

MILPERSMAN 1920-180

SEPARATION OF OFFICERS AT THE CONVENIENCE OF THE GOVERNMENT ON THE BASIS OF PREGNANCY

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References	(a) OPNAVINST 1740.4D
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1. Policy

a. An officer on active or inactive duty may be separated on the basis of pregnancy upon her request, unless retention is determined to be in the best interest of the Service. A separation request based on pregnancy may be denied when the officer

(1) has not completed all service prescribed in the officer program through which was accessed and which was incurred by the officer in consideration for being tendered an initial appointment;

(2) is serving in a competitive category, designator, occupational field, or other authorized officer classification in which significant personnel shortages result in compelling military necessity for retention;

(3) has not completed obligated service incurred for funded education programs including: Naval Academy, Naval Reserve Officers Training Corps, Armed Forces Health Professions Scholarships, Uniformed Services University of Health Sciences, or equivalent funded education programs;

(4) has not completed obligated service for advanced education or technical training requiring additional obligated service school or college, law school, medical residency, flight training, naval flight officer training, or equivalent programs;

(5) has been officially notified of orders or executed orders, and has not served the required period of time at the new duty station; or

(6) has not completed obligated service incurred as a result of transition to the Regular Navy, lateral transfer between categories or designators, entering a program, or receiving an incentive pay, continuation pay, or bonus.

b. A separation request by an officer in one of the categories listed above may be approved on a case-by-case basis when, in the judgment of Navy Personnel Command, the officer demonstrates overriding and compelling factors of personal need which justify separation for pregnancy.

2. **Separated Officers Who Have a Remaining Military Service Obligation.** Officers separated from the Active Component or the Reserve Component by reason of pregnancy who have a remaining military service obligation will be transferred to the Individual Ready Reserve (voluntary training unit or active status pool) until completion of such service, unless there are medical reasons why the officer would not be available to meet mobilization requirements.

3. **Regular Officers**

a. Regular officers desiring separation on the basis of pregnancy must submit a resignation request as prescribed in MILPERSMAN 1920-190 and 1920-200 at least 6 months in advance of the desired detachment month. The request must include medical certification of pregnancy status.

b. Regular officers who have not completed their total military service obligation will normally be approved for separation only upon acceptance of a Reserve commission to be held until completion of such service. Officers who have completed their total military service obligation may request concurrent appointment in the Navy Reserve (if so desired). The commanding officer's endorsement must include a recommendation concerning appointment in the Navy Reserve.

4. **Reserve Officers on Active Duty.** Reserve officers on active duty who have not completed their total military service obligation, or who desire to retain their commission on inactive duty should request release from active duty (RAD). Requests

for RAD must be submitted at least 6 months in advance of the desired detachment month and must include medical certification of pregnancy status. The format for RAD requests is contained in MILPERSMAN 1920-090.

5. **Reserve Officers on Inactive Duty.** Reserve officers on inactive duty who acquire dependency or pregnancy status, and who desire retention in the Navy Reserve must be afforded consideration in the same manner as prescribed above and as specified elsewhere in this manual.

6. **Separation Date.** A separation date for pregnancy should be selected with care, taking into consideration both the welfare of the officer and the time required (at least 6 months) to arrange for a relief. A separation date approximately 1 month prior to the estimated delivery date is encouraged, although the separation request may utilize any date up to the estimated delivery date. Should delivery occur prior to the approved separation date, an officer may still be separated for pregnancy. For the purpose of separation under this article, "childbirth" is defined as the event of delivery.

7. **Maternity Benefits**

a. Prior to separation, the officer must be counseled concerning the following requirements for maternity care benefits after separation, and she must acknowledge this counseling by signing a NAVPERS 1070/613 Administrative Remarks service record entry as required in MILPERSMAN 1740-030. Maternity care benefits include the following requirements:

(1) Care for the pregnancy can only be rendered at Uniformed Services facilities.

(2) The Navy cannot pay for any care rendered at civilian facilities to the separated officer or the newborn child, regardless of the circumstances necessitating the use of a civilian source of care.

(3) The Navy may provide care for the child in naval medical facilities, both inpatient and outpatient, only during the first 6 weeks (42 days) following delivery.

(4) The officer must contact the Uniformed Services facility expected to provide maternity benefits as soon as

possible following her release from active duty to verify that care will be available to the mother and newborn.

b. In making application for pregnancy care, the officer should present her DD 214 Certification of Release or Discharge from Active Duty or discharge certificate as proof of eligibility for requested care.

8. **If a Separation Date Was Not Previously Approved.** After childbirth, without a previously approved separation date, the officer must be considered as a Service member with a dependent child. If the officer cannot or chooses not to comply with a family care plan, as required by reference (a), then the officer should submit an unqualified resignation request due to dependency per MILPERSMAN 1920-200.