

## MILPERSMAN 1910-308

### ENTRY-LEVEL AND UNCHARACTERIZED SEPARATIONS

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<b>References</b>	(a) 38 CFR 3.12 (b) 10 U.S.C. (c) DoD Instruction 1332.14 of 27 January 2014
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#### 1. Uncharacterized Separations

a. Per reference (a), there are three types of administrative enlisted separations that do not require characterization of service: entry-level separation (ELS), void enlistment or induction, and dropped from the rolls.

b. This article applies to active duty (AD), Training and Administration of the Reserves (TAR), and all members of the Selected Reserve (SELRES), Individual Ready Reserve (IRR) to include the Voluntary Training Unit (VTU), and Active Status Pool (ASP) communities within the Navy Reserve. References within this article to the United States Navy Reserve (USNR) include SELRES and IRR - encompassing the VTU and ASP, unless otherwise specified.

#### 2. Entry-Level Separation (ELS)

a. Entry-Level Status. ELS is a separation that is initiated while a member is in an entry-level status and results in an uncharacterized discharge, except in the following circumstances:

(1) "Under Other Than Honorable (OTH)" is authorized under reasons for separation and is warranted by circumstances of the case for administrative separation.

(2) **Honorable (HON)** is clearly warranted by presence of unusual circumstances involving personal conduct and performance, and is approved on a case-by-case basis by the Secretary of the Navy. An HON will be considered only for the following reasons:

<b>Reason</b>	<b>MILPERSMAN</b>
Reasons for Separation	1910-100
Separation by Reason of Changes in Service Obligation (Active Duty and Inactive Navy Reservist)	1910-102
Separation by Reason of Best Interest of the Service (BIOTS)	1910-164
Separation by Reason of Physical Disability	1910-168

b. Separation for Cause. Per reference (b), section 12685, an ELS of a USNR member for cause, except under section 12684 of reference (b), will be "under honorable conditions."

c. Entry-Level Status. Per reference (c), a member is considered to be in an entry-level status during:

(1) The first 365 days of continuous active military service; or

(2) The first 365 days of continuous active service after a service break of more than 92 days of active service; and

(3) A USNR member who is not on AD, active duty for training (ADT), or who is serving on recall or mobilization orders to AD for 365 days or less begins entry-level status upon enlistment into the Navy Reserve. Entry-level status for a USNR member terminates:

(a) 365 days after beginning training if the member is ordered to ADT for a continuous period of 180 days or more;

(b) 180 days after the beginning of the second period of ADT, if the member is ordered to ADT under a program that splits the training into two or more separate periods of AD. For the purposes of characterization of service or description of separation, the USNR member's status is

determined by the date of notification as to the initiation of separation proceedings.

3. **Void Enlistments and Inductions.** A member will not receive a discharge, characterization of service at separation, or an ELS except when a constructive enlistment occurs. If characterization or an ELS is not required, the separation will be described as an order of release from custody or control of the Military Service.

a. Void and Constructive Enlistment Determination. Use the table below to determine if an enlistment is void and when a constructive enlistment arises.

AN/A...	WHEN...
enlistment or induction is void	<ul style="list-style-type: none"> <li>• it was effected without the voluntary consent of a person enlisting in the United States Navy, including enlistment of a person who was intoxicated or insane at time of enlistment, or when one was coerced into enlisting by being presented with the option of either enlisting or being subjected to a sentence of confinement by a court; or</li> <li>• the person is under 17 years of age; or</li> <li>• the person is a deserter from another military service.</li> </ul>
constructive enlistment arises	<ul style="list-style-type: none"> <li>• member submitted voluntarily to military authority,</li> <li>• member performed military duties,</li> <li>• member received military pay or allowances, and</li> <li>• member met the mental competency and minimum age qualifications at the time of voluntary submission to military authority.</li> </ul>

b. Characterization of Separation. Use the below table to determine characterization of service or description of separation.

IF the enlistment...	THEN...
is void and a constructive enlistment has not resulted,	member will be separated by an order of release from custody and control of naval service.

is void at its inception and is followed by a constructive enlistment within the same term of service,	characterization of service per MILPERSMAN 1910-302 and 1910-304 is appropriate.
was void by reason of desertion from another service,	member will be separated by an order of release from custody and control of naval service, regardless of any subsequent constructive enlistment.

**NOTE:** If the separation is described as "**an order of release from custody and control of the naval service,**" member will not receive

- a. a discharge certificate,
- b. characterization of service at separation, or
- c. an ELS.

4. **Dropped From the Rolls.** A type of release that may be used to separate an enlisted member who has been absent without leave for 30 days or more and has been reported as a deserter or has been confined by civilian authorities for at least 6 months.

5. **Separation Authority.** Refer to MILPERSMAN 1910-704 for guidance on separation authority. However, for the separation of a USNR member because of entry level performance or conduct, separation requests must be submitted to Navy Personnel Command Reserve Enlisted Personnel Branch (PERS-913) for adjudication and processing. If a USNR member is on Initial AD or New Accession Training orders, the AD command must process the separation.