

MILPERSMAN 1910-142

SEPARATION BY REASON OF MISCONDUCT - COMMISSION OF A SERIOUS OFFENSE

Responsible Office	NAVPERSCOM (PERS-832)	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 E-mail: MyNavy Portal:	1-833-330-MNCC (6622) askmncc@navy.mil https://my.navy.mil/	

References	(a) Manual for Courts-Martial United States (2019 Edition) (b) 18 U.S.C.
-------------------	---

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

2. **Policy**

a. Service members may be separated based on commission of a serious military or civilian offense when the offense would warrant a punitive discharge, per reference (a), appendix 12, for the same or closely related offense.

b. Commission of a serious offense does not require adjudication by nonjudicial or judicial proceedings; however, offense must be substantiated by a preponderance of evidence (e.g., copy of police record, Naval Criminal Investigative Service investigation, etc.).

c. Sailors who lose their ability to carry or handle weapons in the performance of their duties due to a qualifying conviction for misdemeanor crimes of domestic violence (DV), per reference (b), section 922(g)(9), must be processed for separation for the corresponding DV incident(s).

3. **Mandatory Processing.** See [MILPERSMAN 1910-233](#) for a complete list of offenses for which administrative separation processing is mandatory.

4. **Procedures.** Use the following table to determine processing procedures:

When...	Then use	Except when...	Then use...
commanding officer (CO) believes circumstances surrounding the offense warrants an "under other than honorable" (OTH) characterization pursuant to MILPERSMAN 1910-300 ,	administrative board procedures per MILPERSMAN 1910-402 ,	offense occurred pre-service or in a prior enlistment and was unknown to the Navy at the time of enlistment or reenlistment and processing for fraudulent enlistment is not appropriate,	MILPERSMAN 1910-402 and process for erroneous enlistment.
CO believes circumstances do not warrant an OTH characterization pursuant to MILPERSMAN 1910-300 ,	Notification procedures per MILPERSMAN 1910-402 .		

5. **Characterization of Separation**

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

If...	Then least favorable characterization is...
notification procedures are used,	GEN per MILPERSMAN 1910-402 .
administrative board procedures are used,	OTH per MILPERSMAN 1910-402 .

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