

MILPERSMAN 3060-060

DELAY, DEFERMENT, AND EXEMPTION REQUESTS AND SPECIAL CASES BOARDS (SCB)

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References	(a) 10 U.S.C. (b) DoD Instruction 1235.12 of 7 June 2016 (c) DoD Instruction 1200.07 of 22 January 2021 (d) DoD Instruction 1215.06 of 11 March 2014 (e) COMNAVRESFORINST 3060.7E
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1. **Purpose.** This article provides policies and procedures for Reserve Component (RC) Sailors who are ordered to active duty under Title 10 U.S.C. Reserve access authorities per references (a) and (b), and make a request for delay, deferment, or exemption (DDE) from reporting for active duty as ordered. This article governs special cases boards (SCB), including when and how they are to be conducted.

2. **Background and Discussion.** The Navy Reserve force is the strategic advantage of the Navy and must be ready for missions across the globe in steady-state and conflict. RC Sailors are expected to be readily available for active duty and are screened for readiness to deploy per reference (c). Sailors are expected to update their mobilization status with their Navy Reserve activity (NRA) via mobilization availability codes. RC Sailors identified for mobilizations who develop significant issues or hardship not identified during previous screenings that could affect their mobilization or require special consideration should immediately request a DDE. An SCB is the appropriate process to evaluate a DDE request submitted by an RC Sailor ordered to active duty to determine whether the member has a severe personal, family, community hardship, or other problem(s) that will affect his or her mobilization. The DDE

and SCB process is not to be utilized for delays due to members failing to screen medically or administratively for their assigned orders. The NRA must contact Commander, Navy Reserve Force (COMNAVRESFOR) Force Mobilization Division (N35) in those types of cases. An SCB is not warranted to adjudicate a claim of key Federal employee status, enrollment in education, retirement, or other issue covered by current Navy policy.

3. **DDE Definitions and Procedures.** The following definitions and procedures apply:

a. **RC Sailors.** Members of the Ready Reserve, Standby Reserve (USNR-S1), and Retired Reserve as defined per reference (d). Navy Personnel Command (NAVPERSCOM) Reserve Personnel Administration Division (PERS-91) will adjudicate requests for DDE from Retired Reserve personnel, most members of the Individual Ready Reserve (IRR), and anyone who does not fall under an NRA. These individuals will send their DDE requests directly to PERS-91. Selected Reserve (SELRES) Sailors as well as IRR members assigned to a voluntary training unit and strategic sealift officers, will submit their DDE requests to their assigned NRA.

b. **Delay.** A postponement of the report date for active duty not exceeding 59 days.

(1) Adjudication of requests for delay of 30 days or less per reference (e).

(2) If a delay greater than 3 days is approved, the authority granting approval will notify the Sailor, the Sailor's command, Navy mobilization processing site (NMPS), and appropriate authorities to ensure orders are properly modified to reflect the new ready load date (RLD).

(3) Delay requests of more than 30 days and SCB elections for disapproved delay requests of 30 days or less must be adjudicated by the NRA.

(a) Sailors must utilize exhibit 1 to document SCB election. The NRA must convene an SCB (appointing order template provided in exhibit 2), unless the SCB is waived per exhibit 1 by the Sailor to reverse a disapproval decision by COMNAVRESFOR N35.

(b) Sailors requesting more than 30 days of delay will route their requests, in writing, to their NRA commanding officer (CO). The NRA CO will convene an SCB to adjudicate members' delay requests. At the conclusion of the SCB, the NRA CO will state in his or her endorsement whether he or she concurs or does not concur with the Sailor's request (or whether he or she concurs with some postponement of the Sailor's RLD, but not all that the Sailor is requesting).

(c) If the NRA CO recommends approval of the request for a delay greater than 30 days, the NRA CO will expeditiously route the Sailor's request and accompanying documents, along with their endorsements, to PERS-91 for adjudication.

(d) If the NRA CO recommends approval of the request for 30 days or less, the SCB and CO's endorsement will be sent to COMNAVRESFOR N35 per subparagraph 3b(2).

(e) If the NRA CO denies the request and the member requests a higher-level review, the request must be submitted to PERS-91 via the NRA CO.

(f) For all cases in which delay of over 30 days is requested, the NRA CO must convene an SCB, unless the SCB is waived in writing by the Sailor.

(g) NRAs will update the individual mobilization status (IMS) code to D6P upon SCB submission and to D6G once the SCB is approved by PERS-91.

(h) If delay of greater than 30 days is approved by PERS-91, the NRA CO will notify the Sailor, COMNAVRESFOR N35, and NMPS and will coordinate with appropriate authorities, such as NAVPERSCOM Training and Administration of the Reserves (TAR) Distribution and Augmentation Division (PERS-46), to ensure the orders are properly modified to reflect new RLD.

c. **Deferment.** A postponement of the report date for active duty for 60 days or more.

(1) Approved deferments require order cancellation or modification, with the expectation that new orders will be issued to report for active duty. Although the new orders can be issued at any time following deferment approval, the RLD on the orders will be the date upon which the approved period of deferment expires. If deferment is approved, the NRA CO will

notify the Sailor, COMNAVRESFOR N35, and NMPS and will coordinate with appropriate authorities, such as PERS-46, to ensure the orders are properly modified to reflect the new RLD.

(2) Deferment requests will be handled in the same way as delay requests for more than 30 days.

(3) Deferment may be approved for more than 6 months if justified by unique circumstances. Exemption should be considered if a postponement of longer than 6 months is requested or deemed necessary.

d. **Exemption**. A cancellation of a Sailor's requirement to activate.

(1) An exemption is appropriate when neither delay nor deferment is feasible. Approved exemptions require order cancellation. If an exemption is approved, an RC Sailor will be considered unable to mobilize and may be transferred to Standby Reserve, administratively separated, or retired (if eligible) per reference (c).

(2) Exemption requests will be handled in the same way as delay requests for more than 30 days.

(a) An exemption may be approved based on any DDE request. If a Sailor makes a DDE request, the NRA must provide the Sailor with a [NAVPERS 1070/613](#) Administrative Remarks acknowledging that the Sailor understands the loss of benefits that can occur if the Sailor is shifted to the Standby Reserve, administratively separated, or involuntarily retired. An example [NAVPERS 1070/613](#) entry can be found in exhibit 3.

(b) [NAVPERS 1070/613](#) will be provided to the Sailor in person. If in-person receipt is not feasible, it may be mailed via certified mail to the Sailor. A copy of the signed [NAVPERS 1070/613](#) (or a copy marked "Certified Copy Provided" if unsigned) should be included with the SCB package sent to PERS-91.

(3) If exemption is approved, the NRA CO will notify the Sailor, NMPS, and COMNAVRESFOR N35 and Local Area Coordinator for Mobilization (LACMOB) Division (N36) and any appropriate authorities necessary to cancel the Sailor's orders.

4. **Procedures and Responsibilities for Requesting and Processing DDE.**

Mobilizations have a tight training track, and a significant delay in reporting as ordered could result in an unacceptable gap to mission by weeks or months. NRA COs have a responsibility to adjudicate DDE requests and convene SCBs in a timely manner such that RLDs are not missed or unnecessarily delayed. If an issue requiring a DDE request and or SCB within 15 days of a member's RLD arises, the NRA CO should consider coordinating a 3-day or 30-day delay with COMNAVRESFOR N35 in order to convene an SCB.

a. **Deadline for requesting DDE.** The deadline for submitting a DDE request is a Sailor's RLD. All efforts should be made to address a timely DDE request. Unnecessary delay on the part of a Sailor in bringing matters to the attention of the Navy is a factor to be considered in deciding whether the request should be granted.

b. **Requesting DDE.** Requests for DDE must be made to a Sailor's NRA CO. If the requestor does not belong to an NRA (e.g., IRR and retirees), requests will be sent to his or her LACMOB, to the NRC assigned in the Sailor's mobilization orders, or directly to NAVPERSCOM Reserve Personnel Management Department (PERS-9). The DDE request should then be endorsed (as appropriate) and forwarded to PERS-91, who may convene an SCB, unless waived in writing by the requestor. DDE requests must be in writing using Secretary of the Navy (SECNAV) Manual 5215 (Navy Correspondence Manual) format. A Sailor can choose to submit any evidence to support the request and may, at any point prior to an SCB, supplement the request with additional evidence to be considered by the SCB. DDE requests should include, at a minimum:

(1) What relief the Sailor is requesting,

(a) Requests may be for specific relief (e.g., "delay of 3 days") or for general relief (e.g., simply "Delay," or "Delay, Deferment, or Exemption").

(b) An SCB, unless waived in writing by the Sailor, must be convened if the DDE request does not explicitly ask for 30 days or less delay.

(2) Why the Sailor believes DDE is justified, and

(3) The following attached documentation:

- (a) A copy of the Sailor's mobilization orders;
- (b) Sailor's current [NAVPERS 1070/602](#) Dependency Application; and
- (c) Any other documentation the Sailor believes is necessary to support the request.

c. **Processing DDE Requests.** DDE requests will be processed per paragraph 3.

(1) All reasonable effort will be made to keep administrative processing times for DDE requests to a minimum and communication between stakeholders secure and smooth.

(2) Unless waived in writing by the requesting Sailor, the Sailor has the right to an SCB in all cases when requesting more than 30 days delay.

(3) When adjudicating the DDE requests, the NRA CO, COMNAVRESFOR (N35), and PERS-91 will use the criteria per paragraph 6 of this article, and will also consider evidence submitted in the SCB package and SCB recommendation.

(4) Sailors who receive an approved DDE will not be ordered to report to active duty prior to the expiration of their delay or deferment. Sailors receiving an approved exemption will not be activated at all.

d. **Tracking DDE Request Outcomes.** Multiple DDEs can have significant effects on a Sailor's ability to continue to serve in the Navy Reserve. NRA COs and COMNAVRESFOR will ensure all SELRES Sailors with approved DDE requests are tracked through the period of the delay or deferment or, in the case of exemption, through transfer from the Ready Reserve. PERS-91 staff will maintain a record of all DDEs they have approved.

(1) COMNAVRESFOR (N35) will determine, in consultation with the supported command or United States Fleet Forces Command (USFF) Global Force Management Department (N1 GFM) (for individual augmentation orders), whether to shift RLD to the approved DDE request, assign a later RLD to align with required training, or cancel member's request and re-source. The Sailor's IMS code will be updated per COMNAVRESFOR policy.

(2) For Sailors with approved exemption requests, NRA COs will notify PERS-91 when they have changed the members' duty status code to 500 so that PERS-91 can change the service code to 57 (signifying the member is USNR-S1).

5. **SCB**. SCBs enable the Navy Reserve and other stakeholders to fairly evaluate DDE requests and properly balance the needs of the Navy with the needs of Sailors when extraordinary circumstances affect their ability to mobilize. An SCB provides a forum for Sailors to provide evidence of the extraordinary circumstances which they believe justifies a DDE and for an experienced group of trusted RC officers to assess that evidence in the context of the criteria listed below for recommendations that PERS-91 will use to most fairly adjudicate the DDE request.

a. The NRA CO is the convening authority for all SCBs, except in the cases of IRR and retired Sailors, and will direct the location of the SCB, taking into consideration efficiencies and the location most convenient for the requesting Sailor.

b. The SCB will make a written recommendation either to:

(1) Delay a Sailor's report date by a specific number of days,

(2) Defer a Sailor's report date by a specific number of days,

(3) Exempt a Sailor from the specific mobilization, or

(4) Disapprove a Sailor's DDE request.

6. **DDE Criteria or Guidelines**. DDE will be recommended and approved only when necessary and justified based on the criteria or guidelines listed below and the facts and evidence presented by the Sailor. In making an appropriate recommendation, the SCB members should carefully consider all the facts and circumstances contained within the evidence presented by the Sailor and all reasonable inferences to be made.

a. In addition to the evidence presented by the Sailor, the SCB should weigh and balance the following criteria:

(1) The credibility of the evidence presented by the Sailor;

(2) Whether the Sailor could have, and if so, did, at the earliest opportunity of becoming aware of the issue(s) (i.e., not merely once the Sailor became aware of the mobilization) provide advance notice to his or her command of the issue(s) leading to the DDE request;

(3) The severity of any personal, legal, family, community, or other hardship the DDE-requesting Sailor is facing and the impact such hardship may have upon the Sailor's performance during the activation period;

(4) The effect such personal, legal, family, medical, community, or other hardship will have on:

(a) The health and safety of either the Sailor, the Sailor's dependent(s) and or the Sailor's close family member(s) or community, and

(b) The Sailor's ability to focus on the mission.

(5) The alternative options available to the Sailor to resolve the Sailor's issue(s) without DDE and what steps the Sailor has taken to mitigate the problem;

(6) The likelihood of the issue(s) resolving on its own without the Sailor being granted DDE; and

(7) The impact on the Navy or other Sailors of granting a DDE in the case at hand.

b. No single criteria is necessarily more important than another. The SCB will weigh and balance all considerations applying seasoned discretion and examining the administrative record to ensure an appropriate recommendation is made and supported by the record. If the SCB determines, after weighing these guidelines and balancing them per this MILPERSMAN article, the equities balance in favor of granting the Sailor a delay, deferment, or exemption, it should recommend the appropriate DDE option, along with the number of days to be delayed or deferred, if that is the SCB's recommendation. If the SCB determines that the balancing of these equities weighs against granting DDE, it should recommend as such.

c. Examples of problems that would not justify granting DDE include, but are not limited to:

(1) Failure to have an executable family care plan (FCP) when an FCP is required (not to include when the basis of the SCB request makes the FCP non-executable),

(2) Inability to mobilize due to any medical or legal condition;

(3) A potential hardship which may occur during a mobilization,

(4) Claiming to be a key Federal employee when not designated as such,

(5) Enrollment in education programs not addressed by current Navy policy, and

(6) Adverse effect of a mobilization on one's personal business or income.

7. **SCB Procedure**. SCBs will be convened by written appointing order. Exhibit 2 is provided as a template for an appointing order. The appointing order will be in the form of a Navy memo in SECNAV M-5216.5 format, addressed to the senior member, and will contain the names of the other two members, the Sailor requesting the DDE, and any support staff formally appointed. It will also contain the location, date, and time that the SCB will be held.

a. As this is not intended to be an adversarial proceeding, there will be no advocate on behalf of the Government at an SCB. Members of the requesting Sailor's chain of command may be called to testify or provide written testimony.

b. The Sailor may, if he or she wishes, bring personal representatives (e.g., a civilian attorney retained by the Sailor at no expense to the Government, a translator, a family member, etc.), to speak on behalf of the Sailor at the SCB, provided this does not delay the SCB. Prior to the SCB, the Sailor may consult with a Navy Defense Service Office (DSO) attorney, at no expense to the Sailor, to receive legal advice prior to the SCB, provided this does not delay the SCB.

c. The requesting RC Sailor must be in a duty status during the SCB (i.e., on IDT, AT, or any other type of orders), unless the SCB is held in absentia. The NRA will coordinate to ensure the Sailor is placed on appropriate orders at the time of the SCB.

d. During the SCB, no one may be present except the board members, designated support staff, the requesting Sailor, and witnesses the Sailor desires to call or from whom the board desires to hear, and the Sailor's personal representative, if applicable, while the Sailor is present.

e. The Sailor and, if applicable, his or her personal representative will only be present to present evidence and make any statements. They will not be present as the board reviews the package or deliberates.

f. The DDE requesting Sailor, his or her personal representative, and, if applicable, any of the witnesses may appear virtually or in person in front of the board, at their discretion. If the Sailor or his or her witnesses choose to appear virtually, the requesting Sailor, or his or her personal representative, must inform the NRA CO and the board president in advance of the board to ensure technology is set-up to enable virtual testimony or appearance.

8. **SCB Board Membership**

a. The SCB must consist of three voting members. Where practicable, these members should come from the RC, but it is not a requirement that they do so. SCB voting members will include:

(1) One Navy line officer who is in the pay grade of O-4 or above. The line officer ("senior member") will always be the senior member of the SCB, regardless of the other member's ranks, and will preside over the board;

(2) One Navy Judge Advocate General's (JAG) Corps officer; and

(3) One Navy Chaplain Corps officer.

b. The SCB will consist of one non-voting member. A non-voting board recorder (who may be a member of the NRA staff where the SCB is held and may either be a civilian staff member,

Training and Administration of the Reserve Sailor, or SELRES Sailor) will be assigned to the SCB and may be present throughout the SCB to assist the members with logistics and administrative requirements. Although there is no required qualification for the recorder, the recorder will ideally be someone with an expertise in administrative capabilities (e.g., a yeoman, personnel specialist, legalman or civilian administrative staff member) who can be trusted to maintain the confidence of the board and the privacy rights of the Sailor and can assist the board with administrative logistics.

c. No member will be in the DDE requesting Sailor's chain of command. The NRA CO will not be a member.

d. All members will be neutral and detached and will conduct themselves as such. Where practical, the CA should try to find members who do not know the DDE requesting Sailor and do not know the facts of that Sailor's case prior to being selected.

e. Although in-person attendance is ideal, there are situations where this may not be feasible or practical without delaying the SCB. Voting members may participate remotely if they are unable to be physically present at the location during the time and date set for the SCB.

f. The members should not consider information outside the package or witness testimony in the case, unless that information is then included in the package. While they may request witnesses at the board, they should base their recommendations only on the evidence presented to them and all reasonable inferences there from and the criteria or guidelines within this article.

g. The senior member will be responsible for opening and closing the board.

h. The senior member (even if from the majority) will be responsible for ensuring the Board's recommendations are accurately reflected in its final written report and for signing and submitting the final report to the NRA CO no later than 1 business day after the SCB concludes.

i. The other members are not required to sign the final report, but any member may write his or her own minority report, to be submitted to the NRA CO by the same deadline.

j. Each member will have an independent vote, regardless of designator or rank, for the final recommendation.

k. The recorder will assist the senior member with the drafting of the final report.

9. **Evidence**. Formal rules of evidence do not apply at SCBs. The only requirement is that the evidence provided be relevant to the Sailor's request for DDE.

a. **Definition of "Relevance"**. For purposes of SCBs, "relevance" is defined as any evidence that makes a fact in question more or less probable or aids the members in any way toward making an appropriate DDE recommendation.

b. **Form of Evidence**. Evidence may be presented to the SCB in the form of witness testimony (either in person, telephonically, or via video), correspondence, documentary, video, media, or digital evidence. To be considered, digital evidence must be presented in a format acceptable to Navy-Marine Corps Intranet (NMCI) computers.

c. **Timing of Submission of Evidence**. Evidence may be provided by the Sailor to the SCB either prior to the SCB and or at the SCB, after it has been convened.

d. **JAG Responsibility**. The JAG member will be responsible for making any decision regarding relevance of submitted evidence. The other members of the board may overrule any decision by the JAG member not to consider evidence if both other members vote to consider the evidence in question. If evidence is not considered, the SCB will note that in its final report.

e. **Burden of Proof at SCB**. The members will use a preponderance of the evidence standard to assess its credibility and make any factual determinations relevant to its recommendations. The burden of proof is on the requesting Sailor to establish facts that justify approval of his or her DDE request.

10. **SCB Board Process**

a. The SCB members will review all relevant documents submitted by the requesting Sailor, as well as the DDE criteria guidance provided in this article, prior to calling the board to order.

b. At the appointed time and date, the senior member will call the SCB to order, utilizing the record of proceedings (i.e., script) per exhibit 4. The SCB will then call the RC Sailor requesting the DDE.

c. The SCB process is subject to the Privacy Act, and the Sailor's Privacy Act rights must be protected. The senior member will ensure the Sailor receives and signs a Privacy Act Statement (see exhibit 5 sample) prior to the SCB and submission of evidence.

d. The requesting Sailor and his or her personal representative, if applicable, will then be invited by the senior member to present any additional evidence.

e. The senior member will then recess the board for reviewing of any additional evidence submitted at the SCB and deliberations per exhibit 4. The subject and personal representative, if applicable, will not be present for the members' review of evidence.

f. The members will determine if the submitted evidence is relevant on a case-by-case basis upon submission, as provided previously in this article.

g. The subject Sailor will then be invited to present any witness testimony. It is up to the Sailor to coordinate witness participation. The SCB will not unreasonably be delayed to facilitate witness participation.

h. If any SCB member requests that a specific witness should be called who has not been, they may request that witness's testimony. If the witness is not available, the board will not unreasonably delay the proceedings to wait for that witness.

i. Unless there are any additional witnesses, the SCB will then close for deliberations. The RC Sailor, his or her family

members, and any personal representative(s), as applicable, will be dismissed or leave the proceedings at this time.

11. Deliberations

a. The board will make its findings and recommendations in closed sessions with only the voting members (and designated recorder, at the member's desire) present. All deliberative discussions and the specific votes of members will remain confidential. All persons present during deliberations must respect the confidentiality of the process.

b. During deliberations, the SCB will consider the facts and evidence provided, as well as any other reasonable inferences and relevant circumstances, and then apply to the criteria or guideline factors listed in paragraph 6 of this article.

c. Votes need not be unanimous.

d. The members will vote on a "yes" or "no" of whether the member should receive a delay, deferment, or exemption and, if so, which one and (if applicable) for how long. The senior member of the board has the authority to make the final recommendation in the event that the board fails to come to a majority consensus. The senior member of the board is responsible for signing and submitting the final report to the NRA CO, whether or not the senior member is in the majority.

e. If at least two members vote "no," the board is concluded, and the senior member, whether or not in the majority, will be responsible for signing and submitting the final report to the NRA CO recommending denial of DDE.

f. The SCB does not make any final decisions. The SCB merely makes a recommendation to the NRA CO.

12. Final SCB Report

a. The senior member is responsible for the final report (a template may be found at the end of exhibit 4). The final report need only be signed by the senior member to be valid.

b. The following items should be attached to the final report and sent, along with the final report, to the CA:

(1) Privacy Act statement signed by Sailor at SCB;

(2) Requesting Sailor's written request for DDE;

(3) A copy of the Sailor's mobilization orders (if mobilization orders were not provided to the board and are not available, attach a memorandum stating so. The memorandum should also provide the member's RLD, mission number, mobilization location, expected return date, boots on ground time, and pay entry base date (PEBD), or as much of that information as can reasonably be determined;

(4) [NAVPERS 1070/613](#) (see exhibit 3 for sample entry) provided to the requesting member, if exemption was requested, explaining the fact that PERS-91 may either transfer them to USNR-S1 status, administratively separate them, or if eligible, involuntarily retire them if exemption is approved. If a [NAVPERS 1070/613](#) was not provided to the Sailor in advance of the board, the senior member should ensure that one is provided to the Sailor during the SCB.

(5) Sailor's current [NAVPERS 1070/602](#); and

(6) All supporting documentation submitted to the SCB.

c. Designated administrative staff may assist in creating the final report.

d. If the requesting Sailor falls under an NRA, the senior member will deliver the SCB final report to the NRA CO in a timely manner. If the NRA CO recommends approval of the DDE request, the NRA CO will make an endorsement on the SCB's recommendation and will then forward, within 1 business day of receipt of the SCB final report, to PERS-91 for adjudication. If the NRA CO recommends disapproval of the DDE request and the member requests a higher-level review, then the NRA CO will negatively endorse the package and forward it to PERS-91 for adjudication. The NRA CO's endorsement should contain, at a minimum:

(1) Concurrence or nonoccurrence with the SCB's recommendation;

(2) Member's RLD;

(3) Member's mission number (NE#, NB#, etc.);

- (4) Member's number of dependents;
- (5) Member's PEBD; and
- (6) Justification for CO's recommendation.

e. If the requesting member does not fall under an NRA (e.g., if the Sailor is a retiree or an IRR reservist), the senior member will forward the final report directly to PERS-91.

13. **SCB Final Decision**

a. PERS-91 makes all final decisions in SCB cases that have been approved at the NRA level and are greater than 30 days in length. PERS-91 will strive to make decisions promptly once it has received the SCB package. PERS-91 will ensure COMNAVRESFOR N35 and the NRA CO are notified of the final decision within 2 business days of the final decision.

b. In cases where exemption is approved by PERS-91, the exempted Sailor will be transferred to the USNR-S1 list, be administratively separated, or retired. PERS-9, considering the Sailor's potential for future deployability or service, will determine which action the NRA CO must take and include that in PERS-91's decision notification.

c. PERS-91 is the final approval authority on all SCB requests. If new information is produced or the Sailor's situation has worsened since the SCB, the Sailor may request reconsideration by PERS-91.

d. Should either of these apply, the Sailor should communicate his or her intentions to the NRA CO. The NRA CO, in coordination with PERS-91, should determine whether the situation and or timeline requires a new board. If a new SCB is not required, the NRA CO should submit the additional information enclosed in a positively endorsed memo, along with the original SCB package, to PERS-91 for adjudication.

14. **SCB Rights**

a. RC Sailors have the right to appear at their SCB either in person or virtually via telephonic or video means, provided they are not disruptive to the board. If the subject Sailor does not appear, the SCB may be held in absentia.

b. RC Sailors have the right to provide a written or oral statement at their SCB and or to have their personal representative provide a statement on their behalf. Sailors are advised that the members may question them about any sworn statement they elect to make to the board.

c. Because RC Sailors have the burden of proving the facts they allege to justify approval of DDE in their case, they have the right to present evidence of their choosing to the SCB, provided it is relevant to the DDE request. They may do this via written or oral testimony from witnesses, written documentation, or multimedia presentation, or any other reasonable means.

d. Sailors seeking DDE, or facing an SCB, may, at any time before the SCB, request legal advice from a Navy DSO attorney free of charge, provided they do not delay the board by doing so. Sailors also may speak to a civilian attorney at no expense to the Government, provided this does not delay the board.

e. RC Sailors do not have a right to attorney representation at an SCB. Sailors may bring a personal representative (who can be a civilian attorney) to their SCB, provided the SCB is not delayed by the personal representative's participation. Personal representatives attending an SCB on behalf of a Sailor must appear at no expense to the Government. They may speak on the Sailor's behalf at the board.

f. RC Sailors have the right to request reconsideration of the final DDE decision, based on the criteria provided in this article.

Exhibit 1
Election/Waiver of SCB Form Template
(Use proper letter format)

(Date)

From: Rate/Rank, Sailor Name, USN
To: Commander, Navy Personnel Command (PERS-91)
Via: Commanding Officer, NRA

Subj: ACKNOWLEDGEMENT OF RECEIPT AND SCB ELECTION

1. I acknowledge receipt of denial of my mobilization delay, deferment, or exemption (DDE) request.
2. I have / have not submitted a DDE request over 30 days in the past.
3. I have / have not been cancelled from a mobilization in the past.
4. I do / do not elect a special cases board (SCB) [circle election].

Rate/Rank Sailor Name

Exhibit 2
SCB Appointing Order Template
(Page 1 of 2)
(Use proper letter format)

SSIC
Ser xx/xx
(Date)

From: Commanding Officer, NRA
To: Rank First MI Last Name, USN, (senior member)

Subj: APPOINTMENT OF A SPECIAL CASES BOARD FOR [SUBJECT
SAILOR]

Ref: (a) NAVPERS 15560D, Naval Military Personnel Manual
(MILPERSMAN)

1. Per reference (a), MILPERSMAN 3060-060, you are assigned as senior member of a special cases board (SCB) for [Subject Sailor], who has made a delay, deferral, or exemption (DDE) request from an upcoming mobilization. The SCB will convene on [time, date], or as soon as practicable thereafter, at [location (if members are participating remotely, state as such)]. Other individuals assigned to the SCB are:

Rank, Name, USN, Judge Advocate General member
Rank, Name, USN, Chaplain member
Rank, Name, USN [if military], non-voting board recorder
Rank, Name, USN, Subject [i.e., DDE requesting Sailor]

2. [Optional] The authorized uniform for the SCB is Navy working uniform/khaki/optional.

3. General procedural instructions and an SCB script are contained in reference (a), MILPERSMAN 3060-060. You and the other board members should familiarize yourselves with reference (a), MILPERSMAN 3060-060, prior to the convening of the board.

4. You and the other members are admonished not to discuss the pending case with the subject or anyone else, except as part of the board process, and to review in advance all documentation related to the SCB that will be provided to you, but not to

Exhibit 2
SCB Appointing Order Template
(Page 2 of 2)

Subj: APPOINTMENT OF A SPECIAL CASES BOARD FOR [SUBJECT
SAILOR]

consult outside sources unless provided to you by me or as part
of the SCB process.

F. M. LAST

Copy to:

Member

Non-voting Board Recorder

Subject member

Exhibit 3
Sample NAVPERS 1070/613 DDE/SCB Entry
(Use proper letter format)

SUBJECT: DELAY, DEFERMENT, EXEMPTION (DDE) FROM
MOBILIZATION/SPECIAL CASES BOARD (SCB)

1. I have received either verbal or written activation notification or order issuance for an upcoming mobilization/deployment.
2. I am requesting delay, deferment, or exemption (DDE) from my impending scheduled mobilization or deployment.
3. I understand that if an exemption is granted, I may be transferred to the Standby Reserve, potentially considered for administrative separation processing, or subjected to other adverse administrative action per MILPERSMAN 3060-060, and that cognizant authorities will make that decision based on the facts and circumstances of my individual case and the needs of the Navy.
4. I understand that this may result in loss of pay, benefits, career opportunities, ineligibility for military retirement or other potentially adverse consequences to my pay, benefits, or what I might otherwise be able to achieve in my military career.
5. I am willing to accept the risk of potential loss of pay, benefits, career, and or career opportunities up to and including administrative separation. Having taken this risk into account, I still desire to proceed with my DDE request/SCB.
6. I _____ have/_____ have not received an approved DDE from Navy Personnel Command (NAVPERSCOM) Reserve Personnel Administration Division (PERS-91) for a previous mobilization.

Exhibit 4
SCB Record of Proceedings (with SCB Final Report) Template
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ACRONYMS:

Acronym	Title
SM	Senior member*
JAG	JAG member
CH	Chaplain member
S	Subject (i.e., DDE requesting Service member)
PR	Personal representative for DDE-requesting Service member
W	Witness
CA	Convening authority
SCB	Special Cases Board
DDE	Delay, deferment, or exemption

* May not be the Navy Reserve Center commanding officer

THE SCRIPT. Follow this script when conducting the SCB:

[Members will have read all relevant documents submitted by or on behalf of subject, as well as the DDE Criteria/Guidelines per paragraph 5 of MILPERSMAN 3060-060, prior to convening the SCB]

[Prior to formally convening the SCB, SM will invite subject, along with his or her PR (if the subject brings a PR) into the SCB room or online meeting (if remote)]

Note: If SCB is held in absentia, the SM may skip any readings that do not make sense to read without the subject present.

SM: The special cases board will come to order. The time, date, and place of hearing are as follows: [state time, date, and location (alternatively, if everyone is participating remotely, so state and instead of a location where the hearing is taking place, state the NRA convening the board)].

SM: The board is convened by an order of the convening authority, [state name, rank and title of CA], dated [state date of appointing order], a copy of which has been furnished to each member of the board and the subject Service member.

Exhibit 4
SCB Record of Proceedings (with SCB Final Report) Template
(Page 2 of 9)

The following persons named in the appointing order are present:

Members	
[Rank and Name]	Senior Board Member
[Rank and Name]	JAG member
[Rank and Name]	Chaplain member
[Rank and Name]	Subject [i.e., DDE-requesting Service member]
[Name]	[PR (only if applicable)]
[Rank (if applicable) and Name]	[Support staff (only if applicable)]

The following person[s] named in the appointing order is [are] absent: [List anyone who is not present or appearing remotely].

SM: This board has been convened for the purpose of considering the case of [state rank and name of subject], who has requested DDE from impending mobilization. The board will assess the facts, based on the evidence presented and all reasonable inferences derived from that evidence, and will make a recommendation to Commanding Officer, NRC [NRC Name] with respect to whether the subject should, or should not, be granted a delay, deferment, or exemption from the scheduled mobilization, and if so, which type, and if recommending delay or deferment, for how long.

[Rank and Name of Subject], this is not intended to be an adversarial hearing. It is merely a mechanism for you to present to us your case for why a DDE should be granted, so that we can make an appropriate recommendation to PERS-91.

I shall now review with you your rights in connection with this hearing. If you have any questions about any of these rights, do not hesitate to ask me. You may waive this reading of your rights, which does not waive the rights themselves. Do you elect for me to read your rights, or do you waive the reading of your rights?

Exhibit 4
SCB Record of Proceedings (with SCB Final Report) Template
(Page 3 of 9)

S: Elect reading / Waive reading.

NOTE: If subject waives reading, the reading will be omitted. In that case, skip the reading of the rights below and proceed to the next section.

SM: [If subject elects reading]

a. You have the right to appear at your SCB either in person or virtually via telephonic or video means, provided you are not disruptive to the board.

b. You have the right to testify at your SCB, either via an oral or written statement. You also have the right to provide no statement at all to the SCB and or to have your personal representative provide a statement on your behalf. It is your choice which option you elect. While others may advise you as to which option they recommend, no one else, including a personal representative, may make this decision for you. You are advised that the members may question you about your statement if you elect to make one to the board.

c. You have the burden to provide justification in support of approval of a DDE in your case. You may present evidence of your choosing to the SCB, provided it is relevant to the DDE request. You may do this via written or oral testimony from witnesses, written documentation, or multimedia presentation, or any other reasonable means.

d. You may, at any time before the SCB, request legal advice from a Navy Defense Service Office attorney free of charge, provided such consultation does not delay the board by doing so. You also may speak to a civilian attorney at no expense to the Government, provided this does not delay the board.

e. You do not have a right to attorney representation at an SCB. You do, however, have the right to be accompanied by a personal representative (who can be a civilian attorney) provided or arranged for by you at no expense to the Government. A personal representative is not entitled to

travel or similar expenses, and the proceedings will not be delayed to permit the presence of a personal representative.

Exhibit 4
SCB Record of Proceedings (with SCB Final Report) Template
(Page 4 of 9)

The personal representative may speak on your behalf at the board.

f. You may request reconsideration of the final DDE decision, based on the criteria provided in Naval Military Personnel Manual, article 3060-060, if any of the following apply:

(1) New evidence is produced that was not available at the time of the SCB; or

(2) Circumstances have materially changed since the SCB, rendering the original decision fundamentally unfair.

g. If you feel that reconsideration is warranted, it is your responsibility to make that request to PERS-91. Reconsideration will not occur unless you proactively request it.

h. Your failure to invoke any of these rights cannot be considered as a bar to the board's proceedings, findings, or recommendations.

NOTE: If subject waived reading of rights, skip to here.

SM: Now, [Rank and Name of Subject], there are some procedural rules in connection with this board which I shall explain.

First, these proceedings are administrative in nature and the board is not bound by formal rules of evidence.

Second, you should be aware that the board's recommendations will be based upon a preponderance of the evidence presented.

Finally, this board's task is to make recommendations to the Commanding Officer, Navy Reserve Center as to DDE. This board is not the ultimate decision-maker.

[Rank and Name of Subject], do you have any questions concerning the procedures before this board?

Exhibit 4
SCB Record of Proceedings (with SCB Final Report) Template
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S: (No, Sir/Ma'am.) (_____).

Note: SM should ensure at this time that "S" signs (or has already signed and submitted) the Privacy Act Form, and if exemption has been requested, signs (or has already signed and provided) an appropriate Page 13 explaining the risks of adverse administrative action if exemption is granted. Once these two documents are accounted for, the board can proceed.

SM: [Rank and Name of Subject], if you would like to make an opening statement, you may do so at this time.

S: (_____).

SM: We have reviewed the documentary evidence previously provided to the board. Do you have any further evidence to present?

S: (No, Sir/Ma'am.) (_____).

NOTE: If subject provides documentary evidence, SM will place the board in recess for members to review new evidence. The S and, if applicable, the PR, will exit the room or video call at this time, until all members have completed review.

SM: [Rank and Name of Subject], do you intend to call any witnesses?

S: (No, Sir/Ma'am.) (_____).

NOTE: Subject is responsible for coordinating witness participation, whether in person or through alternative means. If witnesses are not available when they are called, the board will not be unreasonably delayed to facilitate their participation.

NOTE: If Subject does not have a witness or witnesses to call, skip the following section.

SM: [Rank and Name of Subject], what witnesses do you intend to call?

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SCB Record of Proceedings (with SCB Final Report) Template
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S: (_____).

SM: You may call your first witness.

NOTE: Subject coordinates presence, in person or remotely, of witness.

SM: [To witness] Would you state your name, rank, unit, and Military Service? (If civilian, state name, city, and state.)

WIT: (_____).

SM: [Rank and Name of Subject], you may question your witness.

S: (_____).

WIT: (_____).

NOTE: At the conclusion of Subject's questioning of witness, board members may question the witness.

SM: (to witness) You may be excused.

NOTE: Repeat for all witnesses.

SM: [Rank and Name of Subject], do you have any additional witnesses or documentary evidence to present?

S: (_____).

SM: [Rank and Name of Subject], do you desire to make a statement at this time, or do you have a personal representative present who desires to make a statement on your behalf?

S: (_____)

NOTE: [S or PR can now make a statement, if the S desires to make a statement. The members may question the Subject]

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SCB Record of Proceedings (with SCB Final Report) Template
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SM: [To other members], do you have any additional witnesses that you believe we should hear from before deliberating?

JAG/CH/SM: (Yes/No/If yes, whom).

NOTE: The members may discuss this on the record or recess to discuss off the record, whichever the SM prefers. If any two of the members concur that a specific witness should be called who has not been, they may request that witness's testimony. However, if the witness is not available, the board will not unreasonably delay the proceedings to wait for that witness.

SM: [Rank and Name of Subject], if you desire to make any additional closing argument, you may do so at this time.

S: (_____).

SM: This board will close for deliberations, after which it will be adjourned. Our recommendations will be provided to PERS-91, and a copy will be provided to you when it is sent to PERS-91.

NOTE: When the board deliberates, only the voting members (and designated recorder, if the members desire) will be present. Upon completion of the deliberations, the SM must complete the appropriate final SCB report and ensure it is submitted to the NRA commander.

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SCB Record of Proceedings (with SCB Final Report) Template
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BOARD RECOMMENDATIONS SHEET

PART 1

Recommendation (If vote is 3 to 0 or 2 to 1, that is how it should be recorded in parts 1, 2, and 3 below):

BY A VOTE OF		Recommend DDE	Does not Recommend DDE*

*If the majority vote is not to recommend DDE, skip to part 4.

PART 2

If the board recommended DDE, next make a recommendation as to either, delay, deferment, or exemption. Only one option may be selected.

BY A VOTE OF		Recommend Delay	Recommend Deferment	Recommend Exemption**

**If the majority vote is to recommend exemption, skip to part 4.

PART 3

If the board recommended delay or deferment, recommend the length of delay or deferment in days or months, as appropriate.

BY A VOTE OF		Recommended length of Delay or Deferment***

***Senior member has the authority to make the final recommendation as to the length of delay or deferment in the event that the board fails to come to a majority consensus. If that is the case, leave the vote columns blank.

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SCB Record of Proceedings (with SCB Final Report) Template
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PART 4

Summarized list of evidence considered by the board:

1. _____
2. _____
3. _____
4. _____
5. _____

PART 5

List witnesses who testified orally at the board:

1. _____
2. _____
3. _____
4. _____
5. _____

PART 6

Signature of senior member of the board

Print name, rank, signature, date

Exhibit 5
Privacy Act Statement Template

PRIVACY ACT STATEMENT

DATA REQUIRED BY THE PRIVACY ACT OF 1974

PRIVACY ACT STATEMENT
For Personal Information/Statements Taken During
SPCECIAL CASES BOARDS (SCB)

Name: Rank/Rate: Activity: USN

AUTHORITY: Title 5, U.S. Code, Section 301; Title 10, U.S. Code, Sections 972, 1201-1221, 2733, 2734-2734b, 2737, 5013, 5014, 5031-36, 5131-5150, 5947, 6148, 7205, 76-22-7623; Title 28, U.S. Code, Sections 1346, 2671-2680; Title 31, U.S. Code, Sections 240-243, 3521-3531, 3701-3702, 3717-3718; Title 37, U.S. Code, Section 802; Title 38, U.S. Code, Section 105; Title 42, U.S. Code, Sections 2651-2653; Title 44, U.S. Code, Section 3101; Title 49, U.S. Code, Section 1901

PRINCIPAL PURPOSES: The information which will be solicited is intended principally for the following purpose(s):

- To determine the facts and circumstances required to assess whether Delay, Deferment or exemption (DDE) from mobilization should be approved. To present findings, conclusions, and recommendations developed from this SCB to the NRC Commanding Officer and potentially to Navy Personnel Command (NAVPERSCOM) Reserve Personnel Administration Division (PERS-91), or other appropriate commanders;
- For determinations on administrative action.

ROUTINE USES: In addition to being used within the Departments of the Navy and Defense for the purposes indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Justice for use in litigation involving the Government; to agencies of the Department of Justice and state and local law enforcement agencies and court authorities for use in connection with civilian civil and criminal court proceedings; to agents and authorized representatives of parties involved in the litigation for use in legal or administrative matters; and to agencies of the federal, state, and local authorities, court authorities, and administrative authorities, for use in connection with civilian and military criminal, civil, and/or administrative and regulatory proceedings and actions.

MANDATORY/VOLUNTARY DISCLOSURE AND CONSEQUENCES OF REFUSING TO PROVIDING INFORMATION:

For Military Personnel: For Military Personnel: Disclosure of information is voluntary. However, if information is provided, any effort to mislead the investigator or higher authorities may subject the disclosing party to punitive liability under the UCMJ. For members who are subjects of an investigation, you are advised that you are initially entitled to have determinations resolved in your favor; however, the final determinations will be based on all the evidence in the investigative record. Therefore, whether you do or do not provide the requested information, you will be entitled to a favorable determination only if the record does not contain sufficient evidence to overcome the presumption in your favor by a preponderance of evidence. If the completed record does contain sufficient evidence to overcome the initial presumption in your favor, your election not to provide the requested information could prevent the investigation from obtaining evidence which may be needed to support a favorable determination. In any case, all determinations and evaluations made as a result of this investigation will be made only on the basis of the evidence that is contained within this investigative record.

ACKNOWLEDGMENT

I understand the provisions of the Privacy Act of 1974 as related to me through the foregoing statement and agree to the information provided as part of this SCB being distributed to and reviewed by all Department of the Navy (DON) staff who have a role in assessing or acting on my case.

Signature: _____

Date: _____