

## MILPERSMAN 1616-050

### ENLISTED PERFORMANCE (E-5 AND BELOW)

<b>Responsible Office</b>	NAVPERSCOM (PERS-832)	Phone: Toll Free	1-833-330-MNCC (6622)
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MyNavy Career Center	Phone: Toll Free E-mail: MyNavy Portal:	1-833-330-MNCC (6622) <a href="mailto:askmncc@navy.mil">askmncc@navy.mil</a> <a href="https://my.navy.mil/">https://my.navy.mil/</a>
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<b>References</b>	(a) BUPERSINST 1610.10F (b) U.S. Navy Regulations, 1990 (c) Uniform Code of Military Justice (UCMJ)
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1. **General Provisions**. General provisions applicable to all enlisted (E-5 and below) personnel cases involving performance or misconduct:

a. Commanding officers (CO) must report all final adverse actions to Navy Personnel Command (NAVPERSCOM) Records Management Policy Branch (PERS-313), using the e-Submission application in [BUPERS Online \(BOL\)](#). For documents that cannot be submitted via the e-Submission application or if the e-Submission application is not available for an extended period, documents may be mailed. Reportable items include, but are not limited to, nonjudicial punishment (NJP), courts-martial, and civil convictions. Unless required by the document's governing directive or otherwise considered essential, third-party personal information (most often Social Security numbers, home addresses, phone numbers, dates, and places of birth) **must be redacted (blacked-out)** from documents when forwarding to NAVPERSCOM.

b. If it is expected that disciplinary action (military or civilian) may be taken against an enlisted Service member in pay grade E-5 and below, the Service member should not be transferred, reenlisted, or advanced until such action has been resolved. When a modification of orders is necessary, the following offices should be notified of the circumstances, provided recommendations, and a request to issue orders (as appropriate):

(1) NAVPERSCOM Career Management Department (PERS-4) applicable detailer branch (e.g., PERS-401, 402, 403, etc.) and

(2) Navy Reserve Forces Command (NAVRESFORCOM) Reserve Assignments Division (NAVRESFORCOM N12) should be contacted for Selected Reserve personnel.

c. Additionally, if it is expected that disciplinary action (military or civilian) may be taken against an enlisted Sailor selected for, or currently in, any naval nuclear propulsion program training pipeline, or if the Sailor possesses a current nuclear Navy enlisted classification (NEC) code, the below listed offices will also be notified of the circumstances:

(1) Office of Chief of Naval Operations (OPNAV) Nuclear Propulsion Program Manager (OPNAV N133) and

(2) NAVPERSCOM Nuclear Power/Submarine Distribution Branch (PERS-403).

d. With the exception of involuntary extensions as a result of apprehension, arrest, confinement, investigation, or filing of charges that may result in a trial by court-martial, there is no authority to retain personnel beyond their normal release from active duty (AD) service date. Requests to retain Service members beyond the normal release from AD date in order to impose NJP will not be granted. If it is not practicable to impose NJP prior to the release from AD, the reporting senior should make appropriate comments in the detaching evaluation report.

e. When misconduct or deficiencies in performance are discovered after the submission of the evaluation report, a supplemental evaluation, per reference (a), should be submitted (as appropriate).

f. Except as provided in [MILPERSMAN 1070-080](#), personnel must be given notice of, and an opportunity to respond to, all adverse matters, which are being forwarded to NAVPERSCOM for inclusion in their official service record. The Service member'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 an opportunity and failed to submit a statement. If there is doubt as to whether a particular matter is adverse, it will be referred to the Service member for comment. Direct the Service member's attention to reference (b), article 1122, for guidelines regarding submission of a statement.

g. Unless required for security reasons, reportable items should be designated "Controlled Unclassified Information." The preferred method of transmission is the e-Submission application in BOL. If mailed, the outer envelope should be addressed to PERS-313, and the inner envelope marked "Records Management Policy Branch, For Official Use Only" (as appropriate).

2. **Misconduct - Courts-Martial**. At the conclusion of trial, and after convening authority action, the CO will forward a Report of Results of Trial using [PERS-83 Reporting Letter Templates](#) to PERS-313. The report must include a copy of the charges preferred and the disposition of each (as an enclosure), as well as the final sentence adjudged.

3. **Misconduct - NJP**

a. When NJP is complete, the authority imposing punishment must forward the [Report of Nonjudicial Punishment](#), using [PERS-83 Reporting Letter Templates](#), to PERS-313 as soon as the results are final (i.e., when the Service member declines to appeal, does not appeal within the required time, or after the appeal has been adjudicated). Forwarding the [Report of Nonjudicial Punishment](#) via the first flag in the chain of command **is not required, nor desired**, in cases involving enlisted personnel.

b. If NJP is imposed upon an enlisted Sailor in the Naval Nuclear Propulsion Program training pipeline, or one who possesses a current nuclear NEC code, **OPNAV N133 and PERS-403** will also be notified of the circumstances:

c. The following documents must be forwarded with the [Report of Nonjudicial Punishment](#) as enclosures thereto:

(1)	A copy of <a href="#">NAVPERS 1626/7</a> Report and Disposition of Offense(s), which include: <ul style="list-style-type: none"><li>- Election of rights</li><li>- List of offenses</li><li>- Circumstances surrounding the offenses</li><li>- Punishment awarded</li></ul>
(2)	A copy of the punitive letter (if one given)
(3)	A copy of the acknowledgment of rights
(4)	A copy of the <a href="#">NAVPERS 1070/607</a> (if applicable)
(5)	A copy of the NJP appeal and appeal decision, or the Service member's written declination to appeal

(6)	A dated acknowledgment that confirms the Service member has reviewed the report of NJP, was advised of any adverse actions recommended, and that the report will become part of the member's official service record
(7)	If an appeal is granted on only a portion of the NJP imposed, the report should be submitted with a copy of the appeal letter, which will be included in the official service record

d. Upon receipt, PERS-313 will review the [Report of Nonjudicial Punishment](#) to ensure required documents are included, and **all third party information is redacted** for filing in the Service member's official service record.

4. **Misconduct - Civil Offenses.** When the results of a civil action become final with a finding of guilt, deferred prosecution, entry in adult or juvenile pretrial intervention programs, or any similar disposition of charges (e.g., imposition of fines, probation, community service etc.), the CO must submit a Final Civil Action Report via [PERS-83 Reporting Letter Templates](#) to PERS-313 for inclusion into the member's official record. The report must include the following:

a.	A brief description of the incident for which the member was investigated, arrested, or tried
b.	A statement of the charges as filed (if applicable)
c.	A statement of the pleading or findings (if applicable)
d.	A statement of the sentence imposed (if applicable)
e.	A statement listing any diversionary actions (i.e., community service, attend Mothers Against Drunk Driving meetings, attendance at a specified class, etc.) allowed by the court, resulting in a dismissal of the civil charges (if applicable).
f.	A copy of the civil court document reflecting final disposition of the matter
g.	The command action being taken
h.	A dated acknowledgment by the member that member may, within 5 days of the acknowledgment, make a statement concerning the matter

**Note:** A Service member's failure to submit a statement within the required time must not be cause for a delay in forwarding the report to PERS-313. If the Service member submits a statement after the report is forwarded, send the statement separately.

5. **Nonpunitive Actions (Oral and Letter of Caution)**. Nonpunitive actions administered orally or by letter of caution that are not considered punishment within the purview of reference (c), must not be forwarded to NAVPERSCOM for inclusion in the Service member's official service record.

6. **Matter of Interest Filing in Official Record**

a. NAVPERSCOM determines whether records or reports of formal or informal investigations, courts of inquiry, or other matters, should be held to contain matters of interest in the official service record of any present or former Service member. A matter of interest filing ensures that the entire report of a matter, rather than excerpts, which might appear in either performance evaluations, letters of censure, or other means is available to future reviewing, examining, or selection authorities. Matters of interest are administrative actions by NAVPERSCOM and should not be recommended by commands in lieu of, or as a substitute for, commendatory or disciplinary action, or appropriate markings and comments in a performance evaluation.

b. In cases where additional information regarding a Service member's performance becomes available subsequent to his or her detachment and transfer to another command, or after a performance evaluation for the period in question has already been submitted, a supplementary evaluation is normally considered more appropriate than a request for a matter of interest filing. In those cases in which a matter of interest filing has been recommended and the information might be construed to reflect derogatively on a Service member involved, the Service member must be afforded the opportunity to review the matter and must submit a signed statement or declination to make a statement to NAVPERSCOM. Final determination regarding the matter of interest filing must be made by NAVPERSCOM after receipt of the entire case, including the Service member's statement.

7. **Indebtedness, Non-Support, and Paternity**

a. When a CO is in receipt of information, which alleges a claim of indebtedness, nonsupport of the Service member's legal dependents or paternity of a child born out of wedlock, or if it becomes apparent to a CO that a Service member has:

- (1) Flagrantly mishandled personal financial affairs;

(2) Repeatedly disregarded a valid court order, current mutual support agreement or [MILPERSMAN 1754-030](#), and controlling directives requiring him or her to contribute to the support of their legal dependents; or

(3) After having admitted paternity or formally adjudicated to be the father of an illegitimate child, willfully neglected to meet the obligations that may attach thereto in such a manner as to bring discredit upon the naval service, the CO must take such action as indicated below:

b. Being guided by the merits of each case, a CO should consider:

(1) An appropriate notation in the Service member's next regular evaluation,

(2) CO's NJP, or

(3) Referral to court-martial

c. The mere involvement of a Service member in any dependency, paternity, or indebtedness situation should not, of itself, be the sole factor for considering action outlined above. When a Service member's conduct, in such cases, does in fact bring discredit upon the naval Service, a CO's action, per this paragraph, is considered to be appropriate since a Service member must be morally, as well as professionally, qualified for the present rate and for promotion to the next higher grade.