

***SECNAVINST 1920.6C***  
***ADMINISTRATIVE SEPARATION OF OFFICERS***

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***NCR TRAINING***  
***STAND-DOWN***

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## ***OBJECTIVES***

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- To explain the process of officer adseps
- To understand the unique aspects of officer adseps and how they differ from enlisted adseps
- To Review the high points (especially BOI's)

## ***REFERENCES***

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- SECNAVINST 1920.6C CH-5: Primary Reference
- MILPERSMAN 1920: Secondary Reference

## ***KEY TERMS***

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- **Board of Officers** – Group of 3 Officers appointed by Chief of Naval Personnel (CHNAVPERS); all are senior in grade to Officer considered before the board
  - ✓ Members – Officers and enlisted voting on a recommendation.
- **Separation Authority** – person authorizing separation based on evidence at hand
- **Board of Inquiry (BOI)** – makes findings and recommendations as to separation for cause and characterization of service for an officer.

## ***KEY TERMS***

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- **BOI Report** — includes a summarized ROP and BOI findings and recommendations; A verbatim transcript will only be done when explicitly directed by the Show Cause Authority.
- **Show Cause Authority** — Any Officer (O-7 or above) who will determine that an officer shall be required to show cause for retention in military service
- **Drop from the Rolls** — a complete severance of military status without characterization of service.
- **Discharge** — A termination of officer's obligation and severance from all military status.

## ***ADSEP OBJECTIVES***

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- Ensure Consistent Standards
  - Quality Control
- Encourage Honorable Service
- Achieve Authorized Force Levels
- Provide a Process for Separation
  - Protect Officers Rights

## ***ADSEP PROCESS OVERVIEW***

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- Determination of Basis(es)
- Notification of Respondent
- BOI Notification Procedures
- BOI Hearing (if elected)
- Decision of the BOI
- Action on the ROP of the BOI
- Action on the Report of the BOI

## ***ADSEP PROCESS OVERVIEW***

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- SECNAVINST 1920.6C CH-5 does not apply to members discharged or dismissed by a courts-martial.
- When one accepts a commission/warrant, they have acquired a legal status that continues until it is terminated through a specific legally authorized process.
- Many similarities exist between Enlisted and Officer adseps
- The symbol \*\*\* preceding and succeeding each statement, will be used to note comparisons between officer and Enlisted Adseps



## **REASON FOR ADSEP PROCESSING (Voluntary)**

- Many of the Officer Adsep requirements are \*\*\*virtually identical to Adsep criteria of Enlisted Sailors in MILPERSMAN 1910 series\*\*\*
- Convenience of the Government (COG)
  - Dependency or Hardship
  - Pregnancy or Childbirth
  - Conscientious Objector

## ***INVOLUNTARY SEPARATIONS (Reasons)***

- **Substandard Performance:**
  - Failure to demonstrate leadership for the officer's grade.
  - Personality Disorders (diagnosed by MD or Psych only)
  - Unsatisfactory Performance
  - Failure to complete required training

## ***INVOLUNTARY SEPARATIONS (Reasons)***

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- **Misconduct, Moral/Professional Dereliction:**
- Unlawful drug involvement
  - Intentional misrepresentation (or omitting) a material fact to obtain an appointment or commission.
  - Fraudulent procurement of a commission
  - Racist or extremist conduct
  - Civil conviction
  - Military (or civilian) offense which could be punished by confinement for 6 months or more

## ***INVOLUNTARY SEPARATIONS (Reasons)***

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- **Process for Multiple Reasons** – essentially the same as process for all known reasons for Enlisted adseps.
- **Retention is not consistent with the Interest of National Security**
- **Separation in Lieu of Trial by Courts-Martial**
- **Parenthood** – This matter becomes involuntary when it interferes with performance of duty.
- **Force Management Considerations**
- **Secretarial Authority** – NOTHING can prevent SECNAV from separating an Officer.
- **Removal of Ecclesiastical Endorsement** – see MILPERSMAN 1920-250

## ***MANDATORY PROCESSING***

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- Command must process if offense:
  - (Could have) resulted in serious bodily injury
  - (Could have) resulted in death
  - Includes sexual perversion/deviant sexual behavior
  - Includes aggravated sexual harassment

## ***CHARACTERIZATION OF SERVICE***

- ~~Punitive Discharge~~
    - ~~– Bad Conduct (BCD)~~
    - ~~– Dishonorable (DD)~~
  - Administrative Discharge
    - Honorable
    - General - Under Honorable Conditions
    - Other Than Honorable (OTH)
- Courts-Martial only!**

# ***CHARACTERIZATION OF SERVICE***

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## Administrative Discharges

- **Honorable:** service generally met the standards of acceptable conduct and performance.
- **General - Under Honorable Conditions:** honest and faithful service but significant negative aspects outweigh the positive aspects of the Officer's military record
- **Other Than Honorable (OTH):** performance of duty and conduct that give rise to Adsep constitute departure from that required of Officers of Naval Service.

\*\*\* The descriptions of officer discharge characterizations are virtually identical to the language of enlisted adsep characterizations listed in MILPERSMAN 1910-300\*\*\*

## ***CHARACTERIZATION OF SERVICE***

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- Qualified Resignation?
- Unqualified Resignation?



## ***NOTIFICATION PROCEDURE***

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The Show Cause Authority notifies officers in writing of:

- Reason action is being initiated (and the factual basis supporting it)
- The characterization of service (Honorable or General) \*\* similar to enlisted notification procedure
- Officer may submit a rebuttal or decline to make a statement.
- The Officer may tender a resignation in lieu of separation processing.
- The Officer has 5 working days to respond (\*\*vs. 2 working days for enlisted \*\*)

## **NOTIFICATION PROCEDURE – Right to Counsel**

➤ The respondent has the right to counsel  
**EXCEPT** when:

(i) Respondent is attached to unit or vessel operating outside/away from the U.S.

or away from its homeport or to a shore activity far removed from JAG resources.

(ii) No qualified counsel is assigned and present at a vessel, unit, or activity.

(iii) The CO does not anticipate having access to counsel for at LEAST THE NEXT 5 DAYS.

(iv) CO determines needs of Navy require processing before qualified counsel will be available.

## ***NOTIFICATION PROCEDURE –Response***

- 5 WORKING DAYS!
  - Extensions granted if good cause shown.
- If the respondent fails to acknowledge receipt of notification/ submit a timely reply → waiver of rights
- If the respondent declines to respond regarding selection of rights → waiver of rights

## ***SUBMISSION TO THE SECNAV***

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- If the CO forwards the case to the SECNAV via CHNAVPERS, the case file shall contain:
  - A copy of the written notification to the respondent .
  - Documentation substantiating the conduct or performance
  - Any written statement the respondent desires to make.
  - If the respondent tenders a resignation, it shall accompany the file!!
- CHNAVPERS shall forward the case file to the SECNAV with:
  - Recommendation on each reason for separation and supporting facts
  - The recommendation for separation
  - OR
  - A recommendation for acceptance or rejection of resignation(if one is tendered)

## ***ACTION OF THE SECNAV***

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- The **SECNAV** shall determine if there is sufficient evidence supporting the allegations in notification for each of the reasons set forth.
- If factual basis for separation exists, the **SECNAV** may separate.
  - if the officer tenders a resignation, **SECNAV** may accept or reject it --
- If the **SECNAV** determines the characterization is appropriate, he/she, may refer the case directly to a BOI
- The **SECNAV** may retain the Officer if he/she desires.

## ***BOI RULES AND PROCEDURES***

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- **PURPOSE:** to provide the officer a full and impartial hearing at which they may respond to or rebut allegations that form a basis for their separation.
- **CONVENING AUTHORITY (CA):** Show Cause Authority shall convene or be directed to convene a BOI upon determining that an officer needs to show cause for retention.
- **MEMBERSHIP, RECORDER, and LEGAL ADVISOR:** BOI's shall consist of at least 3 officers in the same service as the respondent

## ***BOI COMPOSITION***

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- **Active Duty (AD) Officers:**
    - 3 Officers O-5 and above
    - Senior member (O-6 and above)
    - each member shall be senior in grade to respondent
  - **Reserve Officers:** same criteria as active duty, EXCEPT one member must be a Reserve Officer.
  - **Navy Cases** (i.e non-Marine Corps) : At least one Board Member must be in the same competitive category as the respondent. \* This is esp. important for substandard performance Adsep cases.
- \* Competitive category may be waived by the CA if no one is available or if respondent is in a very small community\***

## ***BOI FACTS AND RULES***

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- Senior Member shall be the Presiding Officer and shall rule on all matters of procedure and evidence.
  - The Presiding Officer may be overruled by a majority of the Board.
- Board Members may be challenged for cause only!
- If appointed, the Legal Advisor shall rule finally on all matters of procedure, evidence, and challenges, except for challenges for cause to Legal Advisor
- The CA will rule finally on all challenges for cause to the Legal Advisor.



## ***BOI FACTS AND RULES***

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- Oral and written matters that are not admissible in a court of law may be accepted by BOI's.
- The Proceedings of the Board will normally be open to the public at the discretion of the CA (Except for Closed Sessions).
- \*\*\* As is the case with enlisted adsep boards, BOI's are not CM's and the military rules of evidence do not apply. \*\*\*

## ***BOI PROCEDURES***

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- The Respondent shall be notified in writing at **LEAST 30 DAYS** before their case will be heard by the BOI of:
  - each reason(s) they are being required to show cause for retention.
  - the least favorable characterization of service recommended by the Board.
  - the rights they have as respondents.

## ***RIGHTS OF THE RESPONDENT***

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- (i) The opportunity to present matters on their own behalf
- (ii) Full access to, and copies of, all records relevant to the case except if the release of info is damaging to national security.
- (iii) The names and witnesses in advance of the BOI Proceedings
- (iv) The right to challenge for cause.

\* Respondent may petition for an additional 30 days for good cause. A continuance will not exceed an additional 30 days.\*

## ***BOI RIGHT TO COUNSEL***

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- Respondents are entitled to have a lawyer - under Article 27B, UCMJ – appointed by the CA.
- Respondents may request specific military counsel of their choice, if requested counsel available.
- \*\*\* As is the case with enlisted adsep boards, respondents may waive a reading of any rights before or during the BOI. \*\*\*

## ***BOI - Witnesses***

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- Witnesses who are reasonably available and whose testimony will add materially to the case.
- Witnesses not on active duty must appear voluntarily and at no expense to the government
- Requests for witnesses may be denied if they are not requested in a timely manner.
- The CA shall make all final decisions regarding the appearance of witnesses.

## ***DECISION OF BOI***

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- The BOI will make the following determinations by a MAJORITY VOTE, based on the evidence presented at the hearing:
  - (i) The respondent is recommended for separation from Naval Service supported by a Preponderance of the Evidence, based on the evidence presented, the overall record of service, and the Board recommends a characterization of service
  - (ii) That none of the reasons specified are supported by sufficient evidence to warrant separation, and the case is CLOSED.
  - (iii) In the case of a retirement eligible officer, if separation is recommended, the board shall recommend whether or not the officer will retire at their current paygrade.

## ***BOI – RECORD OF PROCEEDINGS (ROP)***

- The ROP shall include:
- (i) A transcript of the BOI Proceedings, including the evidence of record AND a report of findings and recommendations of the board.
  - (ii) The Officer's service and background.
  - (iii) Each of the specific reasons for which the officer is required to show cause for retention.
  - (iv) Each of the acts, omissions, or traits alleged.
  - (v) The Findings on each of the reasons for Separation specified.
  - (vi) The recommendation of the Board the respondent be separated and receive a specific characterization of service, retire in a current or lesser grade, or that separation is not warranted an the case is closed.

## ***ACTION ON THE ROP OF THE BOI***

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- The ROP shall be delivered via the CA to **CHNAVPERS** prior to forwarding to **SECNAV** for final review.
- This submission shall include any minority report and rebuttal and/or statement of the respondent.
- The ROP of a BOI convened solely to determine the grade in which a retirement eligible Officer should be retired:

Forward directly to **CHNAVPERS** for forwarding endorsement to **SECNAV**, who will make the final determination of the grade in which the Officer will be retired.



## **ACTION ON THE REPORT OF THE BOI**

- If the BOI closes the case → **All proceedings will be terminated.**
- If the BOI recommends retirement or separation, the **SECNAV** may:
  - (i) Direct retention
  - (ii) Direct separation and award a characterization NOT LESS FAVORABLE than one recommended by the BOI

**OR**

- (i) Direct retirement of the respondent in the highest grade satisfactorily held by the **SECNAV**

## ***TIME PROCESSING GOALS***

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- When no BOI is required: 30 DAYS from the date of Notification.
- When BOI is required: 90 DAYS from the date of Notification.

## ***Review***

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Remember:

- There are a great deal of similarities and overlap between Officer and Enlisted Adseps.
- Think of a BOI as an administrative proceeding very similar to an Admin Board (it's enlisted counterpart).
- The SECNAV plays a major role in Officer Adseps.

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***Thank you/Questions?***