

MILPERSMAN 1900-040

TRANSFER TO THE RETIRED LIST, RETIRED RESERVE, OR THE FLEET RESERVE IN A RESTRICTED STATUS

Responsible Offices	NAVPERSCOM (PERS-832)	Phone: Toll Free	1-833-330-MNCC (6622)
	NAVPERSCOM (PERS-834)	Phone: Toll Free	1-833-330-MNCC (6622)
	NAVPERSCOM (PERS-913)	Phone: Toll Free	1-833-330-MNCC (6622)

MyNavy Career Center	Phone: Toll Free	1-833-330-MNCC (6622)
	E-mail: MyNavy Portal:	askmncc@navy.mil https://my.navy.mil/

References	(a) 10 USC 6323 (b) 10 USC 6330 (c) SECNAV 1811.3M
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1. **Policy.** Within the parameters of references (a) through (c), Secretary of the Navy (SECNAV) may exercise discretionary authority to make retirement determinations. Servicemembers who commit serious acts of misconduct which demonstrate that they pose a continuing threat to the safety, health, and well being of other servicemembers or their family members; may be transferred to the Retired List, the Retired Reserve, or to the Fleet Reserve, as the case may be; in a restricted status. For such officer or enlisted personnel, access to any naval installation or facility may be denied partially, entirely, or allowed only under escort as directed by SECNAV. The exact conditions under which access is granted will depend on the particular facts and circumstances of each case and will be explained in writing to the servicemember prior to transfer to the Retired List, the Retired Reserve, or to the Fleet Reserve.

2. **Filing of Adverse Matter in the Permanent Record.** Every Sailor granted restricted access to naval installations and facilities must be informed that the documentary evidence that supports being placed in a restricted status will be filed in the member's permanent military record. Prior to the filing of such documents, the servicemember must be given a reasonable amount of time, not to exceed 10 working days, to examine the

documents and submit any matters which the member believes are relevant to the proposed filing. For Navy Reserve members, not serving on full time active duty, the member's command will forward the documentary evidence via certified mail and will give the member 30 days to examine the documents and submit matters that the member believes to be relevant to the proposed filing. The documents and the servicemember's response will then be forwarded to

- Navy Personnel Command (NAVPERSCOM), Enlisted Performance and Separations Branch (PERS-832) for enlisted members;
- NAVPERSCOM, Reserve Enlisted Status Branch (PERS-913) for inactive duty Reserve enlisted members; or to
- NAVPERSCOM, Officer Performance and Separations Branch (PERS-834) for officers;

and filed in Field Code 38 for enlisted, or Field Code 17 for officers, of the permanent Electronic Military Personnel Record System (EMPRS) data base or equivalent.

3. **Debarment from Naval Installations and Facilities.** As delegated by SECNAV, Chief of Naval Personnel (CHNAVPERS) or Commander Naval Installations Command (CNIC) may separately provide official notice of debarment to the servicemember prohibiting access to Department of the Navy (DON) installations, facilities, or property. If not previously provided, such notice shall accompany designation in a Restricted Status and inform the member of the reason for the debarment and explain in detail the restrictions placed on the individual concerning access to all naval installations, facilities, or property. The affected servicemember may request, in writing, to the debarment authority that such debarment be waived, wholly or in part, or may separately appeal the debarment to higher authority per instructions provided in the notification.

4. **Flagging of Permanent Records to Prevent Recall or Return to Active or Reserve Duty.** When retirement in a restricted status is approved by SECNAV, NAVPERSCOM, Career Progression Department (PERS-8) will direct that all such enlisted personnel receive an RE-4 Reentry Code to be placed on DD 214 (2-2000), Certificate of Release or Discharge from Active Duty. For inactive duty Reserve enlisted personnel, NAVPERSCOM, Reserve Personnel Management Department (PERS-9) will direct that such enlisted personnel will not be recommended for retention on NAVPERS

1070/615 (Rev. 8-06), Record of Discharge from the U.S. Navy Reserve (Inactive) and will receive an RE-4 Reentry Code on the discharge NAVPERS 1070/613 (Rev. 7-06), Administrative Remarks, required by MILPERSMAN 1070-330. For active and Reserve officers, a Separation Program Designator (SPD) code of RNC (Unacceptable Conduct) will be entered into the officer's DD 214. NAVPERSCOM (PERS-8/PERS-9) will place an electronic Bureau of Naval Personnel (BUPERS) Control Group Flag in the Inactive Manpower Personnel Management Information System data base for all officer or enlisted personnel who are placed in a restricted status for retirement purposes. This electronic flag will alert any reviewing official to see adverse matter filed in Field Code 17 for officers, or 38 for enlisted, of the permanent record. Recruiters and officials responsible for implementing a general recall of personnel in the event of war or national emergency will be alerted as to the restricted status of the individual. In addition, the electronic data base used to recall retirees and members of the Fleet Reserve will be programmed to automatically exclude from consideration any member who has a flagged record.

5. **Debarment Letter**. The debarment letter shall be prepared in the following format: (Use proper letter format.)

	5800 Ser xx/xxxx [Date]
[Name] [Street Address] [City, State, ZIP]	
Dear [Name]:	
Subj: PROHIBITION FROM ENTRY ONTO NAVY AND MARINE CORPS INSTALLATIONS WORLDWIDE	
You are hereby advised that, pursuant to authority delegated to me by the Secretary of the Navy, you are prohibited from entering any installation, facility, or property under the cognizance of the Department of the Navy. This barment is based upon your [court-martial/federal/state/foreign court] conviction as a sex offender. [Provide additional detail as necessary.] Such conduct is plainly disruptive to good order and discipline aboard a military installation, and raises serious concerns for the welfare of base residents.	
Current lists of Navy and Marine Corps facilities are available on line at http://doni.daps.dla.mil/sndl.aspx and http://www.marines.mil/units/Pages/category.aspx , respectively. Should you enter upon or be found within the limits of any of these restricted areas,	

you will be apprehended, delivered to appropriate authorities, and prosecuted. Your conduct will constitute trespassing in violation of Title 18, United States Code, Section 1382. If found guilty of this offense, you could be fined and/or imprisoned for up to 6 months.

This order is effective immediately, and will remain in effect indefinitely. Should you require access to any of the restricted areas for any reason, you must provide advance written notice to the installation Staff Judge Advocate, to request permission and make appropriate arrangements. Address information can be found for each installation at the Web sites listed above.

You may appeal this order of debarment in writing within 10 days of your receipt of this notice. Your appeal should be addressed to Assistant Secretary of the Navy (Manpower and Reserve Affairs), 1000 Navy Pentagon, Room 4D548, Washington, D.C. 20350-1000. While your appeal is being considered, this order of debarment shall be effective and enforced. If you believe any compelling reason exists sufficient to justify modification or termination of this order, you may submit a request for consideration to my Staff Judge Advocate, at the above address.

Sincerely,

I. N. CHARGE
Rear Admiral, U.S. Navy

Copy to: [Modify as necessary]
Commander, Navy Installations Command (N00J)
Commandant, Naval District Washington DC
Commander, Navy Region Mid-Atlantic
Commander, Navy Region Southeast
Commander, Navy Region Midwest
Commander, Navy Region Northwest
Commander, Navy Region Southwest
Commander, Navy Region Hawaii
Commander, Navy Region Marianas
Commander, Navy Region Korea
Commander, Navy Region Japan
Commander, Navy Region Europe
Commander, Navy Region Southeast Asia
Area Coordinator, Singapore
Marine Corps Installations East
Marine Corps Installations West
Marine Corps Installations National Capital Region
Marine Corps Bases Japan

6. **Notice of Intent to File Adverse Matter in Permanent Military Record.** Upon receipt of SECNAV/NAVPERSCOM direction, commands will prepare the notice in the following format:

	5800
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	(Date)
From:	Commanding Officer, (Appropriate Command)
To:	Rank/Rate/Name/Branch/SSN (XXX-XX-1234, last four digits)
Subj:	NOTICE OF INTENT TO FILE ADVERSE MATTER IN THE PERMANENT MILITARY RECORD OF RANK/RATE/NAME
Ref:	(a) Navy Regulations, Article 1122
Encl:	(1) (Adverse documents to be filed)
1. Enclosure (1) (description of documents), are being forwarded to Commander, Navy Personnel Command for filing in your permanent military record.	
2. You are hereby given official notice of the intended action and an opportunity to respond, per reference (a), in writing prior to the final decision in this matter. You have 10 working days (30 for inactive duty Reserve personnel) from the date of delivery of this correspondence to respond. Your written reply, if any, should be directed to:	
Commander, Navy Personnel Command PERS-(832/834/913) (as appropriate) 5720 Integrity Drive Millington, TN 38055	
Your attention is directed to the provisions of reference (a) concerning the scope and tone of any written reply, which will be included in your permanent military record along with enclosure (1), should Commander, Navy Personnel Command choose to do so.	
SIGNATURE	
Date <u>DDMMYY</u>	
I, (Rank/Rate/Name/Branch/SSN (XXX-XX-1234, last four digits), hereby acknowledge delivery and receipt of the Notice of Intent to File Adverse Matter in my permanent military record.	
SIGNATURE OF MEMBER	