

PERS-834 Officer Performance - The Basics

WARNING

This document is designed to give consolidated, basic procedural information related to Officer Performance issues. It is not a substitute for the references listed at the end or speaking with PERS-834 in person.

The six easy steps for Officer Misconduct and Substandard Performance issues

1. Notify PERS-834 of possible adverse action via email (PERS-834@navy.mil)
2. Execute disciplinary action (NJP, Civil Court, Court Martial)
3. Build and route package to 834 for Show Cause/DFC decision
4. Board of Inquiry or notification procedures (if made to show cause)
5. SECNAV makes final determination.
6. Member is issued separation orders or notified of retention

The more complicated version:

PHASE 0 (Fleet)

1. If an officer is under investigation or pending possible disciplinary action, the command should send an email to PERS-834@navy.mil with the following info:
 - a. Full Name, Rank, Last 4 SSN, Designator
 - b. Nature of the alleged misconduct
 - c. Command POC (name, email, phone #) to interface with 834. (normally COS, CO, XO, JAG, Senior Admin O).
 - d. Whether or not the member is currently in receipt of PCS/Separation orders or on a promotion list.

834 will then flag the member's profile in the personnel system. This prevents PCS, Promotion, and separation (to include retirement).

This does NOT appear in the Official Military Personnel File (OMPF).

If the member has released orders, do NOT let them execute those orders. 834 will examine if the orders need to be cancelled or held in abeyance.

If member is found not guilty at NJP, Civil court, or CM, simply send another email to PERS-834@navy.mil indicating the command doesn't wish to pursue any further adverse action on the officer and we will close the case and remove the flag. (For Civil court action and Court Martial, we will require those final documents to review, but not a full Show Cause package)

2. Execute the disciplinary action:

- a. NJP, to include all appeals
 - b. Get final civilian court documents (charge sheets, dispositions, sentencing etc.)
 - c. Court-Martial
 - d. Report of Misconduct (This is optional and used when something prevents a, b, or c, but the command still desires to report the misconduct. I.e. refusal of NJP, statute of limitations, etc.)
3. If member is found not guilty at NJP, Civil court, or CM, or the investigation clears the officer, simply send another email to PERS-834@navy.mil indicating the command doesn't wish to pursue any further adverse action on the officer and we will close the case and remove the flag. (For Civil court action and Court Martial, we will require those final documents to review, but not a full Show Cause package)

Stop here. No further misconduct action is required

4. Build Misconduct package using the templates in MPM 1611-010.
- a. Basic report letter with discipline documents, investigations etc. as enclosures
 - i. Make Show Cause(SC)/No Show Cause(NSC) recommendation
 - ii. Make Detach for Cause (DFC) recommendation
 - iii. Make Promotion recommendation
 - b. 1st endorsement is by member. Give them full report to review. 10 days to acknowledge and submit a statement if desired
 - c. 2nd endorsement by originating CO. Acknowledging having read and addressing any claims by member in their statement. **Do not introduce new material here**
 - d. 3rd endorsement by ISIC. Needs to put their own recommendations for SC/DFC/Promotion
 - e. 4th endorsement by first Flag (if ISIC or originating command is not a Flag)
 - f. Send report via email or AMRDEC to PERS-834 (snail mail not desired)

PHASE 1 (Show Cause/DFC)

(1-3 months for SC/DFC decision from 834 receipt of package)

5. PERS-834 will prepare a package to the Show Cause Authority for SC and DFC decision. Between
6. If decision is SC, proceed to Phase 1A.
 - a. **DFC, if approved, will NOT take effect until all admin actions are complete.**
7. If decision is NSC, case is closed and member is retained in the Navy and available for detailing, if needed. Contact PERS-4, your normal detailer.
 - a. Command will receive Status in the Navy (SIN) letter to give to member, retaining them.
 - b. Command will receive DFC letter at same time (only if DFC was requested).
 - c. Promotion delay/withhold issues will begin processing with PERS-833

PHASE 1A (Notification/BOI)

(3-5 month process from SC decision)

- Probationary vs Non-Probationary = 6 years commissioned service. (Enlisted time not a factor)

- Probationary officers are not entitled to a Board of Inquiry (BOI) unless Other Than Honorable (OTH) is being sought (normally more serious misconduct; Drugs, child pornography, Sexual assault etc.)
- Warrant Officers become non-probationary after 3 years from commissioning.

Probationary Officers

8. Probationary officers made to show cause will receive:
 - a. notification of rights, including option to submit another statement
 - b. option to resign/retire at the offered characterization by Navy Personnel Command
 - c. required PTSD/TBI forms

Non-Probationary Officers

9. Non-Probationary officers made to show cause will receive:
 - a. notification of rights, including option to submit another statement
 - b. option to resign/retire at the recommended characterization by Navy Personnel Command
 - c. the option to have a BOI convened to hear the case for retention
 - d. required PTSD/TBI forms
10. If member elects a BOI, the Navy Region in your area will schedule and administer the BOI.
 - a. The member will be assigned defense JAG from DSO
 - b. Region will run the BOI to include membership, government JAG etc.
11. BOI will convene.

PHASE 2 (Separation Decision Phase)

(2-4 Months for SECNAV Decision)

12. **Officers who don't go to a BOI:** 834 will prepare a package to Assistant Secretary of the Navy (Manpower & Reserve Affairs) (ASN M&RA) for final separation decision.
13. **Officers who go to a BOI:** If member is retained at the BOI, once the results are received by PERS-834, the case is closed and the member is free to be detailed as needed.
 - a. A Status in the Navy (SIN) letter will be issued to the member via the command.
14. If the member is recommended for separation/retirement, those results are sent back to PERS-834. A package containing these results is then routed to SECNAV for final determination.
 - i. Characterization of Service (Honorable, General, Other than Honorable) is recommended by the BOI and SECNAV cannot go lower than the recommendation, but can upgrade.
 - ii. Paygrade for retirement or reenlistment is recommended by the BOI, but SECNAV has full authority in determining final paygrade.
 - iii. Member should begin preparing for separation/retirement in anticipation of that possible outcome from SECNAV, due to minimal time from SECNAV decision to separation date.

PHASE 3 (Separation Phase)

15. If directed for separation or retirement, PERS-8 will issue separation orders within 30 days of SECNAV's decision. The separation date is normally 45-60 days from release of the orders.
 - a. Retirements are on the 1st of the month

- b. Separations are NLT the last day of the month (Command and Member can work the date locally in that specified month)
 - i. These are involuntary separations that are directed by SECNAV/ASN. The date is not negotiable.

These are the basics. Both US Law and USN regulations are complicated. Many things that apply to enlisted, do not apply to officers.

Please call or email PERS-834 for questions about your specific case.

PERS-834@navy.mil

PERS-834 Branch Head: 901-874-4424

References:

DODI 1332.30

SECNAV 1920.6 series

MPM 1611-010 Officer Misconduct

MPM 1611-020 Detach for Cause

FAQs

Q: How long does this process take?

A: Depends, but a long time. As much as 12 months or greater depending on numerous factors. See the individual estimates for each phase above.

Q: How can I make this process go faster?

A: Very difficult to speed up as the decision is often made at the SECNAV level, with lots of chops in between. PERS-834 has more than 500 active officer cases, all misconduct related, with the very severe misconduct getting the highest priority.

Q: Do I need two separate packages for DFC and misconduct?

A: No. Any misconduct or substandard performance package can include a request for DFC. A separate DFC package is not required.

Q: If I submit a report of NJP, Civil Action etc, do I have to recommend show cause?

A: You can choose to recommend Show Cause or No Show Cause for retention. Either recommendation is acceptable.

Q: Does my Chain of command recommendations have to agree?

A: No. Each endorser can make any recommendation they desire. CO, ISIC, and Flag could all have different recommendations if desired.

Q: Can a member PCS while going through this process?

A: Only in extreme circumstances. MPM 1611-010 says an officer should not execute transfer orders while on legal hold.

Q: If a DFC is approved, when will the officer be PCSed?

A: If the officer is NOT made to Show Cause, they can be detailed immediately. If they are made to Show Cause, they will stay with the command until all PERS-834 action is complete.

Q: I don't want this officer in my command while this is ongoing. What can I do?

A: Arrange for cost/no-cost TAD at a nearby command. This way, the originating command retains control of the officer while the process is ongoing. The Navy would prefer no-cost TAD, but it is from the command's TAD fund, so a command level decision.