

PERS-833 Frequently Asked Questions (FAQs)

- **What is the difference between a “delay” and “withhold?”**
 - Delay: A delay occurs when adverse or reportable information becomes known to the DON after SECDEF has approved the officer's appointment and the original selection board has been confirmed by the Senate Armed Services Committee (SASC) but before the officers projected date of rank.
 - If an officer is screened post-ALNAV but pre-NAVADMIN, they will be a "delay" case.
 - Withhold: A withhold occurs when adverse or reportable information becomes known to the DON before the SECDEF has approved the officer's appointment.
 - If adverse or reportable information is discovered before an officer is scrolled, they will be a "withhold" case.

The only way a delay or withhold can be adjudicated is through SECNAV via the PERS-833 process.

 - Regardless of the reason, all officers seeking to pursue their promotion may do so once the adverse or reportable information circumstances have been fully closed out (i.e. NCIS/ NAVIG investigation closed, PERS-834 case closed out, security clearance granted, etc.).
- **What is the difference between “adverse” and “reportable” information?**
 - Adverse information: any substantiated adverse finding or conclusion from an officially documented investigation, inquiry, or any other credible information of an adverse nature, which is derogatory, unfavorable, or of a nature that reflects clearly unacceptable conduct, integrity, or judgment.
 - Reportable information: can be alleged misconduct or impropriety, which is subject to an ongoing investigative, administrative, or judicial process.
- **The member/command is unable to meet the five-day deadline for the Acknowledgement of Promotion Delay/Withhold and Intent to Submit a Statement (enclosure 1) – is there a way to extend the deadline?**
 - If the acknowledgement letter is unable to be signed and submitted by the member and CO/OIC due to extenuating circumstances (leave, deployed, etc.), please notify PERS-833 ASAP and request an extension to include an estimated time of completion; however, the delayed/withheld officer shall be notified of the basis for the delay/withhold action as soon as practicable.
 - **NOTE:** If a member is slated to promote before or within the five days of acknowledgement, it is crucial that the command notifies the member by any means available.
 - **NOTE:** Unless the member has been previously notified of a promotion delay/withhold via other means by the command (e.g. Page 13), this acknowledgement must be signed and dated prior to the member's projected date of rank.
- **On the acknowledgment of my promotion delay/withhold letter, I originally stated that I did/did not intend to submit a statement – can I change my mind later?**
 - Yes. Personal statements are optional. The letter of acknowledgement and intent to make a statement response does not obligate a member to submit or not submit a personal statement.
 - **NOTE:** If you do not wish to write a statement, please submit your intentions in writing to your CO and PERS-833.

- **When can I submit a personal statement and/or command endorsement?**
 - Once all matters concerning your delay or withhold have been fully adjudicated. Before you can submit your personal statement/command endorsement, you will need to wait until all ongoing matters are resolved (PERS-834 case, civil actions, investigations, etc.). This is to ensure you and your CO are able to address all applicable information that has been properly adjudicated in your case.
 - **NOTE:** Please reference the PERS-833 Withhold and Delay Process Gouge for personal statement and command endorsement guidance and examples.

- **Do I have to submit a personal statement?**
 - The personal statement is strictly optional; however, it is your chance to address the case and respectfully request for your promotion to be sustained.
 - **NOTE:** If you do not wish to write a statement, please submit your intentions in writing to your CO and PERS-833.
 - **NOTE:** Please reference the PERS-833 Withhold and Delay Process Gouge for personal statement guidance and examples.

- **Is a command endorsement required?**
 - Yes. A command endorsement from the delayed/withheld member's current CO is required to be submitted on behalf of the member's promotion.
 - **NOTE:** Please reference the PERS-833 Withhold and Delay Process Gouge for command endorsement guidance and examples.

- **What is included in my promotion package?**
 - All items received from the withheld/delayed officer (personal statements and enclosures, command endorsements, etc.), the adverse or reportable information that triggered the delay/withhold, as well as FITREPs covering the last five years or time since the adverse or reportable matter – whichever is longer.
 - **NOTE:** PERS-833 is able to retrieve FITREPS from a member's OMPF; however, if a more recent FITREP is available and not uploaded to OMPF, please submit it to PERS-833 for consideration within the promotion package.

- **When will my promotion package be created and routed?**
 - First and foremost, all matters concerning a delay or withhold must be fully adjudicated. Then, following PERS-833's receipt of the withhold/delay acknowledgment (enclosure 1 of the notification letter), the member's statement (if applicable), and command endorsement, PERS-833 will assemble a promotion determination package.

- **I plan to retire or resign in the near future – will my promotion go through if approved?**
 - If the member is no longer serving in the military, the promotion case will not be pursued and subsequently, the officer's name shall be administratively removed from the promotion list. This includes the time it takes for a promotion package to complete its entire routing process through SECNAV and SECDEF if/when it was to be submitted by PERS-833.
 - **NOTE:** If a resignation or retirement request has been submitted/approved and the member wishes to pursue the promotion, contact PERS-833 ASAP for recommendations moving forward.
 - **NOTE:** If an Active Duty member is resigning into the Reserves, the promotion package may still be routed as long as there is a zero-day break in service. Contact PERS-833 for amplifying information and further coordination.

- **Where can I get an updated status about my NCIS/NAVIG investigation?**
 - Please refer to your local or regional NCIS/NAVIG office for status updates.

- **My local NCIS/NAVIG office informed me/my command that my case has been closed and provided a full investigation report to me/my command. What happens next?**
 - Once a case has been closed and both the member and command have been offered the opportunity to review the complete closed out report, we recommended contacting PERS-833. From there, a personal statement and command endorsement may be submitted to PERS-833. Once the personal statement and command endorsement are submitted, no further action is required from the member or command – unless addressed by PERS-833.
 - **NOTE:** Although a local NCIS/NAVIG office can provide the status of an investigation, PERS-833 will need to standby until an official closed out report is received from NCIS/NAVIG headquarters. Once the report is received from headquarters, PERS-833 will then be able to route the member's promotion package with all appropriate documentation.

- **How long until I know the determination about my promotion package?**
 - Once the package has been built, the following estimated routing timeline applies:

CNPC (8 weeks)*

CNP (6-9 months)**

OJAG Code 13 (3 months)*

CNO (90-120 days)**

SECNAV (30 days)*

SECDEF (30 days)***

DEPSECDEF (30 days) ****

POTUS (30 days) ****

SASC (As scheduled) ****

* = All packages

** = Adverse information packages only

*** = Officers requiring SECDEF appointment (USN 02-03 selects and USNR 02-05 selects)

**** = Officers requiring Senate Confirmation (USN 04-010 selects and USNR 06-010 selects)

NOTE: PERS-833 has individual flowcharts that breakdown a delay/withhold package routing process. Members and commands may request a copy of the appropriate flowchart if not previously received.

- If the SECNAV removes the officer from the promotion list, PERS-833 will notify the officer's current commanding officer. This will result in a failure of selection (FOS). The officer may submit a statement regarding the removal which will be added to their OMPF.
 - If the SECNAV terminates the delay, PERS-833 will notify the officer's current commanding officer and the officer's promotion will be authorized on a forthcoming NAVADMIN message.
 - If the SECNAV approves the promotion of a withheld officer, the officer must be appointed by SECDEF or confirmed by the Senate Armed Service Committee (SASC), PERS-833 will notify the officer's current commanding officer and the officer's promotion will be authorized on a forthcoming NAVADMIN message.
- **How do I receive updates regarding my promotion package once it is routing?**
 - Our office encourages members and/or commands to contact our office every 30-45 days for a status update on any active promotion packages routing. Please refer to the PERS-833 MyNavy HR webpage for applicable contact information.

- **I have been notified by PERS-833 that my withhold promotion package is with POTUS, where may I receive updates for Senate confirmation?**
 - Please reference the following website to monitor the status for packages routed up to the Senate level: https://www.senate.gov/legislative/nominations_new.htm
 - **NOTE:** Type in the name of the member in the search box under "Search Nominations on Congress.gov (1981-Present)," and click "GO." You will then be taken to a page that will list the "Latest Action" on the nomination.

- **My promotion package has been adjudicated by SECNAV/SECDEF or confirmed by Senate, and I have been approved for promotion. When may I promote?**
 - If/when a member has been approved for promotion by the ultimate authority, our office will notify the command of the news. From there, the member will need to wait for a forthcoming NAVADMIN message - which route approximately 90 days before release. Once the member's name is listed on an approved NAVADMIN message, that is when the member would be authorized to officially promote.
 - **NOTE:** An ENS (O-1) promoting to LTJG (O-2) is exclusively entitled to officially promote the day of approval as LTJG promotions are not released via NAVADMIN.

- **Do I get back-paid if I am retroactively promoted?**
 - Yes. If SECNAV authorizes the member a backdated effective date of rank, they are entitled to back-pay.
 - **NOTE:** Please refer to your CPPA and/or TSC for further guidance.

- **My "Advancement/Selection Boards" status under BUPERS Online (BOL) has been removed – does this mean my promotion has been removed?**
 - When a new fiscal year begins, promotion selection statuses displayed in BOL from previous years are reset for all Navy members. Members will continue in a "SELECTED" status for previous fiscal years until they have a determination regarding their promotion from SECNAV.

- **I have been approved for promotion; however, my date of rank (DOR) was adjusted – why and how did that happen?**
 - SECNAV ultimately has the authority to promote a member based on original projected DOR, or SECNAV may also adjust a member's DOR due to extenuating circumstances determined by SECNAV.
 - **NOTE:** SECNAV has the authority from Title 10, Chapter 36, Subchapter 2, section 624 to adjust a date of rank, when discussing officers with a delayed promotion who are later determined to be promotable:

“(the officer) shall, upon promotion to the next higher grade, have the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the active-duty list as he would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the active-duty list as the Secretary considers appropriate under the circumstances.”

- **If I previously had an NCIS and/or NAVIG case prior to my selection board, could I still be considered a delay/withhold promotion case?**
 - Yes. By law and regulation, officers recommended for promotion must be mentally, physically, morally, and professionally qualified to promote. Pursuant to references U. S. C. Title 10, DODINST 1320.04, and SECNAVINST 1420.3, the Secretary of the Navy (SECNAV) is required to review and consider any adverse or alleged adverse information concerning military officer actions requiring approval of the Secretary of Defense (SECDEF), the President, or confirmation by the Senate.
 - The SECNAV must certify all officers meet the exemplary conduct requirements of U.S.C. Title 10, section 8167. Because of these requirements, officers with adverse or reportable information not previously reviewed by the Secretary must have that information formally reviewed by the Secretary prior to his certification in writing that the officer is qualified for promotion. Adverse information, per DODINST 1320.04, is any substantiated adverse finding or conclusion from an officially documented investigation or inquiry or any other credible information of an adverse nature. At the time of the review, an ongoing investigation means a determination hasn't been made; this must be withheld for more in-depth review once it is concluded.