failure of selection for next higher grade, whichever occurs first.

704. MINIMUM SERVICE REQUIREMENTS

By law, an LDO must complete 10 years of commissioned service to retire as an LDO. [Title 10, Chapter 841, Section 8323](#)

CWOs must serve the initial six year obligation after accepting appointment and have twenty years total service before being eligible for voluntary retirement.

All officers must fulfill obligated service requirements for education programs, etc., and comply with DoD/SECNAV area tour requirements.

Once promoted, there are certain obligated service requirements that individuals must meet to be retirement eligible. LDO/CWO/WO1 Guidebook Section 613 (above) provides minimum time-in-grade requirements for both voluntary and involuntary retirements.

If an officer is involuntarily retired before meeting minimum time in-grade requirements, SECNAV may authorize retirement in the highest grade held. In this case, LDOs must serve a minimum of six months in grade and

CWOs a minimum of 31 days in grade. Again, this only applies to involuntary retirements.

705. REVERT AND RETIRE

LDOs and CWOs may not voluntarily revert to a former enlisted status. In some circumstances LDOs/CWOs may be directed to revert to their former enlisted status and then separate or retire, in cases where punitive or administrative action were determined.

706. Continuation

Although not common, it is possible for permanent LDOs and CWOs to be continued beyond their statutory retirement dates under unusual circumstances.

SECNAV may continue permanent 'officers beyond their statutory retirement dates when shortages exist that cannot be filled through normal accession or promotion processes. LDOs and CWOs may be continued if:

- Selected for promotion to the next higher grade, but subject to involuntary retirement for completion of 30 years total active service before their promotion date.

- Critical skill shortages exist that cannot be filled by selecting new LDOs or CWOs. This option is seldom required.

Individual officers may not apply for continuation. Officers who fall into one of the above categories may be considered for continuation and, if selected, will be notified.

707. REFERENCE MATERIAL

In addition to the information provided in this Guidebook and on the [MyNavyHR LDO/CWO Reference webpage](#), the following listing of common instructions and pertinent manual articles is provided to assist the individual LDO/CWO in making career decisions.

<u>REFERENCE</u> (Series)	<u>SUBJECT</u>
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OPNAVINST 1120.12	Appointment of Limited Duty Officers and Chief Warrant Officers in the Navy Reserve
OPNAVINST 1210.5	Lateral Transfer and Resignation of Active Component Officers in the Navy
SECNAVINST 1412.8	Regulations to Govern the Promotion and

Continuation of LDOs and CWOs Serving on Active Duty in the U.S. Navy

[SECNAVINST 1421.3](#)

Temporary (SPOT) Promotion of Officers

[OPNAVINST 1420.1](#)

Enlisted to Officer Commissioning Programs Application Administrative Manual

[BUPERSINST 1430.16](#)

Advancement Manual for Enlisted Personnel of the U.S. Navy and U.S. Navy Reserve

[SECNAVINST 1811.3](#)

Voluntary Retirement and Transfer to the Fleet Reserve of Members of the Navy and the Marine Corps Serving on Active Duty

[SECNAVINST 1920.6](#)

Administrative Separation of Officers

[SECNAVINST 1920.7](#)

Continuation on Active Duty of Regular Commissioned Officers and Reserve Officers on the Reserve Active Status List in the Navy and Marine Corps

[BUPERSINST 1900.8](#)

Certificate of Release or Discharge from Active

NAVAL MILITARY PERSONNEL MANUAL ([MILPERSMAN](#))

[1100-060](#)

Submission of Application for Voluntary Termination of Temporary Appointment and Reversion of Limited Duty Officers (LDOs)

[1210-280](#)

Designation of LDOs or CWOs as Eligible to Succeed to Command

[1212-020](#)

Redesignation Procedures for LDOs and CWOs Within Their Respective Community

[1212-030](#)

Redesignation of Regular Limited Duty Officers

[1301-219](#)

Officer Special Assignments - Limited Duty Officer (LDO) and Chief Warrant Officer (CWO) Assignments

[1321-050](#)

Assignment to Duty of Limited Duty Officers

[1420-010](#)

Communication with Officer Promotion Selection Boards

NAVAL MILITARY PERSONNEL MANUAL ([MILPERSMAN](#)) (cont.)

1420-030	Regulations Governing Physical Examinations for Promotions of Commissioned Officers and CWOs
1420-050	Counseling of Officers Who Fail of Select for Promotion
1426-010	Permanent Appointment to Active Duty Chief Warrant Officer and Limited Duty Officer Status
1800-020	Effective Date of Retirement, Issuance of Retirement Orders and Authorization
1810-020	Submission of Application for Voluntary Retirement from Active Duty (Officer)
1820-010	Retirement of Members of the Fleet Reserve
1830-030	Physical Examination in Connection with Retirement Transfers to Fleet Reserve, and as a Fleet Reservist
1850-010	General Information Regarding Physical Disability Retirement
1850-020	Action Following Approved Disability Retirement
1850-030	Temporary Disability Retired List (TDRL)
1920-130	Officer Separations, General
1920-200	Officer Resignation Procedures

708. TITLE 10, UNITED STATES CODE, "ARMED FORCES"

The following is a list of Sections within Title 10, United States Code, those apply to LDOs and/or CWOs. Most were covered briefly in the earlier section on DOPMA. However, there may be times that you will need to refer to a specific section for more detail.

SECTION SUBJECT

TITLE 10, UNITED STATES CODE, SUBTITLE A. PART II PERSONNEL, CH.33A

571	Warrant Officers: Grades
572	Warrant Officers: Original Appointment; Service Credit
573	Convening of selection boards
574	Warrant officers active duty lists; competitive categories; number to be recommended for promotion; promotion zones
575	Recommendations for promotion by selection boards
576	Information furnished to selection boards; selection procedures
577	Promotions: effect of failure of selection for
578	Promotions; how made; effective date
579	Removal from a promotion list
580	Regular warrant officers twice failing of selection for promotion: involuntary retirement or separation
581	Selective retirement
582	Warrant officer active duty list; exclusions
583	Definitions

TITLE 10, UNITED STATES CODE, SUBTITLE A. PART II PERSONNEL, CH.36 SUB CH.I

611	Convening of selection boards
612	Composition of selection boards
613	Oath of members of selection boards
614	Notice of convening of selection boards; communications with boards
615	Information furnished to selection boards
616	Recommendations for promotion by selection boards
617	Reports of selection boards
618	Action on reports of selection boards

TITLE 10, UNITED STATES CODE, SUBTITLE A. PART II PERSONNEL, CH.36 SUB
CH.II

619 Eligibility for consideration for promotion
620 Active-duty lists
621 Competitive categories for promotion
622 Numbers to be recommended for promotion
623 Establishment of promotion zones
624 Promotions: How made
626 Acceptance of promotions; oaths of office

TITLE 10, UNITED STATES CODE, SUBTITLE A. PART II PERSONNEL, CH.36 SUB
CH.III

627 Failure of selection for promotion
628 Special selection boards
629 Removal from a list of officers recommended for promotion

TITLE 10, UNITED STATES CODE, SUBTITLE A. PART II PERSONNEL, CH.36 SUB
CH.IV

637 Selection of regular officers for continuation on active
duty
638 Selective early retirement

TITLE 10, UNITED STATES CODE, SUBTITLE A. PART II PERSONNEL, CH.43

741 Rank: commissioned officers of the armed forces
742 Rank: warrant officers

TITLE 10, UNITED STATES CODE, SUBTITLE A. PART II PERSONNEL, CH.59

1164 Warrant officers; separation for age
1165 Regular warrant officers; separation during three-year
probationary period
1166 Regular warrant officers; elimination for unfitness or
unsatisfactory service

TITLE 10, UNITED STATES CODE, SUBTITLE A. PART II PERSONNEL, CH.63

1251 Age 62: Regular commissioned officers; exceptions
1263 Age 62: Warrant officers

TITLE 10, UNITED STATES CODE, SUBTITLE A. PART II PERSONNEL, CH.65

- 1293 Retirement for length of service; 20 years or more;
warrant officers
- 1305 Retirement for length of service; 30 years or more;
regular warrant officers

TITLE 10, UNITED STATES CODE, SUBTITLE A. PART II PERSONNEL, CH.69

- 1370 Retired grade: commissioned officers
- 1371 Retired grade: Warrant officers

TITLE 10, UNITED STATES CODE, SUBTITLE C. PART II PERSONNEL, CH.815

- 8139 Regular Navy: Officers designated for limited duty
(original appointments)
- 8146 Navy: Temporary appointments of officers designated for
limited duty

TITLE 10, UNITED STATES CODE, SUBTITLE C. PART II PERSONNEL, CH.841

- 8322 Voluntary retirement: Officers; 30 years
- 8323 Voluntary retirement: Officers; 20 years
- 8326 Voluntary retirement: Enlisted members; 30 years
- 8334 Higher grade after 30 years of service: warrant
officers and enlisted members