

INFORMATION PAPER

Subject: SECNAVINST 1920.6B

1. Purpose. To provide SJAs with a brief overview of the major changes found in SECNAVINST 1920.6B. This instruction applies to administrative separation proceedings initiated on or after 13 Mar 00.

2. Key Points

a. Enclosure (1) -- Definitions: No significant changes.

b. Enclosure (2) -- Voluntary Separations: No significant changes.

c. Enclosure (3) -- Separation for Cause

(1) Bases for Separation

(a) Substandard performance of duty: No changes.

(b) Misconduct

1. Homosexuality has been deleted as a reason under the misconduct basis.

2. Extremist and supremacist activity, and failure to successfully complete a sex offender program have been added as reasons for separation under the misconduct basis.

(c) Homosexual Conduct: Distinct basis for separation with detailed guidelines.

(d) National Security and SILT: No changes

(2) The remainder of enclosure (3) was updated to comply with statutory changes affecting officer management.

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d. Enclosure (4) -- Guidelines on Separation for Cause

(1) Regular officer/Reserve officer classifications have been eliminated. Officers are now classified as probationary commissioned officers, non-probationary commissioned officers, warrant officers, and LDOs.

(2) Clearly states that probationary officers may be separated for misconduct via the notification procedure.

e. Enclosure (5) -- Guidelines on Characterization of Service

(1) Obtaining an appointment by fraud is now specifically excluded from the rule that an officer's service will be characterized as Honorable when the grounds for separation are based solely upon preservice misconduct.

(2) For misconduct by a Reserve member when the member is not on active duty or active duty for training:

(a) OTH is authorized only if such conduct directly affects the performance of the member's military duties;

(b) General (Under Honorable Conditions) is authorized only if such conduct has an adverse impact on the overall effectiveness of the Naval Service, including military morale and efficiency; and

(c) If an officer tests positive for the presence of illegal drugs in the officer's body while in an active or inactive duty for training status, the drug abuse shall be deemed to have directly affected his or her readiness and performance of military duties.

f. Enclosure (6) -- Guidelines on Recommendations - Grade at Retirement

(1) The BOI recommends retirement in the grade that the officer last served satisfactorily -- not limited to the next inferior grade.

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(2) The previous standard (OTH) for retirement in a lesser grade has been eliminated. The new standard is: "The officer's misconduct was serious enough to constitute a significant departure from the conduct required of an officer of the Naval Service." Examples and factors are provided.

(3) All voluntary retirement requests submitted by O-5s and O-6s will be screened for misconduct occurring within 2 years preceding the date of the request. If misconduct is found, the officer will be notified that SecNav will review the misconduct and the officer's record to determine the appropriate retirement grade. The officer will be provided an opportunity to submit matters for SecNav's consideration.

(4) Provides the requirements for voluntary retirement requests while a BOI is pending.

g. Enclosure (7) -- Notification Procedure

(1) Clearly states that probationary officers, Regular warrant officers with fewer than 3 years of service, and Reserve warrant officers with fewer than 5 years of service, may be separated via the notification procedure without a BOI.

(2) Allows for the use of the notification procedure for both misconduct and substandard performance of duty.

(3) Allows COs to initiate separation proceedings via the notification procedure for both misconduct and substandard performance of duty.

h. Enclosure (8) -- Administrative Board Procedures

(1) BOI members may now be in the grade of O-5 or above provided at least one member is in the grade of O-6 and all members are senior in grade to the respondent.

(2) When a reason for separation is based upon an approved finding of guilty by a court-martial or a civilian criminal conviction, such a finding of guilty or criminal conviction is binding on the BOI.

(3) The report of the findings and recommendations of the BOI shall be signed by all members of the BOI and counsel for the respondent immediately on completion of the BOI.

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(4) The senior member authenticates the BOI transcript.

i. Enclosure (9) -- Guidelines for Fact-Finding Inquiries
into Homosexual Conduct

(1) Sets forth the procedures for conducting an inquiry.

(2) Does not create substantive or procedural rights.

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