

MILPERSMAN 1910-140

SEPARATION BY REASON OF MISCONDUCT - PATTERN OF MISCONDUCT

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1. **Separation Authority (SA)**. Refer to [MILPERSMAN 1910-704](#) to determine SA. Refer to [MILPERSMAN 1910-710](#) for guidance in determining SA when an administrative separation board is held.

2. **Policy**

a. Members may be separated when during the current enlistment they have:

(1)	Two or more nonjudicial punishments (NJP), courts-martial, or civil convictions (or combination thereof);
(2)	Three or more unauthorized absences (each is more than 3 days, but less than 30 days duration);
(3)	A set pattern of failure to pay just debts; or
(4)	A set pattern of failure to contribute adequate support to dependents or failure to comply with civil court orders, decrees, or judgments concerning dependent support.

b. A member must have violated a [NAVPERS 1070/613](#) warning or other form of counseling as explained in [MILPERSMAN 1910-202](#) prior to processing. The typical correct sequence is NJP, counseling, then NJP. There is no requirement for a commanding officer (CO) to award a [NAVPERS 1070/613](#) following NJP. That decision should be based on the circumstances of the situation. A common error occurs when commands issue a [NAVPERS 1070/613](#) warning following the second NJP. In those instances, the member is essentially being given another opportunity by the CO to correct the deficiency, and processing for pattern of misconduct is inappropriate. Another common error is initiating

processing for pattern of misconduct without completed counseling per [MILPERSMAN 1910-202](#).

c. All offenses processed or considered under pattern of misconduct must have occurred in the current enlistment.

3. **Procedures**. Use this table to determine processing procedures.

WHEN...	THEN use...
One of the offenses requires mandatory processing or the CO believes the circumstances surrounding the offense warrant an under other than honorable (OTH) discharge per MILPERSMAN 1910-300 ,	MILPERSMAN 1910-404 , Notice of Administrative Board Procedure.
The CO believes the circumstances surrounding the offense do not warrant an OTH,	MILPERSMAN 1910-402 , Notification Procedure

4. **Characterization of Separation**

a. Further guidance on characterization of service is provided in [MILPERSMAN 1910-300](#). This table provides general information based on type of procedures used.

IF...	THEN the least favorable characterization...
The Notification Procedure is used,	Is a general discharge per MILPERSMAN 1910-300 .
The Administrative Board Procedure is used,	Is an OTH discharge per MILPERSMAN 1910-300 .

b. If the member has less than 180 days of service, an entry level separation may be appropriate. Refer to [MILPERSMAN 1910-308](#) for further guidance.