

## MILPERSMAN 1910-142

### SEPARATION BY REASON OF MISCONDUCT - COMMISSION OF A SERIOUS OFFENSE

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<b>References</b>	(a) DoD Instruction 1332.14 of 27 January 2014 (b) Manual for Courts-Martial United States, 2024 (c) 18 U.S.C.
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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 action by the SA.

#### 2. **Policy**

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

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

c. Service members 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 (c), 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 <a href="#">MILPERSMAN 1910-300</a>	Administrative board procedure per <a href="#">MILPERSMAN 1910-402</a>	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	Notification procedure per <a href="#">MILPERSMAN 1910-402</a> and process for erroneous enlistment
CO believes circumstances do not warrant an OTH characterization pursuant to <a href="#">MILPERSMAN 1910-300</a>	Notification procedure per <a href="#">MILPERSMAN 1910-402</a> .		

5. **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 least favorable characterization is...
Notification procedures are used	General (under honorable conditions) per <a href="#">MILPERSMAN 1910-402</a> .
Administrative board procedures are used	OTH per <a href="#">MILPERSMAN 1910-402</a> .

b. If a Service member has less than 365 days of service, an entry-level separation may be appropriate. See reference (a) and [MILPERSMAN 1910-308](#) for further guidance.