

MILPERSMAN 1910-226

CONDITIONAL WAIVERS

Responsible Office	NAVPERSCOM (PERS-832)	Phone: Toll Free	1-833-330-MNCC (6622)
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MyNavy Career Center	Phone: Toll Free E-mail: MyNavy Portal:	1-833-330-MNCC 6622) askmncc@navy.mil https://my.navy.mil/
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Reference	(a) 10 U.S.C. Uniform Code of Military Justice (UCMJ), subchapter 10
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1. **Conditional Waiver** - A conditional waiver (see exhibit 1) is a request initiated by a respondent waiving the right to an administrative board, contingent upon receiving a "general" (GEN) (under honorable conditions) characterization of service, vice "under other than honorable" (OTH).

2. **Restrictions**. Conditional waivers may **not** be used when processing for misconduct due to commission of a serious offense based on any of the following violations of reference (a):

UCMJ Section/Article	Title
section 894, article 94	Mutiny or Sedition
section 895, article 95a	Disrespect Toward Sentinel or Lookout
section 899, article 99	Misbehavior Before Enemy
section 900, article 100	Subordination Compelling Surrender
section 101, article 901	Improper Use of Countersign
section 902, article 102	Forcing a Safeguard
section 903, article 103	Spies
section 903, article 103a	Espionage
section 903, article 103b	Aiding the Enemy
section 918, article 118	Murder

3. **Commanding Officer's (CO) Action.** The CO has two options when a Service member requests a conditional waiver:

a. Favorably endorse the conditional waiver request and forward to the general court-martial convening authority (or higher), who then serves as separation authority (SA). The SA may approve and direct the discharge of the Service member, for the reason(s) processed, with a GEN characterization of service, or disapprove the conditional waiver request and direct the command to continue administrative separation (ADSEP) processing.

b. Return the request with an appropriate endorsement, indicating why the conditional waiver will not be approved, and continue with ADSEP processing.

Note: A copy of the conditional waiver request, whether favorably endorsed or not, must be forwarded to the SA and Navy Personnel Command (NAVPERSCOM), Records Management Policy Branch (PERS-313) for Service members E-5 and below and NAVPERSCOM, Enlisted Performance and Separations Branch (PERS-832) for E-6 and above, with the complete ADSEP package for filing.

Exhibit 1
(Use proper letter format)

(Date)

From: [Service member]
To: [Convening authority]

Subj: CONDITIONAL WAIVER REQUEST

Ref: (a) Commanding Officer, (letter identifying notification
of administrative separation processing)
(b) MILPERSMAN 1910-226

1. I understand that I am being considered for administrative separation from naval service by reason of _____, as stated in reference (a), and that such discharge could result in under other than honorable characterization of service.

2. In lieu of electing an administrative board for which I am entitled, per reference (b), I request a "general" (under honorable conditions) discharge from naval service for the reason(s) stated above, and if granted, I will waive my right to any administrative board action.

3. I have been given a reasonable opportunity to consult with counsel and (have/have not) consulted with legal counsel prior to making this decision. I understand that this characterization of service as "general" (under honorable conditions), with the basis for my administrative separation, may deprive me of certain veteran's benefits based upon my current period of active service, and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of separation and service rendered in any branch of the Military Services or the character of discharge received may have a bearing.

4. I enter into this conditional waiver free of duress or other promises of any kind.

5. I understand that if this request is disapproved, administrative separation processing will continue, and I will have the right to elect an administrative board.

6. (I have no other statements to make/my personal statement is enclosed.)

SIGNATURE OF MEMBER