

## MILPERSMAN 1910-110

### SEPARATION BY REASON OF CONVENIENCE OF THE GOVERNMENT – DEPENDENCY OR HARDSHIP

<b>Responsible Office</b>	NAVPERSCOM (PERS-832)	Phone: Toll Free	1-833-330-MNCC (6622)
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<b>References</b>	(a) DoD Instruction 1332.14 of 27 Jan 14
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#### 1. Policy

a. Active duty Service members with hardships, meeting the criteria outlined in paragraph 3 below, may request separation from the Navy from the special court-martial convening authority (SPCMCA), per [MILPERSMAN 1910-704](#), within their chain-of-command. Members must be in either a **for duty (ACC 100)** or **temporary duty (TEMDU)** status, not **temporarily additional duty (TEMADD)**.

b. Members do not have an absolute right to discharge from the Navy due to hardship.

c. A hardship discharge is intended to be used as an instrument to alleviate personal hardship encountered by an enlisted member's immediate family when discharge is the only solution. It will not be used as a means to rid the Service of a burden to the command.

2. Separation Authority. It is at the discretion of the SPCMCA whether a hardship should be granted.

3. Characterization of Service. Characterization of service or description of separation will be "honorable," "general," or "entry level separation" under the guidance provided in [MILPERSMAN 1910-300](#).

4. **Hardship Status Criteria.** The Service member's request must show that the hardship meets the following criteria:

- a. A severe hardship exists that is not normally encountered and resolved by other members of the Navy.
- b. The hardship affects the Service member's immediate family. **Immediate family is defined as** a spouse, son, daughter, stepchild, parent, brother, sister, or other person, including a stepparent acting in loco parentis for a period of 5 years before the member became 21 years of age, or any bonafide dependent of the Service member. In-laws and grandparents are not considered members of the immediate family solely by virtue of their relationship as in-laws or grandparents.
- c. The hardship is not of a temporary nature and cannot reasonably be expected to be resolved within the near time frame by using leave (including emergency leave) if overseas or a period of TEMDU for humanitarian reasons to better the situation.
- d. The hardship has occurred or has been severely aggravated since entry into the Service.
- e. The member and family have made every reasonable effort to alleviate the hardship.
- f. There are no other family members or relatives nearby who are capable of providing the necessary assistance.
- g. The discharge or release of the member will result in the elimination or material alleviation of the hardship.

5. **Reasons for Not Disapproving Separation.** A separation will not be disapproved for the sole reason that the Service member is:

- a. Required in assigned duties or
- b. Indebted to the Government or to an individual.  
Although SPCMCAs are responsible for closely monitoring special entitlement programs (e.g., selective reenlistment bonus), disapproval is not authorized solely based on failure of the Government to recoup monies for a hardship discharge.

6. **Extraordinary Circumstances.** Extraordinary circumstances involving members of the applicant's family normally warrant special consideration when it is proved that the Service member's presence is essential to alleviate the hardship and, in addition to other requirements, includes, but is not limited to the following:

a. The death of, or final divorce from, a spouse where the Service member is left as sole parent of a minor child or children, other arrangements cannot be made for their continued care, and the Service member cannot continue at present duties and properly care for them. To be eligible for separation under this subparagraph, the member must be a single parent serving on, or under orders to, sea duty, or be in a deployable status and have a final divorce decree with permanent physical custody awarded to the member.

b. The long-term physical or mental illness of the spouse that does not allow the Service member to perform duties as assigned and the member's continued presence is required.

**Note:** Whether the mental illness of the Service member's spouse is severe enough to warrant a hardship discharge, is a determination within the discretion of the appropriate SPCMCA.

c. As a result of the disability or death of a parent, the separation of the Service member from the Navy is essential for the financial and physical support of a member(s) of the family. Undue hardship does not necessarily exist solely due to altered present or anticipated income. Consideration must be given to Social Security, disability payments, other Federal and State assistance programs, and any other income or assets of the member or other family members.

7. **Reasons for Not Authorizing Separation.** Except under extraordinary circumstances, as determined by the appropriate SPCMCA, separation under this article will not be authorized when the Service member is under charges or confined, nor will it be authorized solely for the reasons listed below:

a. Financial or business reasons, including the operation of a family business, unless the business is the sole income of the family and there are no other family members capable or willing to operate it,

- b. Indebtedness,
- c. Personal convenience,
- d. The member's physical or mental health,
- e. Moral support to an immediate family member whose life expectancy is, estimated by the attending physician, less than 6 months. This situation should be handled through the submission of a humanitarian reassignment request per MILPERSMAN 1300-500, or
- f. Custody battles or divorce proceedings.

8. **Who is Not Eligible.** Service members who have an **outstanding** obligated service (OBLISERV) date due to transferability of Post 9/11 GI Bill benefits.

- a. Service members whose dependents have not already used Post 9/11 GI Bill benefits may revoke transferability of benefits and resubmit the request for separation with proof of revocation.
- b. Service members whose dependents have already used Post 9/11 GI Bill benefits transferred from the member are not eligible for voluntary separation.

**Note: Service members who have transferred Post 9/11 GI Bill benefits and have satisfied OBLISERV requirements are exempt from this restriction, and may submit request for voluntary separation under this article.**

#### 9 **Counseling Applicants**

- a. Enlisted personnel who desire to request separation for hardship reasons must be informed of the proper procedures. It should be clearly explained to each applicant that:
  - (1) A request must be submitted, via official channels,
  - (2) Submission of a request is no assurance the discharge or release to inactive duty will be authorized, and
  - (3) The decision is within the sole discretion of the appropriate SPCMCA.

b. Each request will be carefully and sympathetically considered and a final decision will be based upon its individual merits.

c. Prior to submission of a request for hardship discharge such a request for hardship discharge, once approved by the appropriate SPCMCA, is **irrevocable** except in the most unusual circumstances. In instances of this nature, it will be necessary for the member to submit a request for cancellation of discharge authority to the appropriate SPCMCA via official channels, stating how the hardship has been eliminated, including affidavits attesting to this fact.

#### **10. Application Procedure**

a. A written request for separation for hardship must be addressed to the appropriate SPCMCA, see exhibit 1.

b. **Requests While in Leave Status.** In unusual circumstances, Service members in an authorized leave status may submit requests for hardship discharge.

(1) To expedite the procedure, the nearest naval activity should submit a properly prepared request to the appropriate SPCMCA, via the member's parent command in pdf format using encrypted e-mail, with the assisting command's synopsis and endorsement. If it is not possible to send encrypted e-mail, the package must be sent using the Department of Defense (DoD) Secure Access File Exchange System ([SAFE](#)). Ensure the "E-mail" certificate is used when accessing [DoD SAFE](#). All requests must be accompanied by affidavits substantiating the hardship claim. Where practical, one affidavit should be submitted from the family member(s) concerned.

(2) The preparing activity must immediately inform the Service member's parent command of the pending request and ask for a leave extension, if warranted.

(3) If the amount of leave granted is insufficient to enable submission of a request for hardship discharge, the assisting activity should direct a request for extension of leave to the Service member's parent command.

(4) When a bona fide emergency hardship exists that meets the criteria for hardship discharge, and insufficient time remains to request extension of leave or further leave would

cause the Service member to be in excess of leave (i.e., more than 30 days or in excess of that which could be earned in Service member's remaining OBLISERV), the assisting command will send a message to the Service member's parent command with the following information:

(a) A brief, meaningful explanation of the hardship, along with the following statement:

"Unless otherwise directed, the Service member will be retained on board 15 days in a no-cost TEMDU status pending decision of Navy Personnel Command."

(b) Effective time and date of retention.

(5) Final determination of a Service member's retention at an assisting command rests with the Service member's commanding officer (CO) at the permanent duty station.

(6) If retention is authorized, the Service member will be issued TEMDU orders or an endorsement of present orders, which will include the statement in subparagraph 10b(4) (a) above, concerning no cost.

(7) TEMDU will not exceed 15 days. Every effort will be made to ensure the request is prepared and forwarded in a timely manner. Final disposition will be attempted on each case prior to expiration of leave/departure from leave address or detachment from TEMDU.

(8) If the Service member does not have health, and dental records in possession, **do not** request these from the parent command prior to receiving disposition of the request.

(9) In the case of a disapproved request, the Service member will be detached in a leave status within 3 working days to return to the parent command or to report to the new duty station. If immediate detachment is not possible (e.g., port calls), all concerned should be notified for the reason why the Service member is not being detached by message.

(10) This article is not authorization for a CO to issue TEMDU orders to a Service member for the purpose of proceeding to the area of a hardship and gathering documentation for submitting a request; the Service member must use leave for that purpose.

c. Process Service member under any other convenience of the Government separations if it pertains.

11. **Application** See exhibit 1 for proper letter format.

12. **Additional Enclosures in Application.** Applicants may provide any of the following documents with their request. This is not an inclusive list; keep in mind that each statement made in the request must be backed with a written statement from a professional aware of the hardship:

a. Individual letters from all immediate family members stating why they cannot or will not contribute to the necessary care or support of those enduring the hardship, letters should include their monthly income.

b. A certified copy of final divorce decree and court awarded physical custody is mandatory when requesting discharge for reasons of a dependency hardship due to single parenthood through divorce.

c. Medical documentation must be current, within 2 months, and from the attending physician or psychiatrist. Medical terminology should be defined to a degree sufficient to allow a layman to understand the nature of the illness. When applicable, specific dates should be used. Include both diagnosis and prognosis. Specify type and length of treatment or hospitalization. Include life expectancy, when applicable. Pertinent background information and possibility or probability of recurrence is required.

d. Financial statements

(1) A statement on the Service member's financial status, including a copy of the latest leave and earnings statement, is required on all requests and on other family members, when member's request involves financial situations. The statements consist of:

(a) Complete itemized budget for the Service member and family, including: rent, food, clothing, utilities, fuel, medical expenses, and other regular expenses,

(b) List of existing debts, including names of creditors, original amount and monthly payments, date debt contracted, and purposes, and

(c) Specific amounts and modes of contributions of Service member to family members or others during the current enlistment.

(2) For the Service member, include allotments, date started, and for whom.

(3) Family members' statements must also include other income and assets (e.g., pensions, insurance, Department of Veterans Affairs compensation, ownership, rental or sale of real estate, investments, bank deposits and income thereon, fees, alimony, or monies in their possession, anticipated and or received of any description whatsoever, whether regular or occasional, or Social Security benefits or trust funds).

e. **Letters from persons familiar with the hardship** (e.g., chaplain, social workers, friends, and relatives).

f. **Statements from law enforcement agencies, schools, lawyers, etc.** will be included as the request warrants.

13. **Requesting Red Cross Reports.** By mutual agreement, military authorities will not request and the Red Cross will not provide reports at the time an application is being submitted. If the application and supporting evidence do not contain sufficient, factual information on which to base a decision, a CO or military headquarters having authority of discharge, reassignment, or deferment decisions may request the Red Cross to supply the specific additional information required. When a Red Cross report is desired, the request will include a brief summary of the information already provided.

14. **Service Members Awaiting Disciplinary Action.** Cases of Service members awaiting disciplinary action will be held in abeyance until disciplinary action has been resolved.

15. **Disposition**

a. The eligible Service member who does not have an additional service obligation may be discharged.

b. The eligible Service member who has an additional service obligation under any provision of law may be transferred to the Navy Reserve, if otherwise eligible therefore, and released to inactive duty or, if already a member of the Navy

Reserve released to inactive duty to serve the remainder of the OBLISERV.

c. A Service member of the Navy Reserve, serving on inactive duty, may be transferred to the Individual Ready Reserve or Standby Reserve when the hardship prevents participation in the Selected Reserve, but not mobilization of the member, or may be discharged when the hardship would prevent the member's mobilization.

d. Cases of Service members on inactive duty may be approved by the appropriate SPCMCA and upon completion, forwarded to Navy Personnel Command (NAVPERSCOM) Reserve Enlisted Personnel Branch (PERS-913) via encrypted e-mail. If it is not possible to send encrypted e-mail, the package must be sent using DoD SAFE. Ensure the "E-mail" certificate is used when accessing DoD SAFE.

16. **SPCMCA Procedures**. When the discharge is approved, the SPCMCA needs to contact the servicing personnel support detachment to authorize the discharge. Authorization needs to include the date and characterization of service for the preparation of DD 214 Certificate of Release or Discharge from Active Duty. Upon separation of Service member, SPCMCA will forward all approved hardship requests to NAVPERSCOM Enlisted Performance and Separations Branch (PERS-832) for active duty or PERS-913 for reservist for record purposes. Letters must be sent via encrypted e-mail. If it is not possible to send encrypted e-mail, the package must be sent using DoD SAFE. Ensure the "E-mail" certificate is used when accessing DoD SAFE. Submit letter to NAVPERSCOM per MILPERSMAN 1910-600. In addition, include the following as enclosures to the letter of transmittal:

- a. Member's request and all supporting documentation, as outlined in "Application Format" of this article,
- b. Copy of member's DD 214, if appropriate, and
- c. Command to which member was transferred TEMDU for separation and the date discharge is to be accomplished, if appropriate.

17. **Members with Remaining Military Service (MSO) Obligation**. Procedures for effecting separation due to hardship of Service members who have a MSO obligation remaining are:

a. **Active Duty Personnel.** Enlisted or inducted, when transfer to the Navy Reserve and release to inactive duty are directed by the appropriate SPCMCA, the prescribed procedures must be followed with the exception that such members must be assigned to the Standby Reserve-Active instead of the Ready Reserve.

b. **Members of the Navy Reserve Serving on Inactive Duty.** Once discharge is authorized, complete NAVPER 1070/613 Administrative Remarks in lieu of NAVPER 1070/615 Honorable Discharge from the United States Navy Reserve, per MILPERSMAN 1070-330, with the following additional statement:

"Not eligible for enlistment/reenlistment in the Navy Reserve or the Regular Navy without prior approval from the Chief of Naval Personnel."

18. **Disclosure of Information.** Any information concerning the private affairs of Service members of the Navy or of their families is intended "for official use only" and must not be disclosed to persons other than in connection with their official duties, nor will the source of such information be disclosed.

**Exhibit 1**  
(Use proper letter format)

(Date)

From: Rate, Name, Branch of Service  
To: (Special Court-Martial Convening Authority)  
Via: (if applicable)

Subj: REQUEST FOR HARDSHIP DISCHARGE

Ref: (a) MILPERSMAN 1910-110  
(b) 5 U.S.C. §301

Encl: (1) Current NAVPERS 1070/602 Dependency Application/Record of Emergency Data  
(2) NAVPERS 1070/605 History of Assignments  
(3) Latest Orders  
(4) Letter from person(s) experiencing hardship  
(5) Letter(s) from prospective employer(s)  
(6) Member's financial statement, including the latest leave and Earnings statement (LES)  
(7) List all additional letters as individual enclosures

1. I request a hardship discharge, per reference (a) and (b), for the following reasons:
  - a. Description of hardship: (A complete and specific description of hardship in Service member's own words, using names, dates, and places. Include history of problem, if any.)
  - b. Description of action taken: (Indicate what the Service member has done to solve problem (be specific.))
  - c. How applicant expects to alleviate or resolve the hardship if the request is approved (be specific).
2. Necessary information to facilitate decision:
  - a. Names, addresses, and ages of Service member and family.
  - b. Names, addresses, ages of other immediate family members.
  - c. Dates of previous requests, if any, for humanitarian reassessments or hardship discharges.
  - d. Location and weight of household effects:
  - e. Location of records:
3. PRIVACY ACT STATEMENT:

The authority to request this information is per reference (b) and departmental regulations. The purpose of this request is to request discharge due to hardship reasons. The information is used to determine approval or disapproval for the requested status. The application is voluntary; however, failure to provide the required information will result in an inability to process the request and the Service member would not be able to receive the requested status.

[Service Member's Signature]

Witnessed:  
Copy to: