

MILPERSMAN 1611-010

OFFICER PERFORMANCE AND SEPARATIONS FOR CAUSE

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References	<ul style="list-style-type: none"> (a) SECNAVINST 1920.6D (b) 10 U.S.C. (c) Navy Regulations, 1990 (d) BUPERSINST 1610.10D (e) CNO Washington DC 211859Z Dec 17 (NAVADMIN 304/17) (f) OPNAVINST 6110.1J (g) CNO Washington DC 311958Z Oct 18 (NAVADMIN 267/18) (h) JAGINST 5800.7F, Manual of the Judge Advocate General (JAGMAN) (i) SECNAV M-5210.1, Department of the Navy Records Management Program, of September 2019
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1. **Applicability.** This article applies to all officers in grades O-6 and below in cases involving performance or conduct that may lead to administrative separation (ADSEP) for cause per reference (a). When commanders anticipate disciplinary or adverse administrative action may be taken against an officer (e.g., nonjudicial punishment (NJP), court-martial, civil arrest, ADSEP, detachment for cause (DFC), etc.):

Do the following:	Do NOT do the following:
Notify	Execute Orders
Report	Promote
Document	

2. Definitions

a. **Show-Cause**

(1) **Show-cause** is the first decision in an officer ADSEP case determining whether an officer must present a case for retention in the Navy. This decision will determine whether further processing will occur (show-cause) or the officer is retained right away (no show cause). If further processing is required, the officer may show cause for retention either using a letter (notification procedures) or a board of inquiry (BOI).

(2) The **Show-cause authority** (SCA) is first to make a decision for officer ADSEPs. The determination of the SCA is required in order to route future reports of misconduct and substandard performance appropriately. The Chief of Naval Personnel (CHNAVPERS) delegated SCA to the first flag with general court-martial convening authority and a staff judge advocate on staff in the concerned officer's chain of command. Additionally, Deputy Chief of Naval Personnel (DEP CHNAVPERS) is assigned as the alternate SCA. The SCA may approve an officer for show-cause, but may only recommend no show-cause. Any recommendation for no show-cause will be forwarded to the DEP CHNAVPERS for final determination. The SCA may make show-cause decisions in all cases under his or her purview, except those in which the SCA or higher initiated the report, or in any case where the SCA wishes to defer the decision to higher authority due to conflicts of interest, potential media interest, congressional involvement, or other non-routine cases. In these cases, the SCA must make a recommendation and forward to the DEP CHNAVPERS for the show-cause decision.

b. **Separation**

(1) **Separation** is the final decision in an officer misconduct or substandard performance case determining whether an officer must be involuntarily discharged or retained. This decision will be made after an officer shows cause for retention and is further recommended for separation.

(2) The **separation authority** (SA) for officers is delineated by statute as the Secretary of the Navy (SECNAV) and is further delegated by Navy policy to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)). Once an officer shows cause for retention and is still recommended for

separation, the SA will make the final decision. The SA may approve or disapprove separation and retention recommendations. If separating an officer, the SA may designate a characterization of service. In the case of a retirement eligible officer, the SA may also make a retirement grade determination (RGD).

3. Overview

a. Upon notification of potential processing, Navy Personnel Command (NAVPERSCOM) Officer Performance and Separations Branch (PERS-834) will create a case, cancel any pending orders, and wait for the endorsed report. The SCA will first determine whether the officer should show cause for retention in the Navy and forward the report to PERS-834. If a DFC is requested, PERS-834 will forward the report to DEP CHNAVPERS for the DFC decision.

b. If the officer is directed to show cause, PERS-834 will notify the officer of his or her rights and options. If not being made to show cause, with DEP CHNAVPERS concurrence, PERS-834 will close the case. In some show-cause cases, a BOI may be offered and accepted.

c. If the officer accepts a BOI, the convening authority, usually the local region commander, will convene the BOI and deliver the results to PERS-834. If recommended for retention by a BOI, PERS-834 will close the case.

d. If recommended for separation by a BOI, or by DEP CHNAVPERS without a BOI, and once all rights and options have been exercised, PERS-834 will forward a separation package to the SA for a final separation decision.

e. When the separation decision is complete, PERS-834 will notify the officer and produce separation orders or collaborate with NAVPERSCOM Officer Retirements Branch (PERS-835) or NAVPERSCOM Reserve Personnel Services Branch (PERS-912) for retirement orders. A discharge will typically be ordered within 30-60 days of the separation decision, unless specified by the SA.

f. If, at any point in the process, the officer is retained for naval service, PERS-834 will notify the officer with a "Status in the Navy" letter, file any appropriate documents in the officer's official military personnel file (OMPF), and close

the case. Officers in pay grades O-5 and O-6 will have an internal "flag" up to 2 years, due to a potential retirement grade determination if the Service member decides to submit a voluntary retirement (VOLRET) per reference (a). Once the case is closed, if an officer still has a promotion withhold or delay, NAVPERSCOM Personnel Performance and Security Branch (PERS-833) will start the promotion vetting, per reference (b). Previously cancelled orders may be requested again upon case closure and approved on a case-by-case basis. If recoupment of educational benefits or bonuses is required, PERS-834 will initiate it upon discharge.

4. **Command Responsibilities**

a. **Notify**

(1) Commanders must notify PERS-834 and their delegated SCA immediately upon **all** incidents relating to adverse or reportable officer misconduct or substandard performance. If there is uncertainty as to whether an incident is reportable, contact PERS-834 for guidance. Notifications must include the following information:

(a)	Offending officer's name, rank, and designator
(b)	Point of contact (POC) information for the command
(c)	A brief description of the incident
(d)	Any other important administrative details (e.g., released orders, on a promotion list, nuclear qualification, etc.)

(2) Events requiring notification to PERS-834 include the following examples:

(a)	Any security incident reports, in parallel with a report in the Joint Personnel Adjudication System (JPAS) or Defense Information System for Security (DISS)
(b)	Security clearance revocations or denials
(c)	Positive urinalysis
(d)	Loss of required professional licensures
(e)	Loss of required ecclesiastical endorsements (for chaplains)
(f)	Family Advocacy Program (FAP) substantiated child sexual assault incidents
(g)	Drug or alcohol rehabilitation failures
(h)	Conditions not constituting a physical disability

(i)	Unavailability for deployment due to parenthood
(j)	NJP
(k)	Courts-martial or resignations in lieu of trial
(l)	Any arrests (civil or military)
(m)	Substandard performance leading to DFC or ADSEP requests
(n)	Other non-adjudicated misconduct (e.g., refused NJP, lack of NJP authority, statute of limitations, etc.)

(3) The preferred method of notification is encrypted E-mail. Commands may expect an e-mail in response to correspondence with PERS-834; however, if no response is received, establish unencrypted communications first and resend it once e-mail certificates are established.

(4) Contact NAVPERSCOM Career Management Department (PERS-4) applicable detailer division (e.g., PERS-41, 42, 43, 44, 46 or 47) if the officer has released orders or a DFC is requested.

(5) Contact PERS-833 if the officer has been recently selected, but not yet promoted, or is approaching an administrative screening or statutory selection board.

(6) Contact the Office of the Chief of Naval Operations (OPNAV) Nuclear Propulsion Program Management Branch (N133) and NAVPERSCOM Nuclear Submarine Officer Distribution Division (PERS-42) if the officer is a selectee, trainee, or graduate of the Naval Nuclear Propulsion Program or the officer has a current nuclear additional qualification designator.

b. Report

(1) Upon adjudication of the misconduct and imposition of punishment (i.e., written reprimand or greater) or the commander's decision to pursue administrative processing (e.g., ADSEP, DFC, etc.), the commander will report the offense(s) to the SCA via the NAVPERSCOM Personnel Performance and Transition Division [\(PERS-83\) Reporting Letter template](#).

(2) All reports must include recommendations for adverse actions against the officer. The issuing authority must make recommendations for the following:

(a)	Show-Cause	Whether the officer should be required to show cause for retention in the Navy
(b)	Promotion	Whether the conduct warrants promotion delay or removal (if on a promotion list)
(c)	DFC	If a DFC is requested (as applicable)

(3) Recommendations are not mutually exclusive to **mandatory** ADSEP processing (e.g., drug abuse, rehab failure, etc.). Mandatory ADSEP processing only requires that the process is initiated at PERS-834. A commander may recommend no show-cause for an officer that is facing mandatory processing by providing the rationale to support the request.

(4) When practical to do so with clarity and without prejudice to the officer concerned, facts or details requiring reports to be classified should be omitted. Information should not be classified solely because it is embarrassing or derogatory to the Service member. Should classified material be absolutely necessary, contact PERS-834 for direction.

(5) Unless security reasons dictate otherwise, reports should be designated "For Official Use Only." Transmit reports via encrypted e-mail through an approved file exchange server (i.e., Department of Defense Secure Access File Exchange ([DOD SAFE](#)) or via mail). If sending reports via mail, use double envelopes with the inner envelope marked "Officer Performance, For Official Use Only" (as appropriate) and the outer envelope addressed to the following:

Navy Personnel Command PERS-834 5720 Integrity Drive Millington, TN 38055-8340

(6) Forward the report to the offending officer for the first endorsement. Except as provided in [MILPERSMAN 1070-020](#), an officer must be given notice of and an opportunity to respond to all adverse matters being forwarded to PERS-834 for inclusion in the officer's OMPF. The officer's intention not to make a statement must be indicated in writing or by the expiration of a

stated period of time within which the Service member, after having been so advised, was afforded such an opportunity and failed to submit a statement. Any doubt as to whether a particular matter is adverse will be resolved in favor of the officer by referring it to the officer. Direct the officer's attention to reference (c), article 1122, for guidelines regarding such statements.

(7) Return the report to the issuing commander for a second endorsement and forward through the chain of command to the SCA (as required). Additional endorsers are not required, as this may unnecessarily delay the report processing. However, this does not preclude fleet, type, or group commanders from requiring the reports to be forwarded via operational or administrative channels. The endorsing chain of command must also provide individual recommendations, as well as explanations, if not concurring. The flag officer executing SCA will sign the final endorsement, to include a show-cause decision, prior to routing to PERS-834. If there is no SCA within the chain of command, ensure the first flag endorses the report and forwards it to PERS-834. PERS-834 will perform all follow-on administrative processing.

c. **Document.** Substantiated, adjudicated officer misconduct or substandard performance should be documented in a fitness report (FITREP) per reference (d). When deficiencies are discovered after a recent FITREP submission, a supplemental FITREP should be submitted (as appropriate). Commanders may always comment on the facts leading to a report; however, the FITREP should not contain comments that specifically label a departure as a DFC, unless the DFC is specifically approved by DEP CHNAVPERS. See reference (d) for further details on documenting adverse material in FITREPs.

d. **Do Not Execute Orders.** Commanders must not allow the officer to execute orders (e.g., permanent change of station (PCS), retirement, resignation, etc.) until administrative separation processing has been resolved. If the officer has released orders, PERS-834 will normally cancel them. The officer will only execute orders in extreme cases and only with explicit approval from PERS-834. This does not normally include temporary duty or PCS intermediate stops.

e. **Do Not Promote.** Commanders must not allow the officer to promote without explicit approval from PERS-833. PERS-834 shares all information with PERS-833 for promotion withholds and delays. PERS-833 will notify commanders of the status of the officer's promotion by formal letter.

4. **Types of Reports**

a. **Report of Court-Martial (RCM)/Resignation in Lieu of Trial (RILT).** Preferred charges against an officer proceeding to a pre-trial hearing for court-martial are governed by reference (b), chapter 47, article 32. The commander must keep PERS-834 informed of the status and disposition of any court-martial proceedings. At the conclusion of trial, if a "dismissal" from naval service was awarded (not the same as charges dismissed), forward the final sentencing document to PERS-834 for record keeping. If a guilty finding was determined on any of the charges and a "dismissal" from naval service was not awarded, the commander must immediately submit an RCM to PERS-834 via the [PERS-83 Reporting Letter template](#). If the officer agreed to a RILT (otherwise known as a resignation to escape court-martial), include a resignation letter, per [MILPERSMAN 1920-190](#), as an enclosure to the RCM. As an adjudicated adverse action, the RCM will be included in the officer's OMPF. The RCM should include the following:

(1)	Statement of the charges preferred and trial dates
(2)	Details of the trial or any explanatory information
(3)	Disposition of each specification and final sentencing
(4)	Statement of any plea agreements made (if applicable)
(5)	Status of appeals (if applicable)
(6)	Statement of notification that the officer has 10 working days to review and acknowledge the report, and that the report will become part of the officer's OMPF. The officer's dated acknowledgment or statement may be included as the first endorsement. If the officer does not comply, the command may forward at the end of the 10-day review period, describing the lack of compliance.
(7)	Copy of DD 2707-1 Department of Defense Report of Result of Trial
(8)	Copy of any other supporting documentation (if applicable)

b. **Report of Nonjudicial Punishment (RNP)**. NJP is governed by reference (b), chapter 47, article 15. The NJP authority must keep PERS-834 informed of the status and disposition of any charges being considered. At the conclusion of all NJP processes (i.e., punishment awarded and appeals concluded), assuming guilt was found and punishment greater than oral admonition was awarded, the NJP authority must immediately report the NJP results using [PERS-83 Reporting Letter template](#). As an adjudicated adverse action, the RNP will be included in the officer's OMPF. If on appeal, all charges were dismissed (a full set-aside was granted), notify PERS-834 with a Report of No Misconduct to close the case. The RNP should include the following:

(1)	Statement of the offense(s) imposed
(2)	Brief description of the circumstances surrounding the offense(s)
(3)	Statement of the punishment awarded
(4)	Statement of notification stating that the officer has 10 working days to review and acknowledge the report and that the report will become part of the officer's OMPF. (The officer's dated acknowledgment or statement may be included as the first endorsement. If the officer does not comply, the command may forward the notification describing the lack of compliance at the end of the 10-day review period)
(5)	Copy of the NAVPERS 1626/7 Report and Disposition of Offense(s)
(6)	Copy of any procedural documents to include testimony given at NJP and or NJP summary
(7)	Copy of the investigation and other documents that were considered at NJP (including rights statements)
(8)	Copy of any punitive letters awarded (if applicable)
(9)	Copy of any appeal and response or the officer's written declination to appeal (if applicable)

c. **Final Civil Action Report (FCAR)**. The commander must keep PERS-834 informed of the status and disposition of all misconduct cases where an officer has been arrested in connection with or charged with a civil offense. Regardless of any diversionary, mitigating, or downgrading actions by the court, the case must be administratively processed if the original commission of the civilian offense could have been punished by confinement of 6 months or more. When a sentencing has been adjudged, the commander must submit an FCAR via the [PERS-83](#)

Reporting Letter template. As an adjudicated adverse action, a FCAR that meets the criteria above will be included in the officer's OMPF. The FCAR should include the following information:

(1)	Statement of the charges (as filed)
(2)	Statement of the pleading or findings
(3)	Brief description of the incident for which the officer was investigated, arrested, and or tried
(4)	Statement of the sentence imposed
(5)	Statement listing any diversionary or mitigating actions (e.g., First-time Offender Program, Military Diversionary Program, etc.) allowed by the court and resulting in dismissed or reduced charges (if applicable)
(6)	Statement of any command action being taken (if applicable)
(7)	Statement of notification that the officer has 10 working days to review and acknowledge the report, and that the report will become part of the officer's OMPF. (The officer's dated acknowledgment or statement may be included as the first endorsement. If the officer does not comply, the command may forward the notification, describing the lack of compliance at the end of the 10-day review period.)
(8)	Copy of any law enforcement documents given
(9)	Copy of any civil court documents reflecting final disposition of the matter
(10)	Copy of any other supporting documentation (if applicable)

d. Report of (other) Misconduct (ROM)/Report of Substandard Performance (RSP). There may be cases where an officer has allegedly committed misconduct or performed poorly, but there is no NJP, court-martial, or civilian conviction to adjudicate the allegations. Additionally, no punitive action has been made against the officer. In such circumstances, if the commander believes that the allegations warrant administrative processing, the commander may submit an ROM or an RSP requesting ADSEP, DFC, or both, using PERS-83 Reporting Letter template. The same report format may be used for the ROM and RSP. Submit a ROM when the commander intends to take punitive action, but is unable (e.g., Service member waives NJP in favor of court-martial and charges are not preferred, the commander does not have NJP authority, etc.). Submit an RSP when the commander determines the officer's poor performance is unrecoverable and should result in detachment or separation. If requesting show-cause, the RSP must be supported by evidence of one or more of the reasons listed in reference (a), enclosure (6). As non-adjudicated

adverse actions, the ROM or the RSP will only be included in the officer's OMPF if a follow-on administrative action is approved (e.g., DFC approval, probationary show-cause approval, retirement or resignation in lieu of a BOI, a BOI which finds basis for separation, etc.). The ROM or RSP should include the following information:

(1)	Brief description of the alleged misconduct or poor performance and related failures
(2)	Statement explaining why disciplinary action was not taken
(3)	Statement of notification explaining the officer has 10 working days to review and acknowledge the report, and that the report will become part of the officer's OMPF. (The officer's dated acknowledgment or statement may be included as the first endorsement. If the officer does not comply, the command may forward the notification describing the lack of compliance at the end of the 10-day review period).
(4)	Copy of the NAVPERS 1626/7 Report and Disposition of Offense(s) and any other procedural documents (if the officer refused NJP)
(5)	Copy of any relevant investigations
(6)	Copy of any relevant supporting documents (e.g., written counselings, command logs, FITREPs, non-punitive letters of instruction (LOI), physical fitness assessment (PFA) failure notices, warfare non-attain notices, security incident reports or clearance revocation notices, loss of professional licensure notices, loss of ecclesiastical endorsement notices, FAP determinations, urinalysis results, drug or alcohol rehabilitation failure notices, medical evaluation board reports, etc.)
(7)	Any other reportable evidence

e. **Report of NO Misconduct (NOM).** A NOM must be generated, using [PERS-83 Reporting Letter template](#), by the command for any matter for which all of the following is satisfied: PERS-834 was notified, the commander eventually considered the allegations as unsubstantiated or non-punitive, and further administrative processing is neither required nor desired. This situation could occur due to charges being dismissed at NJP, court-martial, civil court, or court of appeals (not a "dismissal" from the Service, nor a diversionary program downgrading the charges); an NJP full set-aside; allegations being unsubstantiated; charges not meeting criteria for processing (per PERS-834); etc. The NOM gives the commander

discretion to withdraw from the initiation of administrative processing, but without permanently affecting the officer's record. The NOM also provides a record of case closure in order to accelerate follow-on administrative functions (e.g., promotions, orders, retirements, etc.). The NOM must include the following:

(1)	Explanation of why disciplinary action was not pursued
(2)	Request to close the case
(3)	Statement that any applicable investigations or inquiries may be used in future proceedings
(4)	POC information for the command
(5)	Copy of any relevant investigation, court documents, or other supporting information

f. **Matter of Interest Filing (MIF).** Formal or informal investigations, courts of inquiry, or other matters of interest (favorable or unfavorable) that commanders believe should be filed in the OMPF of any former officer may be submitted as an MIF request. This request is normally used to ensure that the entire report of a matter concerning former officers, rather than excerpts which might appear in either FITREPs, letters of commendation, letters of censure, or other means is available for future reviewing, examining, or board consideration. MIFs are administrative actions and must not be used in lieu of, or a substitute for, commendatory or disciplinary action, or appropriate markings and comments in a FITREP. In cases where additional information regarding an officer's performance becomes available subsequent to detachment and transfer to another command or after a FITREP for the period in question has already been submitted, a supplementary FITREP is normally considered more appropriate than a MIF request. In those cases in which a MIF might be construed as adverse matter, the officer must be afforded the opportunity to review the report and submit a signed statement, or declination to make a statement. Final determination regarding the MIF will be made by Commander, Navy Personnel Command after receipt of the officer's statement. The MIF may be written and processed similarly to the ROM, using [PERS-83 Reporting Letter template](#), but without any recommendations for administrative processing. The MIF must include the following:

(1)	Brief description of the conduct/performance
(2)	Explanation of why action (commendatory or disciplinary) was not pursued

(3)	Request for a MIF as an inclusion into the Service member's OMPF
(4)	Statement of notification that the officer has 10 working days to review and acknowledge the report and that the report will become part of the officer's OMPF. The officer's dated acknowledgment or statement may be included as the first endorsement. If the officer does not comply, the command may forward at the end of the 10-day review period, describing the lack of compliance.
(5)	Copy of the investigation or other documents explaining the conduct

5. Additional Processing Details

a. **Orders.** Officers being processed for ADSEP or DFC will normally remain attached to the command until the processing is complete. It is generally recommended that the command send the officer on temporary additional duty (TAD) until processing is complete. If TAD, the command must notify PERS-834 of the officer's current working location and a unit POC at that location. A PCS is generally not permitted since the future status of the officer is in question. If under extraordinary circumstances, commands may discuss with PERS-4 and PERS-834 to determine the feasibility of a PCS.

b. **Probationary and Non-probationary Officers.** Per references (a) and (b), a **probationary officer** is a regular commissioned officer in the grade O-1 and above with less than 6 years of active commissioned service, a regular warrant officer (WO) in any WO grade within 3 years of appointment, or a reserve commissioned officer in any grade with less than 5 years of service as a commissioned officer. A **non-probationary officer** is an experienced officer beyond the probationary period.

c. **DFC.** A DFC is a strong censure of an officer's performance, relieving the officer of his or her duties, and requiring the officer to detach from the current command prior to his or her projected rotation date. A DFC may be requested via any submitted report mentioned above (i.e., RCM, RNP, FCAR, ROM, or RSP). If requesting DFC, the report must also have an associated show-cause recommendation. Conversely, if requesting ADSEP, the report does not necessarily require a DFC recommendation. A DFC will only be decided by DEP CHNAVPERS, if specifically requested by the initiating command or an endorser in the chain of command. DFC requests must be acknowledged by

the officer prior to the DFC decision; if an endorser in the chain of command requests DFC, but the initiator did not, the report must be sent back to the officer for acknowledgment and potential response. If requesting a DFC, a back-fill may be delayed due to timing, billet prioritization, and other factors. If a DFC is requested, the report must be supported by evidence of one or more of the reasons listed in [MILPERSMAN 1611-020](#). DEP CHNAVPERS must approve or disapprove DFC requests, unless delegated otherwise. For joint commands, a return to Service may be more appropriate. The Director, Joint Staff may return an officer to the control of the parent Service at any time for any activity incompatible with continued service on staff. For Selective Reserve members, DFC is not normally appropriate. Guidelines on DFC are described in greater detail in [MILPERSMAN 1611-020](#).

d. **Show-Cause Determinations**

(1) **No Show Cause.** The officer is retained. Only the alternate SCA can determine that an officer with substantiated adverse or reportable information should not be required to show cause for retention. In all cases where the SCA does not recommend an officer to show cause for retention, the case must be forwarded to DEP CHNAVPERS via PERS-834 for final review and decision.

(2) **Show-Cause (Notification Procedures).** The officer may present a case for retention by letter. Alternatively, the officer may have the option to submit a qualified resignation for final decision by the SA. The officer will not be offered a BOI and will not be granted a personal appearance to make a case for retention. This applies only to probationary officers or cases of parenthood when the SCA deems the circumstances are sufficient for immediate separation. Probationary officers are **not** entitled to a BOI, but one may be offered if determined appropriate by the SCA. In most cases, probationary officers are processed via notification procedures per reference (a), enclosure (10). Upon approval, PERS-834 will send a notification of intent (NOI) to the officer, via the officer's commanding officer, to initiate ADSEP proceedings. Enclosed in the NOI is an acknowledgment of rights and any alternative options for the officer to accept. From the date of NOI delivery, the officer has 10 working days to complete the acknowledgment of rights and submit it to PERS-834. An officer's failure to acknowledge the notification and elect his or her rights to which entitled in the

time allowed, constitutes a waiver of those rights.

(3) **Show-Cause (BOI)**. The officer may present a case for retention at a BOI. Alternatively, the officer may have the option to submit a resignation or a retirement request in lieu of a BOI for final decision by the SA. This applies to all non-probationary officer cases, all cases where an other than honorable (OTH) discharge is desired, or probationary officer cases in which a BOI is considered more appropriate. Upon approval, PERS-834 will send a NOI for a BOI (NOI/BOI) to the officer via the regional commander, who will act as the CA for the BOI. Enclosed in the NOI/BOI is an acknowledgment of rights and any alternative options for the officer to accept. The CA will provide a copy of the NOI/BOI to the commanding officer and chain of command (as appropriate). From the date of NOI/BOI delivery, the officer has 10 working days to make a decision and return the completed acknowledgment of rights to the CA. An officer's failure to acknowledge the notification and elect his or her rights, he or she is entitled to, in the time allowed constitutes a waiver of those rights. In the absence of selection of the officer's rights, the CA will initiate BOI proceedings. In those cases where an officer accepts a BOI, PERS-834 will provide a copy of the misconduct report to the CA. Additionally, the CA may request a copy of the officer's OMPF per [MILPERSMAN 1070-150](#). The CA is required to hold a BOI between 30 and 60 days of the officer's notification to appear before the BOI. A continuance may be requested (if necessary) from PERS-834 via the CA. Extensions beyond 60 days will only be granted in the most unusual of circumstances. Consultation with, or retention of, civilian counsel must not delay orderly processing, and retained counsel will be expected to comply with any established board schedule. BOI procedures are described in greater detail in reference (a), enclosure (11).

e. **Characterization of Service**. All officers have a characterization of service upon separation. The options are honorable (HON), general (under honorable conditions) (GEN), and OTH. Officers **not** administratively separated for cause will be discharged with an honorable characterization of service. If an officer is administratively separated for cause, the SA will determine the appropriate characterization of service to permanently classify the officer's record of performance and conduct. The officer's DD 214 Certificate of Release or Discharge from Active Duty will include the characterization, which in turn, affects the officer's eligibility for Veterans

Affairs benefits. The NOI or NOI/BOI must list the least favorable characterization that an officer may face. The SA may upgrade any recommended characterization; however, the SA cannot downgrade any BOI's recommended characterization. Guidelines on characterization of service are described in greater detail in reference (a), enclosure (8).

f. Retirement Grade Determination (RGD)

(1) All officers have a grade determination upon retirement. The final decision of RGD in all cases rests exclusively with the SA. Officers who were not processed for ADSEP, held their current rank for at least 6 months, and had the proper time-in-grade will normally be retired in their current pay grade. In most other cases, an officer may be retired in a lower grade.

(2) All VOLRETs and statutory/mandatory retirements in which an officer is facing court-martial will normally be held in abeyance until the completion of administrative processing. Furthermore, a VOLRET will not be considered during administrative processing unless specifically submitted as a retirement in lieu of a BOI in response to an NOI/BOI. In any other case, a conditional retirement may be given, subjecting the Service member to a post-retirement RGD (if necessary).

(3) If a BOI is convened and the officer is already eligible for retirement, the BOI must provide a recommendation for RGD. If a BOI is convened and the officer is forecasted to be eligible for retirement in the near future, the BOI may provide a recommendation for RGD. An RGD recommendation, in this case, will be considered as a recommendation of separation, as well as a recommendation to allow the officer to retire.

(4) An officer's chain of command is not authorized to enter into agreements in which an officer is to be retired at a particular grade level.

(5) In some ADSEP cases (if eligible), an officer may be recommended, but not guaranteed, for the Reserve retired list (either as a selective reservist or a former member). In other cases, an officer may be recommended for reversion and re-enlistment in order to immediately transfer to the Fleet Reserve.

(6) In most ADSEP cases of previously processed and retained O-5s or O-6s who submit for VOLRET within 2 years of any substantiated adverse finding, the VOLRET may be forwarded to the SA for an RGD.

(7) Guidelines on RGD are described in greater detail in reference (a), enclosure (9).

g. **Drop From the Rolls (DFR).** An officer may be administratively dropped from the rolls in some extreme cases of misconduct. DFR has a similar administrative outcome as a court-martial "dismissal" from the Service. An officer who is approved for DFR will not be eligible for retirement pay. An officer being processed for DFR must be notified and required to respond within 30 calendar days. A DFR will only be decided by SECNAV. Conditions for initiating DFR and further guidelines are described in greater detail in reference (a), enclosure (7).

h. **Case Conclusions.** The ADSEP process will conclude with an associated official letter presented in one of three ways:

(1) The officer is retained for naval service (i.e., no show-cause, a BOI retains, or the SA disapproves separation). PERS-834 will generate a "Status in the Navy" (SIN) letter and deliver to the officer via the commanding officer.

(2) The officer is discharged. The SA will sign a separation approval letter that will be included in the officer's OMPF.

(3) The case is dropped due to not meeting criteria for processing. If directed, commanders must generate a NOM and forward to PERS-834 without endorsements.

i. **Pay and Recoupment.** Commanders must report the results of all cases of unauthorized absences (UA) and any punishment from an NJP hearing or court-martial which involves a forfeiture or fine to the Defense Finance and Accounting Service via their servicing MyNavy Career Center Transition Support Center, personnel support detachment (PSD) or disbursing officer. This report will be in addition to the aforementioned misconduct report. The report must include the inclusive dates of the UA and or the details concerning the forfeiture or fine. If an officer is administratively separated, community managed bonuses will be recouped by PSD. For those officers that have not completed obligated service for educational benefits (typically 5 years of commissioned service for Reserve Officer Training Corps scholarships, Service academies, Health Professional Scholarship Program, etc.), PERS-834 will initiate recoupment of the pro-rated unearned portion upon discharge. Additionally, the vast majority of officer misconduct or substandard performance cases are not eligible for involuntary separation pay.

j. **OMPF.** PERS-834 will file documents in an officer's OMPF for a majority of the cases. For those initially non-adjudicated cases (i.e., ROM, RSP), the filings will depend on follow-on findings of misconduct or substandard performance (e.g., DFC approval, probationary show-cause, BOI that finds basis for separation, etc.). The following documents will be considered, if applicable:

(1)	The initial report (redacted)
(2)	A DFC approval/disapproval letter
(3)	The BOI findings worksheet
(4)	A separation approval/disapproval letter
(5)	A SIN letter

6. **Other Matters**

a. **Security Incidents.** Commanders must notify PERS-834 of **all** officer security incidents reported in JPAS or future authoritative security clearance systems. Not all security incidents require further administrative processing, but all must be reported. If the incident is a result of misconduct or substandard performance, administrative processing may be elected if a reportable offense is satisfied. If a security incident is a minor infraction and the officer is favorably recommended by his initiating command, submit a NOM as detailed previously. The command must fully adjudicate the incident

report per applicable policies, but the NOM will favor the Service member by supplementing any internal NAVPERSCOM review and possibly eliminating the requirement to withhold or delay a promotion. If an officer's security clearance eligibility is revoked or denied, administrative action must be taken per [MILPERSMAN 1301-227](#). In this case, submit an RSP requesting ADSEP for cause. The basis for separation, per reference (a), enclosure (6), should be "retention is not clearly consistent with the interests of national security."

b. **PFA Failures.** Commanders must forward a request for ADSEP for substandard performance if an officer fails two or more consecutive PFAs per reference (e). The package must contain a PFA failure notification received by the Service member prior to the second failure, per reference (f). Submit an RSP requesting ADSEP for cause. The basis for separation, per reference (a), enclosure (6), should be "failure to conform to prescribed standards of dress, weight, personal appearance, or military deportment."

c. **Conditions not Constituting a Physical Disability (CnD).** Commanders may submit a request for ADSEP for an officer with a CnD (e.g., non-disabling medical conditions, personality disorders, adjustment disorders, etc.) that impact the officer's performance to such an extent that separation for cause is warranted. A medical evaluation board must review the officer's case and recommend separation to the command. In some cases, a flag medical department officer review is required. ADSEP for CnD is not appropriate and should not be pursued when ADSEP is warranted for the basis of other substandard performance or misconduct. See reference (g) and [MILPERSMAN 1900-120](#) for additional details. If desired, submit an RSP requesting ADSEP for cause. The basis for separation, per reference (a), enclosure (6), should be "a condition not constituting a physical disability that interferes with the assignment to or performance of duty and that is not specifically listed as compensable under the Veteran Affairs Schedule for Rating Disabilities (VASRD)."

d. **Non-punitive Measures.** Punishment administered orally or by a non-punitive letter of caution (NPLOC) is not considered reportable within the purview of reference (a) and is considered a non-punitive measure per reference (h), section 0105(b). Neither is intended for inclusion in an officer's OMPF. Notation thereof must not be made in a FITREP, nor must it be used alone

as a basis for a reportable offense. The performance of duty or underlying facts upon which the action was based may properly be mentioned; however, the NPLOC itself must not be forwarded to PERS-834. The only exception is if continued substandard performance or misconduct occurs leading to administrative processing and the officer claims a lack of command counseling. Alternatively, an LOI may be referenced in a FITREP or used as evidence in administrative processing if written correctly. The LOI, however, will be redacted from the report before it is submitted for inclusion in an OMPF.

e. **Adverse FITREPs.** FITREPs may be included as evidence in administrative processing. However, an adverse FITREP, per reference (d), must not be placed in an officer's OMPF without the officer having an opportunity to respond to the adverse matter. An adverse FITREP must be referred to the officer so that he or she may choose to make a statement. If the officer does not desire to make a statement at that time, the officer must state this officially by annotating the appropriate box on the FITREP and the reporting senior must forward the report directly to NAVPERSCOM Performance Evaluations Division (PERS-32). If a report is not returned to the reporting senior within a reasonable length of time after being referred to an officer for signature, the reporting senior must enter an authorized explanatory phrase in the signature block and forward the report to PERS-32. CHNAVPERS must resolve all adverse FITREP disputes. Refer to reference (d) for other courses of action concerning officer adverse FITREPs.

f. **Special Assignment Nominative Billets.** Officers serving in special assignment nominative billets may require reassignment pending disciplinary or adverse action per [MILPERSMAN 1301-202](#). In these special circumstances, staffs must carefully balance the procedural rights of the officer pending disciplinary or adverse action with the prejudice to good order and discipline created by officer misconduct in special assignments. When disciplinary or adverse administrative action is considered against an officer serving in a special assignment nominative billet, staffs should consider the following additional guidance:

(1)	Initiate an appropriate level of investigation following any allegation(s) of misconduct by such officer
(2)	Depending on the specific allegations, determine if immediate administrative actions are required (e.g., remove access to classified information, military

	protective order, etc.)
(3)	For officers serving on flag officer, general officer, or senior civilian personnel staffs: if, after preliminary inquiry, it is determined that there is sufficient evidence of misconduct to warrant a complete command investigation, referral to Naval Criminal Investigative Service (NCIS), or investigation by other professional law enforcement, the officer should be temporarily reassigned outside the personnel staff pending completion of the investigation. Absent unusual circumstances, reassignment should normally occur within 72 hours following receipt of the preliminary inquiry. Reference (h) provides specific guidance on the conduct of a preliminary inquiry. This temporary reassignment does not presume guilt, but is necessary to ensure the investigation is completed free from actual or perceived influence from the flag officer, general officer, or senior civilian. Similarly, commanders should consider delegating or transferring decision on the investigation and any resulting disciplinary or administrative action outside the staff.
(4)	Initiate notifications (as required)
(5)	If the allegation(s) is unsubstantiated, complete the final endorsement of the investigation and maintain a record per reference (i)
(6)	If the allegation(s) is substantiated, complete appropriate disciplinary and administrative action. The officer must remain temporarily reassigned and not returned to the special assignment until all appropriate disciplinary and administrative action has been completed. If the commander determines permanent reassignment is appropriate, coordinate reassignment with PERS-834 and PERS-4 applicable detailee division.

g. Debt, Spousal Support, or Paternity Claims

(1) Commanders must make careful consideration of cases involving officers under their command with allegations of indebtedness, nonsupport of an officer's legal dependents, or paternity of a child born out of wedlock. The mere involvement of an officer in any of these situations should not be the sole factor for considering action; however, when an officer's conduct, in such cases, does in fact, bring discredit upon the Navy, commanders should take appropriate action to address the matter.

(2) Commanders should ensure that an officer in this situation has done at least one of the following:

(a)	Flagrantly mishandled personal financial affairs
(b)	Repeatedly disregarded a valid court order, current mutual support agreement, or MILPERSMAN 1754-030 and directives requiring the officer to contribute to the support of his or her legal dependents
(c)	Admitted paternity or was formally adjudicated to be the father of an illegitimate child and willfully neglected to meet the obligations that may attach thereto in such a manner as to bring discredit upon the Navy

(3) Should a commander reach one of these conclusions, action should be considered, guided by the merits of each case, as indicated by one or more of the following:

(a)	An appropriate notation in the officer's next regular FITREP
(b)	NJP
(c)	Charges preferred to court-martial
(d)	ADSEP request

h. **Unauthorized Absence (UA).** UA is a reportable violation of the Uniform Code of Military Justice (UCMJ) and may be used as a basis for administrative processing. Upon return of the absentee, initiate disciplinary action and forward the offense report to PERS-834 via the SCA. See [MILPERSMAN 1920-260](#) for additional details.

i. **Lost Time.** Officers who are unable to perform duties for more than 1 day, due to reasons listed in [MILPERSMAN 1600-100](#), are not authorized to count the time lost toward their length of service, other than basic pay. Time lost must be reconciled by advancing an officer's active duty service date. Due to this function, an officer being processed for ADSEP with significant UA or confinement may not be eligible for career milestones (e.g., retirement, time-in-grade, etc.) as originally scheduled. See [MILPERSMAN 1600-100](#) for additional details. Contact PERS-834 to clarify any conflicts due to lost time.

j. **Dual Processing for Medical Issues.** Officers being separated for cause, but also having a ratable condition as determined by the VASRD, must continue to be administratively processed, despite being referred to the Disability Evaluation

System (DES). The SA may direct separation, regardless of the DES process, if the SA determines the Service member should be separated for the misconduct, despite the medical condition. Route the medical opinion of the officer's condition to PERS-834 when available.

k. **Discharge Date.** Once the SA approves separation, PERS-834 will typically provide orders for the officer's discharge within 30-60 days of the date of the separation letter, unless a date is specifically ordered by the SA. Requests for delays of separation will not normally be considered, unless allowed by reference (b).

l. **Appeals and Review of Decisions.** There is no official policy for appeal and review of show-cause or DFC approvals. Letters may be submitted to PERS-834 stating a Service member's case; however, the appropriate decision-makers are not required to respond. On a very limited basis, the [Naval Discharge Review Board \(NDRB\)](#) may review a Service member's discharge for fairness and equitable treatment, but cannot upgrade a characterization. For OMPF resolution, the [Board for Correction of Naval Records](#), as the highest level of administrative review within the Navy, may correct errors or injustices to Service members' records. Contact either board if further petition is desired; otherwise, contact PERS-834 with any questions concerning final decisions.