



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
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SECNAVINST 1412.8B
PERS-44
14 April 2008

SECNAV INSTRUCTION 1412.8B

Subj: REGULATIONS TO GOVERN THE PROMOTION AND CONTINUATION OF LIMITED DUTY OFFICERS (LDOS) AND CHIEF WARRANT OFFICERS (CWOS) SERVING ON THE ACTIVE-DUTY LIST (ADL) AND RESERVE ACTIVE-STATUS LIST (RASL) IN THE U.S. NAVY

Ref: (a) SECNAVINST 1412.6L
(b) 10 U.S.C.
(c) SECNAVINST 1420.1B
(d) SECNAVINST 1920.6C
(e) SECNAVINST 1401.3A
(f) DOD Instruction 1320.14 of 24 Sep 96
(g) MILPERSMAN 1420-010
(h) MILPERSMAN 1420-050
(i) SECNAVINST 1920.7B

Encl: (1) Regulations to Govern the Promotion of Permanent and Temporary LDOs and CWOs on the ADL and RASL in the Navy.
(2) Regulations to Govern the Continuation of Permanent and Temporary LDOs and CWOs on the ADL.

1. Purpose. To prescribe regulations to govern the promotion and continuation of Limited Duty Officers (LDOs) on the Active-Duty List (ADL) and Reserve Active-Status List (RASL), and chief warrant officers (CWOs) on the warrant officer ADL and RASL. This instruction is a complete revision to address LDOs and CWOs on the RASL and should be reviewed in its entirety.

2. Cancellation. SECNAVINST 1412.8A.

3. Applicability. Provisions of this instruction are effective immediately and apply to:

a. The promotion of permanent and temporary LDOs serving on the ADL and RASL to higher grades, except the promotion of LDO ensigns to the grade of lieutenant (junior grade), which is governed by reference (a).

b. The promotion of CWOs serving on the warrant officer ADL and RASL to higher warrant officer grades.

c. The continuation on active duty of eligible CWOs, and temporary and permanent LDOs serving on the ADLs.

d. Continuation and retention of LDOs and CWOs on the RASL is addressed in references (d) and (i).

4. Definitions. The following definitions apply throughout this instruction:

a. Permanent LDO. An officer on the ADL or RASL who is designated for limited duty in a line technical field or designated for limited duty within a staff corps, as indicated by the designator, and who is serving under a permanent LDO appointment in a grade above CWO W5.

b. Temporary LDO. A Regular officer on the ADL who is designated for limited duty in a line technical field or designated for limited duty within a staff corps, as indicated by the designator, and who is serving under a temporary LDO appointment in a grade above CWO W5, under reference (b), section 5596, with a permanent enlisted or warrant officer status.

c. CWO. An officer who is serving under a permanent appointment pursuant to reference (b) in the grade of CWO W2, W3, W4, or W5, in the Regular Navy or Navy Reserve.

d. Promotion Selection Board. A board convened under the authority of reference (b) to recommend officers for promotion to a higher temporary and/or permanent officer grade.

e. Continuation. The deferment of involuntary retirement, reversion, or discharge for years of service or failures of selection for promotion of eligible temporary and permanent Regular LDOs and eligible CWOs.

f. Continuation Selection Board. A board of commissioned officers convened under reference (b), sections 611, 1305, 5596, or 6383 to recommend officers, who are subject to involuntary retirement, reversion or discharge, for continuation on active duty.

g. Promotion Plan. The annual Officer Promotion Plan approved by the Secretary of the Navy (SECNAV) that issues

promotion policy by grade and competitive category to meet service requirements.

h. Continuation Plan. The annual Officer Grade Continuation Plan approved by SECNAV that issues continuation policy by grade and competitive category to meet service requirements.

5. Policy

a. Promotion of LDOs and CWOs. Per the provisions set forth in this instruction, it is the policy of SECNAV to ensure the fair and equitable promotion to the next higher grade of permanent and temporary LDOs and CWOs to meet Navy requirements. Promotion selection boards will be administered to ensure careful consideration of all eligible officers without prejudice or partiality. The promotion system is based on 5-year plans designed to meet the following objectives:

(1) Select officers to fill projected vacancies to meet authorized strength in each competitive category and grade for the first fiscal year of the plan.

(2) Ensure reasonable career opportunities in each competitive category.

(3) Attain and maintain an all Regular Force on the ADL and Reserve Force on the RASL.

(4) Maintain programmed requirements by grade in each competitive category over the last 4 fiscal years of the plan while maintaining relatively similar career opportunities.

b. Continuation of LDOs and CWOs. When required by the needs of the Navy, SECNAV may defer the involuntary retirement of eligible temporary and permanent LDOs and regular CWOs who are subject to involuntary retirement for years of service or failures of selection for promotion.

6. Action. The Chief of Naval Personnel (CHNAVPERS) shall submit to SECNAV, via the Judge Advocate General (JAG) and the Chief of Naval Operations (CNO), annually, a 5-year promotion plan, selection board precepts, and a continuation plan as

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prescribed in reference (c), and implemented in enclosures (1) and (2).

7. Reports. The reports contained in this instruction are exempt from reports control per SECNAV M-5214.1 of December 2005.



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**REGULATIONS TO GOVERN THE PROMOTION OF PERMANENT AND TEMPORARY
LDOs AND CWOs ON THE ADL AND RASL IN THE NAVY**

SECTION I (GENERAL)

I-1. General

a. This enclosure outlines the statutory requirements for promotion of permanent LDOs to higher permanent grades as set forth in reference (b), sections 611-645 and 14001-14901. This enclosure also prescribes regulations for the promotion of temporary LDOs to higher temporary grades pursuant to reference (b), section 5596.

b. This enclosure prescribes regulations for the promotion of permanent CWOs serving on active duty or in an active status to higher permanent warrant officer grades pursuant to reference (b).

c. Competitive Categories. Each LDO/CWO based on the officer's designator will be assigned by the CNO to one of the following competitive categories:

<u>DESIGNATORS</u>	<u>COMPETITIVE CATEGORIES</u>
61XX/62XX/63XX/64XX	Limited Duty Officer (Line)
651X/653X/655X	Limited Duty Officer (Staff)
7XXX	Chief Warrant Officer

d. Annual Promotion Plan. The promotion plan must be submitted to SECNAV 45 days before the proposed convening date of the first promotion selection board of the fiscal year promotion cycle.

(1) The plan will provide an estimate of the number of officers needed in each grade and competitive category to attain authorized strength; the number of officers estimated to be serving in each competitive category for each grade; the number of officers authorized to be on active duty on the last day of each fiscal year for each grade, including the controlled grades as established in reference (b), and a recommended promotion opportunity and projected flow point for each grade and

competitive category. The proposed plan will also show, for each grade and competitive category, the number of officers to be placed in the promotion zone and the number of officers to be selected.

(2) The LDO plans will provide rationale, and analysis as necessary, to support proposed deviations from flow point and opportunity guidelines in paragraph II-1c or proposed below-zone opportunity exceeding 10 percent of the maximum number of officers recommended for promotion for grades O4 and above in each competitive category. Plans proposing a below-zone opportunity greater than 10 percent shall include a request for the Secretary of Defense (SECDEF) approval for such opportunity. By law, plans may not propose below-zone opportunity greater than 15 percent.

(3) The plan should identify any expected need for selective continuation of officers or selective early retirement to aid in meeting authorized strength, promotion opportunity, or promotion flow points. Selective continuation plans and selective early retirement plans, as required, will be submitted as soon after the annual promotion plan as feasible.

SECTION II (PROMOTION OF LDOs)

II-1. Promotion of Permanent and Temporary LDOs

a. Promotion selection boards are convened to recommend permanent and/or temporary LDOs for promotion to the grades of lieutenant through captain. SECNAV shall prescribe the selection opportunities and the promotion zones for permanent and temporary LDOs serving in the same grade and competitive category, and who have the requisite service in grade. Additionally, both shall be considered for promotion by the same promotion selection board.

b. Promotion Flow Point and Opportunity. Promotion zones will be established to meet the separate promotion requirements of each competitive category. This may result in different promotion flow points and opportunity among the competitive categories. Within a competitive category, promotion zones will be designed to provide relatively similar promotion opportunity over a period of 5 years.

c. The following guidelines will normally be applied to ADL promotion plans for each competitive category:

Promotion	To Grade	Flow Point*	Variance	Opportunity	Variance
03		4 years		AFQ	
04		10 years	+/-1 year	80 percent	+/-10 percent
05		16 years	+/-1 year	70 percent	+/-10 percent
06		22 years	+/-1 year	50 percent	+/-10 percent

d. The following guidelines will normally be applied to RASL promotion plans for each competitive category:

Promotion	To Grade	Flow Point*	Variance	Opportunity	Variance
03		4 years		AFQ	
04		10 years	+/-1 year	80 percent	+/-10 percent
05		16 years	+/-1 year	70 percent	+/-10 percent
06		22 years	+/-1 year	50 percent	+/-10 percent

*Years of active commissioned service plus all entry grade credit.

e. Promotion flow point and opportunity, for any competitive category may be temporarily set outside these guidelines when necessary to attain or to maintain the authorized grade strength. Proposals to deviate from the guidelines must provide supporting rationale and estimated time frame within which compliance with the guidelines will become possible.

SECTION III (PROMOTION OF CWOs)

III-1. Promotion of CWOs

a. Promotion selection boards are convened to recommend CWOs for promotion to the next higher warrant officer grade per reference (b), section 573 and 12242. Pursuant to reference (b), section 571, an appointment may not be made in the Navy in the Regular warrant officer grade of CWO W5, if the appointment would result in more than 5 percent of the warrant officers of the Navy on active duty being in the grade of CWO W5.

b. A temporary LDO whose permanent status is that of a warrant officer in the Regular Navy shall be eligible for consideration by both:

(1) A CWO promotion selection board for promotion to the next higher warrant officer grade under this instruction.

(2) An LDO promotion selection board for promotion to the next higher temporary grade (above CWO W5) under this instruction.

c. Pursuant to reference (b), chapters 33A and 1207, each CWO of the Regular Navy or Navy Reserve serving on the warrant officer ADL or RASL, serving under a permanent appointment above the grade of W1 shall be appointed to the next higher CWO grade by commission by the President for ADL and SECNAV for RASL or delegatee.

d. Each CWO W2 of the Regular Navy or Navy Reserve on the warrant officer ADL or RASL, shall be appointed to the grade of CWO W3 by commission by the President or SECNAV upon completion of 36 months of service in grade, being found all-fully-qualified for promotion and authorized via announcing NAVADMIN.

(1) Officers so appointed have a date of rank beginning from their date of appointment to CWO W3. Pay and allowances are effective on and accrue from this same date. The officers appointed are considered as having accepted the appointment unless the appointment is expressly declined or the appointment is delayed under the provisions of this instruction.

e. Each CWO W3 of the Regular Navy or Navy Reserve on the warrant officer ADL shall be eligible for promotion to the grade of CWO W4 upon completion of 48 months of service in grade. Each CWO W3 of the Navy Reserve on the RASL shall be eligible for promotion to the grade of CWO W4 upon completion of 36 months of service in grade. Promotion opportunity to CWO W4 is established in the SECNAV approved annual promotion plan. A CWO selected and approved for promotion will be promoted to CWO W4 based on the annual phasing plan.

f. Each CWO W4 of the Regular Navy or Navy Reserve on the warrant officer ADL or RASL, shall be eligible for promotion to the grade of CWO W5 based on the promotion zones established in

the SECNAV approved annual promotion plan. A CWO selected and approved for promotion will be promoted to CWO W5 based on the annual phasing plan.

SECTION IV (PROMOTION SELECTION BOARDS)

IV-1. Promotion Selection Boards. SECNAV shall, whenever the needs of the service require, convene selection boards to recommend permanent and temporary LDOs on the ADL and RASL of the Navy and CWOs on the warrant officer ADL and RASL for promotion to the next higher grade. Each person participating in the conduct of a promotion selection board shall receive a copy and review the contents of reference (f) upon receipt of notification that they have been assigned duties in conjunction with the conduct of a promotion selection board.

a. Eligibility for Consideration

(1) Deferral of eligibility. With respect to a Reserve CWO or LDO who enters on to an ADL, that officer shall, if eligible for consideration by a promotion board as an in-zone or above-zone eligible within 1 year of placement on the ADL or warrant officer ADL, shall be informed that their eligibility for such consideration will be deferred unless they specifically request consideration. The officer may waive this deferment and request consideration for promotion, in writing, to Navy Personnel Command (NAVPERSCOM) (PERS-802), 5720 Integrity Drive, Millington TN 38055-0802. The request must be received by NAVPERSCOM (PERS-802) no later than the convening date of the board. CHNAVPERS shall normally place such officers' records before the promotion selection board. Deferment of eligibility is intended to provide officers who otherwise would have been in-zone or above-zone an opportunity to obtain active duty experience, qualifications, and significant evaluation before being considered by a promotion selection board. Officers whose initial promotion eligibility is deferred will be considered by a subsequent board as officer's in-zone (above-zone, not previously considered) or above-zone, as appropriate, as if their eligibility had not been deferred.

(2) Service-in-Grade. In the annual promotion plan, SECNAV will prescribe, under reference (b), service-in-grade requirements for eligibility for consideration by promotion selection boards in each grade and competitive category.

(3) Promotion Zones. In the annual promotion plan, SECNAV will establish promotion zones for each grade and competitive category. The limits of each zone will be indicated by the name, precedence number, and date of rank of the designated junior and senior officer in zone. Below-zone eligibility, if prescribed, will be indicated by the name, precedence number, and date of rank of the designated junior officer eligible for consideration in each competitive category. Officers in the same grade who are eligible for consideration for promotion to the next higher grade will be considered as officers either above-zone, above-zone not previously considered, in-zone, or below-zone for their competitive category as defined below:

(a) Above-Zone. Officers within a particular grade and competitive category who are eligible for promotion and are senior to the senior officer in the promotion zone.

(b) Above-Zone, Not Previously Considered. Officers in a grade below O6, senior to the senior officer in zone for their competitive category, but who have neither been removed from a promotion list to that grade; nor failed of selection to the next higher grade by an ADL or RASL board are referred to as above zone, not previously considered.

(c) In-Zone. Officers within a particular grade and competitive category who are senior to the officer designated as the junior officer in the promotion zone and have neither: failed of selection (grades below O6) or not been recommended for promotion to the next higher grade; nor been removed from a promotion list to the next higher grade.

(d) Below-Zone. Officers within a particular grade and competitive category who are eligible for promotion and are junior to the junior officer in the promotion zone.

b. Notice of Convening. Per reference (b), SECNAV will issue a notice of the convening of a promotion selection board at least 30 days before the board is convened. The notice will include:

(1) The names, precedence numbers, and dates of rank, of the junior and senior officers in the promotion zone as of the date of notification.

(2) The name, precedence number, and date of rank of the junior officer eligible as of the date of notification, if applicable.

(3) The date the board will convene.

(4) Inform eligible officers of their right to communicate with the promotion selection board and of their responsibility to ensure their personnel records are substantially accurate and complete.

c. Membership. The composition of promotion selection boards shall be determined under reference (b). The composition shall include a board president, members, recorders, and administrative support personnel as specified in reference (e) and whose duties are further outlined in reference (f). The senior member of the board may be appointed board president. The board president will also serve as a member of the board and perform such administrative duties in connection with the board proceedings as SECNAV may prescribe in the precept. The recorders shall keep the official record of the board proceedings and at least one recorder must be present during all board deliberations.

d. Information to be Furnished Promotion Selection Boards. No person may direct that a particular officer be selected by a promotion selection board or that a promotion selection board fail to select a particular officer. Per reference (f), SECNAV shall issue written instructions to promotion selection boards. The written instructions and guidance to a board shall not include information on particular officers. All information furnished to promotion selection boards shall be made part of the board record. The following information shall be furnished to each promotion selection board at the time it is convened:

(1) Precept. Promotion selection boards shall be convened by precept addressed to the president of the board and signed by SECNAV. The precept will include instructions governing the proceedings of the board and will appoint the president, members, recorders, and administrative support personnel of the board. The board shall adhere to the instructions in the precept.

(2) Skill Guidance. The precept will provide SECNAV guidance relating to the needs of the Navy for officers with particular skills in each competitive category, and other information and guidelines as necessary to enable the board to perform its functions properly.

(3) Precepts will specify the percentage of officers the board may recommend from the list of eligible officers. CHNAVPERS will provide the maximum number of officers that may be recommended for promotion after the final number of eligible officers is determined as of the date the board convenes.

(4) CHNAVPERS, acting for SECNAV, shall provide the names of all officers in each competitive category who are to be considered by the board based on the criteria specified in the annual promotion plan as of the date the board convenes.

(5) CHNAVPERS shall supply all pertinent records of each officer to be considered by the board. Such records shall include all documents, including fitness reports that are essential for a fair and substantially accurate and complete portrayal of each officer's career as of the date the board convenes. Fitness reports, personal awards or other documents with ending dates after the convening date of the board will not be added to these records even if received while the board is in session. If the board requests information to amplify or clarify official records provided to the board, the board may request such information from SECNAV, via CNO, as appropriate. Information from outside an officer's official record may not be provided to a board if that information, under Service regulations, could not otherwise be included in the officer's official record without notice to the officer and an opportunity for the officer to comment on it.

e. Only SECNAV may provide additional guidance to promotion selection boards. Per reference (b), the written instructions, information, or guidance furnished to a promotion selection board may not be modified, withdrawn, or supplemented after the board submits its report to SECNAV; except as provided in paragraph IV-3j.

f. Oath. Each member of the promotion selection board shall swear or affirm that they will perform their duties as a member of the board without prejudice or partiality, having in

view both the special fitness of officers and the efficiency of their Service. Each recorder shall swear or affirm that they will keep a true record of the proceedings of the board. Each member, recorder, and administrative support personnel shall swear or affirm that they will not divulge the proceedings of the board except as authorized or required by SECNAV or higher authority.

g. Per reference (f), the maximum number of officers in the promotion zone authorized to be promoted within a competitive category may not be increased after the convening of a promotion selection board without written approval of SECDEF.

IV-2. Communication with Promotion Selection Boards. All communications, other than those communications that are only administrative in nature, shall be in writing, furnished to all board members, and made a part of the board's record. An audio or video recording is an acceptable means of communication with the board, so long as a written transcript is made a part of the board record. No one, other than SECNAV, shall appear in person to address a promotion selection board on any matter. This does not restrict the furnishing of administrative information to the promotion selection board by the staff designated in writing by SECNAV to assist the board. Oral communication of routine administrative information among board members, recorders, and administrative support personnel is authorized to the extent that it is necessary to facilitate the work of the board. Per reference (g), officers eligible for consideration by a promotion selection board may communicate directly in writing with the board. The communication may call attention to any matter concerning the officer that the officer considers important.

a. The officer's written communication may include, as enclosures, correspondence from any individual concerning the eligible officer. Correspondence not originated by the eligible officer, including endorsements to the officer's letter and letters written on behalf of that officer must contain a written acknowledgment by the eligible officer that they desire such correspondence be presented to the board. Correspondence without such an acknowledgment is considered third-party correspondence and will not be accepted. Correspondence that contains classified information will not be accepted.

b. Officers who desire to communicate with a promotion selection board shall forward written communication to the appropriate board via NAVPERSCOM, Customer Service Center, to arrive no later than the convening date of the promotion selection board which is to consider their record.

c. The promotion selection board shall consider all correspondence which complies with the above requirements.

IV-3. Reports of Proceedings of Promotion Selection Boards. Per reference (b), and reference (f), each promotion selection board shall submit a report to SECNAV listing the names of the officers recommended for promotion.

a. The report shall be in writing, signed by each board member and recorder, and shall certify that the board has complied with all instructions contained in the precept. The report shall also certify that the board has carefully considered the record of each officer whose name was furnished to it, and that the officers recommended for promotion are, in the opinion of the majority of the members of the board, fully qualified and best qualified for promotion to meet the needs of the Navy from among the officers whose names were furnished to the board.

b. Each LDO report shall include the name of any officer considered by the board whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required to show cause for their retention on active duty because of substandard performance of duty, misconduct, moral or professional dereliction, or because retention is not clearly consistent with the interests of national security.

c. Each CWO report shall include the name of any CWO considered by the board whose record, in the opinion of a majority of the members of the board, establishes their unfitness or unsatisfactory performance. Reference (b), section 1166, and reference (d) delineate the procedures for effecting the retirement or separation of a regular warrant officer whose name is so reported.

d. Per reference (b), each officer promotion selection board shall include in its report the names of those officers considered and not recommended for promotion by the board who submitted to the board a request not to be selected for

promotion or who otherwise directly caused their non-selection through written communication to the board. Any officer who submits such a request will still be considered for promotion and will incur a failure of selection if not recommended for promotion by the board.

e. Before the report of the promotion selection board is signed, the recommendations may be disclosed only to members of the board, recorders, and those administrative support personnel designated in writing by SECNAV. After the board report is signed, only the recommendations of the board may be disclosed. Except as authorized by reference (b) and reference (f), the proceedings of the board may not be disclosed to any person not a board member or board recorder.

f. The LDO reports shall be forwarded for approval by SECDEF via first, CHNAVPERS; second, CNO; third, JAG for legal review; and fourth, SECNAV. Per references (b) and (f), the report of a promotion selection board that considered officers with service in joint duty assignments will be forwarded to the Chairman of the Joint Chiefs of Staff (CJCS) for review. In addition, per reference (b), promotion selection boards that considered Acquisition Corps officers shall forward Acquisition Corps promotion statistics to the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD (AT&L)) for review.

g. The CWO reports shall be forwarded for approval by SECNAV via first, CHNAVPERS; second, CNO; and third, JAG for legal review.

h. Once the board report is approved, the names of all officers approved for promotion within a competitive category are placed on a single list in order of seniority for that competitive category. This list will be known as a promotion list.

i. Along with the board report, CNO shall submit to SECDEF, via SECNAV, a scroll. A scroll is a nomination list of the officers selected for promotion within a competitive category on a single list for that competitive category. Scrolls will be submitted for officers recommended for promotion to the grades of CWO W3 through W5, and O3 through O6. Once SECDEF approves the board report, the scroll is forwarded by the President to

the Senate for confirmation of the officers nominated, as applicable.

j. If SECNAV determines that the board acted contrary to law, regulation or guidelines, the report will be returned to the board for further proceedings. SECNAV may modify, withdraw, or supplement instructions, information, or guidelines, as part of a written explanation to the board. Upon receipt of a report that has been returned by SECNAV, the board (or a subsequent board convened under this instruction for the same grade and competitive category) shall conduct proceedings as necessary to revise the report and shall resubmit the revised report to SECNAV, via first, CHNAVPERS; second, CNO; third, JAG for legal review; and fourth, CJCS and/or USD (AT&L), if necessary.

k. Following approval of the board report, SECDEF will forward the scroll to the President for appointment or Senate for confirmation, as applicable.

(1) Only the President, or his delegated authority, may remove the name of an officer recommended for promotion from the report of a promotion selection board.

(2) When the approved report of a promotion selection board identifies officers who should be required to show cause for retention on active duty, and when directed by SECNAV, CHNAVPERS may initiate a Board of Inquiry (BOI) required by reference (b), on all such officers.

(3) As determined by SECNAV, the name of any officer with adverse or alleged adverse information may be withheld from the scroll. Upon official dissemination of the names of the selected officers by ALNAV message, CHNAVPERS shall notify the officer, whose name was withheld from the scroll, in writing of their status. An officer who was withheld that is subsequently recommended for promotion shall have their name placed on a scroll and forwarded to SECDEF for forwarding to the President or Senate, as appropriate, for approval. If subsequently promoted, the officer shall be promoted in the same manner as an officer whose promotion was delayed in paragraph IV-11. An officer whose name has been withheld and is subsequently found not qualified for promotion shall have their name removed from the promotion list in the same manner described in paragraph

IV-5 and will be subject to the provisions contained in paragraphs IV-6 and IV-7.

IV-4. Dissemination of Names. The names of the officers recommended for promotion in the report of a promotion selection board shall be disseminated as follows:

a. In the case of officers recommended for promotion to a grade above CWO W5 and below O7, such names may be disseminated upon, or at any time after, the transmittal of the report to the President or designee. For CWOs, such names may be disseminated upon SECNAV approval of the board report.

b. The names of the officers selected to the grade of O3 shall normally be officially disseminated upon approval by SECDEF (or designee).

c. Dissemination will be by ALNAV message. CHNAVPERS shall submit the proposed message.

d. CNO may propose to SECNAV to withhold from the ALNAV the names of officers in the following categories:

(1) Officers whose names were withheld from appointment or nomination, as applicable;

(2) Officers against whom sworn court-martial charges have been preferred, but not disposed of;

(3) Officers with a criminal proceeding in a Federal, State, or local court pending; or

(4) Officers against whom an investigation is being conducted to determine whether disciplinary/administrative action of any kind should be initiated.

e. The names of the officers selected for promotion, other than those whose names were withheld from an ALNAV, must be promptly disseminated within Department of the Navy as soon as authorized.

IV-5. Removal from Promotion List

a. The President, or designee, may remove the name of any officer from a list of officers recommended for promotion by a selection board. CHNAVPERS shall provide a request for removal action to SECNAV. If required, SECNAV will forward the removal request to the President via SECDEF for signature.

b. If, after consideration of a list of officers approved for promotion by SECDEF, the President does not approve the appointment or the Senate does not give its advice and consent to the appointment of an officer whose name is on the list, that officer's name shall be removed from the promotion list.

c. If an officer's name is removed from the promotion list, CHNAVPERS shall notify that officer in writing of their removal from the promotion list and the resulting effect on promotion status.

IV-6. Eligibility of Officers Removed from Promotion List

a. An officer whose name is removed from a promotion list shall be considered for all purposes to have failed of selection for promotion and will continue to be eligible for consideration for promotion.

b. If a CWO on the warrant officer ADL or RASL, or an LDO on the ADL or RASL in the grade of lieutenant (junior grade), whose name was removed from a promotion list, is not recommended for promotion by the next promotion selection board convened for the officer's grade and competitive category, or if the officer's name is again removed from the list of officers recommended for promotion, the officer shall be ineligible for further consideration for promotion.

IV-7. Failure of Selection for Promotion

a. LDOs/CWOs who are in or above the promotion zone and are considered but not selected for promotion will be considered to have failed of selection for promotion to the next higher grade.

b. If an officer whose name was removed from a promotion list is not recommended for promotion by the next promotion selection board convened for the officer's grade and competitive

category, if the officer's name is again removed from the list of officers recommended for promotion, or if the Senate again does not give its advice and consent to the officer's promotion, the officer shall be considered for all purposes to have twice failed of selection for promotion.

c. Officers who fail of selection for promotion shall remain eligible for consideration by subsequent promotion selection boards so long as they remain on the ADL or RASL or warrant officer ADL or RASL in the grade of lieutenant or above. Two or more failures of selection may, per applicable statutes, subject an officer to involuntary separation, retirement, or reversion under references (b) and (d).

d. Officers in or above the promotion zone who are selected for promotion but decline the appointment will be above zone for subsequent promotion selection boards.

IV-8. Counseling for officers who fail of selection for promotion. Per reference (h), CHNAVPERS shall provide, upon request, counseling for officers who fail of selection for promotion to grades CWO W3, W4, W5, and O3 to O6. Counseling shall consist of reviewing the officer's record and indicating any factors that may account for not having been selected.

a. The counselor will be an officer experienced in officer personnel matters who is senior to and when practicable, in the same competitive category as the officer requesting counseling. The counselor may not be an officer who served as a member, recorder, or administrative assistant for a promotion selection board which failed to select the requesting officer for promotion.

b. Requests for counseling should be submitted to NAVPERSCOM (PERS-4).

IV-9. Promotion of Selectees. Officers on a promotion list will be appointed as Regular officers or Reserve officers, as appropriate, in the next higher grade as additional officers are needed in each grade and competitive category.

a. For officers on the ADL or RASL and warrant officer ADL or RASL, promotions will be made in the order in which the names of officers appear on the promotion list for each competitive

category as vacancies become available, except for those officers whose promotion have been delayed. Promotion of officers from one competitive category will be effected regardless of the relative seniority of officers of the same grade in other competitive categories.

b. CNO shall prescribe monthly numbers, by competitive category and grade, of officers to be promoted and shall announce the names of those officers promoted from the approved promotion list within the monthly numbers authorized.

c. Authority to prescribe monthly numbers and announce promotions may be delegated to those appropriate agencies under the cognizance of CHNAVPERS.

IV-10. Effective Dates of Promotion. Except as provided in paragraph IV-11 or as otherwise provided by law, the date of rank of an officer promoted to a higher grade under reference (b) and this instruction is the date of appointment. Appointments will be considered accepted and effective on the date specified in the promotion NAVADMIN unless the officer concerned expressly declines the appointment. Officers must decline the appointment within 30 days of the effective date. An officer's written request for declination must be submitted to NAVPERSCOM (PERS-802), 5720 Integrity Drive, Millington TN 38055-0802. The appointment will be deemed effective unless the request for declination is received by the 30th day. In addition, any statement or action by an officer which signals their acceptance of the appointment, forever waives their right to decline.

IV-11. Delay of Promotion of LDOs and CWOs

a. Criteria for Promotion Delay. CHNAVPERS, or a member's commanding officer (CO), may delay the appointment of an officer selected for promotion. If the appointment is delayed, the delaying officer shall, as soon as practicable, forward the information required by paragraph IV-11b to SECNAV, or designee, for ratification. Promotion may be delayed under this instruction if:

(1) Sworn charges against the officer have been received by an officer exercising general court-martial jurisdiction over the officer and such charges have not been disposed of;

(2) An investigation is being conducted to determine whether disciplinary action of any kind should be brought against the officer;

(3) Processing for separation for cause has been initiated under reference (d);

(4) A criminal proceeding in a Federal or State court is pending against the officer; or,

(5) There is cause to believe that the officer is mentally, physically, morally, or professionally unqualified.

b. Command Requests for Delay

(1) COs who consider delay of an officer's promotion warranted and delay an officer's promotion shall submit justification for the delay to SECNAV, via NAVPERSCOM (PERS-833), immediately and prior to the member's scheduled promotion date or as soon thereafter as practicable.

(2) Each justification for delay to SECNAV, or designee, must include the following documents:

(a) A copy of the notification to the officer;

(b) A statement by the officer. If the officer declines to make a statement, the officer concerned shall submit a signed statement to that effect;

(c) Supporting rationale for delay from the officer's CO based on their knowledge of the officer involved; and,

(d) A recommendation by CHNAVPERS.

c. Notification of Grounds for Delay. The promotion of an officer may be delayed only if the officer has been given written notice of the grounds for the delay before the effective date of the appointment, unless it is impractical to do so, in which case such written notice shall be given as soon as practicable.

d. Limitations on Delay. The promotion of an officer may not be delayed under this paragraph for more than 6 months after the date on which the officer would otherwise have been promoted, unless SECNAV specifies a further period of delay. An officer's promotion may not be delayed more than 90 days after final action has been taken in any criminal case against the officer in a Federal or State court, more than 90 days after final action has been taken in any court-martial against the officer, or more than 18 months after the date on which the officer would otherwise have been promoted, whichever is later.

e. Removal from the Promotion List. If during a delay of promotion, it is determined that removal from the promotion list is appropriate, removal action under paragraph IV-5 may be initiated. Although removal action is contemplated, requests for delay extensions as provided in paragraph IV-11d shall be submitted to SECNAV as necessary until the officer's name is removed from the promotion list.

f. Subsequent Promotion

(1) If a promotion has been delayed under paragraph IV-11a(1) - IV-11a(4) and no action has been taken to delay an appointment under paragraph IV-11a(5); and

(a) no disciplinary action is taken against the officer, charges against the officer are withdrawn or dismissed;

(b) the officer is not ordered administratively separated under reference (d); or

(c) the officers are acquitted of the charges brought against them, the officers shall be retained on the promotion list and shall, upon promotion to the next higher grade, have the same date of rank, the same effective date for the pay and allowances of the grade to which promoted and the same position on the ADL or RASL or warrant officer ADL or RASL as they would have had if no delay had occurred, except as provided in paragraph IV-11f(2).

(2) If SECNAV determines that the officer was unqualified for promotion for any part of the delay, the date of rank, effective date of pay and allowances, and position on the ADL and RASL may be adjusted. Officers whose promotions were

delayed under paragraph IV-11a(5) that SECNAV later determines are qualified, shall be promoted in the same manner.

IV-12. Special Selection Boards. Special selection boards are governed by reference (c).

IV-13. Posthumous Promotions. Reference (a) establishes provisions to issue posthumous commissions. The following criteria apply:

a. Commissioned Officers. Commissioned officers may be appointed, by the President, to the next higher grade if:

(1) The officer had been appointed to a commissioned grade but was not able to accept the appointment due to death in the line of duty;

(2) A candidate successfully completed Officer Candidate School (OCS) and was recommended for appointment to a commissioned grade but was not able to accept the appointment due to death in the line of duty; or,

(3) The officer was officially recommended for appointment or promotion to a commissioned grade and approved by SECNAV but was not able to accept the appointment due to death in the line of duty.

b. The officer's name shall be carried on the records of the Navy as if the officer had served in the grade in which posthumously commissioned from the date of the approval of the board report to the date of death.

c. No beneficiary is entitled to any bonus, gratuity, pay, or allowances by virtue of a posthumous promotion.

**REGULATIONS TO GOVERN THE CONTINUATION OF PERMANENT AND
TEMPORARY LDOs AND CWOs ON ADLs**

SECTION I (GENERAL)

I-1. General. This enclosure governs the continuation on active duty of eligible temporary and permanent Regular LDOs and eligible Regular CWOs who are subject to involuntary retirement or reversion under reference (b), sections 1305, 5596, or 6383.

a. If the needs of the service require, SECNAV will convene selection boards to recommend permanent and temporary LDOs and CWOs for continuation on the ADL or warrant officer ADL.

b. After SECNAV approves the fiscal year continuation plan, a NAVADMIN message will be released that summarizes the policy and implementation and procedural guidance contained in the continuation plan.

c. Continuation and retention of LDOs and CWOs on the RASL is addressed in references (d) and (i).

SECTION II (CONTINUATION OF LDOs/CWOs)

II-1. Continuation of Permanent LDOs. Reference (b), section 6383, provides guidance on continuation of permanent LDOs. Permanent LDO continuation policy is contained in the SECNAV approved annual continuation plan.

II-2. Continuation of Temporary LDOs. Regular CWOs serving in a higher temporary LDO grade will be continued per the SECNAV approved annual continuation plan.

II-3. Continuation of Regular CWOs

a. Under reference (b), section 1305(a), CWOs who have at least 30 years of active service as a warrant officer that could be credited to them, shall be retired 60 days after the officer completes that service.

b. SECNAV may defer the retirement of any Regular CWO upon the recommendation of a continuation selection board and with the consent of the warrant officer, but not later than 60 days

after the officer becomes 62 years of age per reference (b), section 1305(c). Regular CWO continuation policy is contained in the SECNAV approved annual continuation plan. No officer may be deferred for a period of more than 5 years by any one selection board.

II-4. Continuation Selection Board Procedures. The provisions for promotion selection boards set forth in enclosure (1) regarding notice of convening, precept, membership, information furnished to the board, communication with selection boards, and the proceedings are also applicable to continuation selection boards.

II-5. Continuation Board Results. The report of a continuation selection board shall be forwarded to SECNAV for approval, modification, or disapproval. Once approved, to the extent practicable, the results of continuation selection boards shall be made known sufficiently in advance of involuntary separation or retirement dates so as to allow officers who are continued and those who are not continued a reasonable period of time for personal planning. An officer who is selected for continuation on active duty or in an active status under this instruction shall be afforded an opportunity to accept or decline it. A permanent or temporary LDO or CWO who is selected for and declines continuation, shall be retired or separated per reference (b). Upon disapproval of the board report as to a particular officer selected for continuation, SECNAV may remove an officer's name from the board report.

SECTION III

(CONTINUATION OF LDOs AND CWOs FOR DISCIPLINARY OR MEDICAL REASONS)

III-1. Continuation on Active Duty to Complete Disciplinary Action. When any action has been commenced against an LDO or CWO with a view to trying such officer by court-martial and such officer is to be separated or retired per reference (b), SECNAV may delay the separation or retirement of the officer, without prejudice to such action, until the completion of the action.

III-2. Deferment of Retirement or Separation for Medical Reasons

a. Pursuant to reference (b), section 640, if SECNAV determines that the evaluation of the physical condition of a LDO and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization or medical observation and that such hospitalization or medical observation cannot be completed with confidence in a manner consistent with the member's well being before the date on which the officer would otherwise be required to retire or be separated under reference (b), SECNAV may defer the retirement or separation of the officer. A deferral of retirement or separation may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.

b. SECNAV may defer, for not more than 4 months, the retirement under reference (b), sections 580, 1263, or 1305, of any permanent warrant officer if, because of unavoidable circumstances, evaluation of the officer's physical condition and determination of entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date when the officer would otherwise be required to retire under that statute. Requests for deferral under this authority shall be forwarded to CHNAVPERS for review and action, where appropriate, by SECNAV.