

MILPERSMAN 1910-518

FINDINGS AND RECOMMENDATIONS

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1. **Board Guidelines.** The board will make its findings and recommendations in closed sessions with only voting members present.

a. **Findings.** The board must determine whether each basis set forth in the notice of proposed separation is supported by a preponderance of evidence under the guidance of MILPERSMAN 1910-212.

b. **Recommendations.** The board next will make a single recommendation to separate or retain the respondent in the Navy. If the board recommends separation, it may recommend that the separation be suspended per the guidance in MILPERSMAN 1910-222. A recommendation to suspend the separation is not binding on the separation authority (SA). If separation or suspended separation is recommended, the board will recommend a characterization of service or description of separation per the guidance in MILPERSMAN 1910-300. Except when the board has recommended characterization of service of under other than honorable (OTH) conditions, the board shall recommend whether respondent should be retained in the Ready Reserve (RR) as a mobilization asset to fulfill the total military obligation of respondent.

NOTE 1: When respondent has been convicted by summary, special, or general court-martial (GCM) or when convicted by civilian authorities (except foreign jurisdictions) including civil actions tantamount to a criminal conviction, the board must find that the preponderance of evidence supports the basis set forth in the notice of proposed separation. The board must accept that respondent is guilty.

NOTE 2: If the board finds that a **mandatory processing basis** is not supported by a preponderance of evidence (i.e. a board finding of no misconduct), or if the board finds misconduct, and recommends retention or suspended separation for a **mandatory processing basis**, then the findings and recommendations must be forwarded to Navy Personnel Command (NAVPERSCOM) for final action; respondent may not be retained without the expressed approval of NAVPERSCOM.

Step	Action		
1	Determine whether each reason in the notification letter is supported by a preponderance of evidence.		
	IF	THEN	
	a reason is supported by a preponderance of evidence	go to Step 2.	
	a reason is not supported	stop. No further action required for non-mandatory reason(s). Mandatory processing reason cases must be forwarded to NAVPERSCOM.	
	<p>NOTE: When processing includes a court-martial conviction or a civilian conviction (or civil action tantamount to a civil conviction), the board may not render its own findings, because these matters have already been judicially determined to have occurred. The only exception is civil convictions from a foreign court, which are not binding on administrative boards.</p>		
2	Recommend whether the findings warrant separation or retention.		
	IF	THEN	
	the findings warrant separation	recommend separation and go to Step 3.	
	the findings do not warrant separation	recommend retention. No further action required for non-mandatory reason(s). Mandatory processing reason cases must be forwarded to NAVPERSCOM.	

3	Recommend characterization of service or description of separation using the guidelines of MILPERSMAN 1910-300 and the reason for separation.
4	<p>Recommend under the guidelines of MILPERSMAN 1910-010 whether the member should be retained in the Individual Ready Reserve (IRR) as a mobilization asset to fulfill the respondent's total military obligation.</p> <p>NOTE: This option applies to cases involving separation from active duty (ACDU) or from the Selected Reserve (SELRES). Personnel separated by reason of:</p> <ul style="list-style-type: none">• drug abuse,• defective enlistment, or• induction <p>will not be transferred to the IRR. Personnel who receive an OTH characterization or are discharged with a medical condition that would make the member unavailable to meet mobilization requirements will not be transferred to the IRR.</p>
5	If member has 20 years total active Federal military service (TAFMS), recommend whether member should be transferred to Fleet Reserve/Retired List in current or reduced pay grade.