

## MILPERSMAN 1910-704

### DETERMINING SEPARATION AUTHORITY

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<b>References</b>	(a) JAGINST 5800.7 (b) OPNAVINST 5400.45 (c) OPNAVINST 1752.1C (d) Pub. L. 112-239 (NDAA FY 2013) (e) DODI 1332.14 (f) DoDM 1332.18, V2 (g) 10 U.S.C. §12686
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1. **Separation Authority (SA)**. Use the guidance below to determine the appropriate SA. There are certain cases that meet the criteria outlined in paragraphs 3 and 4, but must be elevated to a higher SA for ultimate disposition (see paragraphs 5 through 10). In cases which the SA disagrees with a recommendation for a suspended separation, the SA retains authority to execute the separation.

2. **Commanding Officer (CO)**. The CO is the SA in the following situations when an administrative separation board is not required: (Per reference (a), COs of inactive duty training naval Reserve units are not the SA, unless the unit is a commissioned unit as defined by reference (b)).

a. Selected changes in service obligation for Inactive Reserve;

b. Selected changes in service obligation to accommodate immediate reenlistment;

c. Selected changes in service obligation within 90 days of expiration of active obligated service; or

d. Expiration of service obligation.

3. **Special Court-Martial Convening Authority (SPCMCA)**. The SPCMCA is the SA when

a. notification procedures are used;

b. board procedures are used, the board recommends separation with an honorable or general (under honorable conditions) characterization of service, and the SPCMCA recommends separation; or

c. board procedures are used for non-mandatory processing reasons, the board finds a basis, the board recommends retention, and the SPCMCA recommends retention.

4. **General Court-Martial Convening Authority (GCMCA)**. The GCMCA is the SA when

a. board procedures are used and the board recommends an other than honorable (OTH) discharge;

b. the member waived a board for an offense for which an OTH discharge is authorized; or

c. the member is separated in lieu of trial by court-martial. If the request is based solely on an absence without leave of more than 30 days, then the SPCMCA is the SA.

5. **First Flag Officer in the Chain of Command**. The first flag officer in the chain of command is the SA for Service members who are the alleged victims of sexual assault and recommended for involuntary separation within 1 year of the final disposition of the sexual assault case (references (c) and (d) refer).

6. **Region Commander (REGCOM)**. The REGCOM is the SA when the sole basis for separation is a serious offense that resulted in a conviction by a special or general court-martial that did not impose a punitive discharge. This authority may be exercised when an administrative board has recommended an OTH discharge, including a board waiver that is part of a pretrial agreement.

7. **Commander Navy Personnel Command (COMNAVPERSCOM)**.

COMNAVPERSCOM is the SA for

a. selected changes in service obligations due to general demobilization or reduction in authorized strength;

b. selected changes in service obligations for acceptance of active duty commission or appointment;

c. convenience of the Government (COG) due to conscientious objection (approval only);

d. COG due to being an alien;

e. suspended separations for cases in which processing was mandatory; or

f. members who have physical evaluation board (PEB) action completed or pending, and at the same time are being administratively processed for separation (references (e) and (f) refer).

8. **Chief of Naval Personnel (CHNAVPERS)**. CHNAVPERS is the SA for

a. involuntary separation of active duty members with 18 or more years of total active duty military service; or

b. involuntary separation of members with post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI).

9. **Secretary of the Navy (SECNAV)**. SECNAV is the SA

a. for involuntary separation of active duty reservists within 2 years of retired or retainer pay (reference (g) refers);

b. when an SA above determines that an honorable discharge is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of naval duty for a member in an entry-level status who is being separated by reason of selected changes in service obligations, COG, disability, or best interest of the service;

c. when a member is being processed for misconduct-civilian conviction, the final action on the appeal has not been

taken, and the member does not request separation before final action on the appeal is taken;

d. when a member undergoes mandatory processing for separation, the board finds any basis, and the board and higher authorities recommend retention or suspended separation;

e. when a member undergoes mandatory processing for separation and the board finds no basis;

f. when a basis for separation is met at an administrative board, the board recommends retention, but higher authority disagrees with the board's retention recommendation (board overturn);

g. when COMNAVPERSCOM recommends disapproval of a conscientious objector case; or

h. when a member is being processed for separation for best interest of the service (BIOTS) or for Family Advocacy Program rehabilitation failure.

**Note:** In all cases where SECNAV is the SA, COMNAVPERSCOM or CHNAVPERS may take final action to retain an enlisted member. If COMNAVPERSCOM or CHNAVPERS recommends separation for the member, the case must be forwarded to SECNAV for final disposition.

10. MILPERSMAN articles that are specific to an individual case provide more guidance than the simplified chart below and adherence thereto must always be required. The chart below provides simplified guidance for determining the SA. It is broken into sections by hierarchy with the lowest SA first and the highest SA last.

<b>If member is being separated by reason of...</b>	<b>Then separation authority is...</b>
<ul style="list-style-type: none"> <li>• Selected changes in service obligation - Inactive Reserve</li> <li>• Selected changes in service obligation - immediate reenlistment</li> <li>• Selected changes in service obligation - within 90 days of expiration of active obligated service</li> <li>• Expiration of service obligation</li> </ul>	<p><b>Commanding officer (CO)</b></p> <p><b>Note:</b> Per reference (a), COs of inactive duty naval Reserve units are not the SA, unless the unit is a commissioned unit as defined by reference (b).</p>
<ul style="list-style-type: none"> <li>• Convenience of the Government (COG) - pregnancy or childbirth</li> <li>• COG - reservist becomes a minister</li> <li>• COG - other designated physical or mental conditions (except gender dysphoria)</li> <li>• COG - personality disorder</li> <li>• COG - parenthood (if less than 1 year obligated service and not in critical rating)</li> <li>• COG - review action</li> <li>• COG - early release to further education (up to 90 days early)</li> <li>• Entry-level performance and conduct</li> <li>• Unsatisfactory performance</li> <li>• Drug abuse rehabilitation failure</li> <li>• Alcohol abuse rehabilitation failure</li> <li>• Defective enlistments and inductions - erroneous</li> <li>• Defective enlistments and inductions - minority</li> <li>• Defective enlistments and inductions - defective enlistment agreements</li> <li>• Defective enlistments and inductions - separation from Delayed Entry Program</li> <li>• Physical fitness assessment failure</li> </ul>	<p><b>Special court-martial convening authority (SPCMCA)</b></p>

• <b>If member is being separated by reason of...</b>	<b>Then separation authority is...</b>
<ul style="list-style-type: none"> <li>• Misconduct - a pattern of misconduct</li> <li>• Misconduct - commission of a serious offense</li> <li>• Misconduct - civilian conviction</li> <li>• Misconduct - drug abuse</li> <li>• Defective enlistments and inductions - fraudulent entry into naval service</li> <li>• Unsatisfactory participation in Ready Reserve</li> </ul>	<p>General court-martial convening authority (GCMCA) when administrative board procedure was used and any of the following conditions are met:</p> <ul style="list-style-type: none"> <li>• board recommended other than honorable</li> <li>• board recommended retention (for cases where mandatory processing was not required)</li> <li>• member waived a board</li> <li>• member requested a conditional waiver if applicable</li> </ul> <p>Special court-martial convening authority (SPCMCA)</p> <ul style="list-style-type: none"> <li>• notification procedure was used; or</li> <li>• administrative board procedure was used and board recommended separation with honorable, general, or entry-level separation</li> </ul>
<p><b>Separation in lieu of trial by court-martial</b></p>	<p><b>General court-martial convening authority (GCMCA).</b> Unless request is based solely on an absence without leave of more than 30 days, then <b>SPCMCA</b> is SA.</p>

<b>If member is being separated by reason of...</b>	<b>Then separation authority is...</b>
<ul style="list-style-type: none"> <li>• For active duty members who are the alleged victims of sexual assault and recommended for involuntary separation within 1 year of the final disposition of the sexual assault case</li> </ul>	<p>First flag officer in the chain of command</p>
<ul style="list-style-type: none"> <li>• When the sole basis for separation is a serious offense that resulted in a conviction by a special or general court-martial that did not impose a punitive discharge.</li> </ul>	<p>Region commander (REGCOM)</p>
<ul style="list-style-type: none"> <li>• Selected changes in service obligation - general demobilization or reduction in authorized strength</li> <li>• Selected changes in service obligation - acceptance of active duty commission or appointment</li> <li>• COG - Conscientious objection (for approvals only)</li> <li>• COG - Being an alien</li> <li>• When member has physical evaluation board action completed or pending, and at the same time is being administratively processed for separation</li> </ul>	<p>Commander, Navy Personnel Command (COMNAVPERSCOM)</p>
<ul style="list-style-type: none"> <li>• For involuntary separation of active duty members with 18 or more years of total active military service</li> <li>• For involuntary separation of members with post-traumatic stress disorder (PTSD)/traumatic brain injury (TBI).</li> </ul>	<p><b>Chief of Naval Personnel (CHNAVPERS)</b></p>

<b>If member is being separated by reason of...</b>	<b>Then separation authority is...</b>
<ul style="list-style-type: none"><li>• Best interest of the Service (BIOTS)</li><li>• Separating a member when an administrative board recommends retention (board overturn)</li><li>• Separating a member that is eligible for transfer to the Fleet Reserve (over 20 years of active duty service)</li><li>• For involuntary separation of active duty reservists within 2 years of retired or retainer pay</li><li>• When a member is being processed for misconduct - civilian conviction, the final action on the appeal has not been taken, and the member does not request separation before final action on the appeal is taken</li><li>• COG - conscientious objection (for disapprovals only)</li></ul>	<b>Secretary of the Navy (SECNAV)</b>