



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20350

SECNAVINST 1120.5A
OP-130E7

14 May 1986

SECNAV INSTRUCTION 1120.5A

From: Secretary of the Navy

Subj: APPOINTMENT OF REGULAR AND RESERVE OFFICERS IN THE JUDGE
ADVOCATE GENERAL'S CORPS OF THE NAVY

Ref: (a) DODDIR 1310.2 of 24 Mar 84 (NOTAL)
(b) SECNAVINST 1520.7D
(c) DODDIR 1205.14 of 24 May 74 (NOTAL)
(d) SECNAVINST 1000.7D
(e) Title 10, United States Code
(f) DODDIR 1312.3 of 22 Oct 85 (NOTAL)
(g) SECNAVINST 1210.5A
(h) SECNAVINST 1420.1
(i) SECNAVINST 1427.2A
(j) SECNAVINST 5350.10A
(k) SECNAVINST 5300.28A
(l) Manual of the Medical Department (NAVMED-P-117)
(m) SECNAVINST 1920.6A
(n) SECNAVINST 1427.1A

Encl: (1) JAG Corps Student Program Guidance
(2) Computation Rules

1. Purpose. To establish regulations governing:

a. Appointment of officers in the Judge Advocate General's (JAG) Corps, including appointment in the Regular component under references (a) and (b), in the Reserve component under reference (c), and in either component through interservice transfer from another uniformed service under reference (d);

b. Voluntary recall of officers of the JAG Corps to the active-duty list; and

c. Award of entry grade credit on appointment in the JAG Corps under sections 533 and 5600 of reference (e) and reference (f).

2. Cancellation. SECNAVINST 1120.5. All other regulations and memoranda providing guidance governing accessions, appointments, eligibility requirements, and entry grade credit for service in the JAG Corps inconsistent with this instruction are held in abeyance pending their modification or cancellation. Processing initiated before the date of this instruction will be continued pursuant to policy and instructions in effect before that date.

3. Applicability. This instruction applies to all individuals appointed as Regular or Reserve officers in the JAG Corps, including officers transferred from another uniformed service, Reserve officers transferred into the Regular component, Reserve officers voluntarily recalled to the active-duty list, and officers transferred from the line or another staff corps into the JAG Corps.

a. Additional guidance on the transfer of officers from other uniformed services into the JAG Corps is found in reference (d).

b. Additional guidance on the transfer of Reserve JAG Corps officers into the Regular component of the JAG Corps and the transfer of Regular and Reserve officers between the line and the JAG Corps or between another staff corps and the JAG Corps is found in reference (g).

c. Additional guidance on the transfer of Regular and Reserve officers between the line and the JAG Corps and between another staff corps and the JAG Corps through the Law Education Program (LEP) is found in reference (b).

4. Policy. The Department of the Navy will maintain authorized strength and grade levels in the JAG Corps by recruiting personnel required to support the annual five-year promotion plan approved under reference (h), to provide a base for an all-Regular career force, and to attain authorized strength in the Reserve component to meet approved requirements for mobilization.

a. Requirements for newly appointed officers on the active-duty list will be met primarily through law student programs (JAG Corps Student Program and LEP) and by direct appointment of civilian attorneys (JAG Corps Direct Appointment Program) supplemented by the transfer of line and other staff corps officers to the JAG Corps. Requirements for officers on the active-duty list in career grades that cannot be filled by promotion will be met by transfer from the Reserve, by direct procurement of former military officers and civilian attorneys, and by voluntary recall to active duty of officers from the Reserve component, all of whom must meet the professional qualifications of paragraph 2a.

(1) The JAG Corps Direct Appointment Program will be used to commission in the Naval Reserve graduates of law schools approved by the American Bar Association (ABA) who have been admitted to practice law before a Federal Court or the highest court of a State, Territory, Commonwealth, or the District of Columbia. Total service commitment on active duty or as an active or inactive reservist for officers entering the Navy under this program shall be eight years.

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(2) The JAG Corps Student Program will be used to commission in the Naval Reserve law and pre-law students as line officers under instruction (designator 1955). They will remain in an inactive status while attending an ABA-approved law school except when called to active duty for training at Officer Indoctrination School (OIS) and to serve in legal clerkships. Total service commitment on active duty or as an active or inactive reservist for officers entering the Navy under this program shall be eight years. Guidance with regard to the JAG Corps Student Program is included in enclosure (1).

(3) The LEP will be used to provide experienced commissioned officers who will meet the needs of the Navy and Marine Corps for career force judge advocates. Officers selected for this program will be detailed annually to ABA-accredited law schools for the purpose of obtaining law degrees and subsequently serving in the Navy or Marine Corps as career judge advocates. Eligibility criteria for this program and service commitment upon completion are set forth in reference (b).

b. Factors to be used in determining the mix used to meet approved accession requirements shall include cost effectiveness, amount of active-duty and active-status Reserve service obtained, current and projected supply and demand for attorneys, retaining flexibility to adjust to changes in the market and in specialty requirements, and providing reasonable career progression opportunities for those attorneys entering the JAG Corps.

c. Requirements for the Selected Reserve and Individual Ready Reserve will be filled primarily through transfer of officers from the active-duty list. Requirements that cannot be met from this source, and requirements in advanced grades that cannot be met by promotion, will be met by directly procuring former military officers and other civilian attorneys who meet the professional requirements of paragraph 8a.

5. Definitions.

a. Active commissioned service: Service on active duty as a commissioned officer or commissioned warrant officer.

b. Active duty: Full-time duty in the active military service of the United States.

c. Active-duty list: Separate lists of Navy and Marine Corps officers, established and maintained by the Secretary of the Navy under reference (i), as required by Section 620 of reference (e), of all officers on active duty in the Navy and the Marine Corps, other than officers described in Section 641 of reference (e).

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d. Active status: The status of a Reserve commissioned officer, other than a commissioned warrant officer, who is not in the inactive Army National Guard or inactive Air National Guard, on an inactive status list, or in the Retired Reserve.

e. Constructive service credit: Credit for advanced education, training, or special experience which is counted as commissioned service for the purpose of determining a person's entry grade, rank in grade, and service in grade for promotion eligibility.

f. Entry grade credit: The sum of constructive service credit and prior commissioned service credit.

g. Extended active duty: A period of active duty resulting in the placement of the officer on an active-duty list maintained under section 620 of reference (e).

h. Inception date: For purposes of calculating constructive date of rank as Ensign, the inception date of OIS and Naval Justice School (NJS) is the first day of scheduled classes, lectures, and in-processing. Official orders will normally direct arrival for duty no later than the inception date of OIS and NJS.

i. Prior commissioned service credit: Credit for active commissioned service or Reserve service in an active status.

j. Uniformed service: The United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, or Public Health Service, and any Reserve component thereof.

6. Accession plans. The Chief of Naval Operations will develop an annual accession plan to support authorized strength in the JAG Corps within total Navy authorized strength. There must be enough accessions to support the annual five-year promotion plans for the active-duty and Reserve components and to ensure that the promotion opportunity and flow necessary to meet authorized strength-in-grade requirements are maintained. Accession plans must support execution of Affirmative Action Plans established under reference (j).

7. Basic qualifications. To be eligible for appointment as a JAG Corps officer in either the Regular or Reserve component, or for voluntary recall from the Reserve component to the active-duty list, the applicant must meet the following requirements:

a. Citizenship. Must be a citizen of the United States with the following exception: a citizen of the Northern Mariana Islands who indicates in writing to a commissioned officer of the Armed Forces of the United States an intent to become a citizen of the United States may be appointed as a commissioned officer in the

Regular or Reserve component. Under Section 6019 of reference (e), such an individual cannot serve as an officer in a vessel of the United States until legally a citizen of the United States. This exception expires upon establishment of the Commonwealth of the Northern Mariana Islands.

b. Age. Must be at least 21 years old and be able to complete 20 years of active commissioned service before his or her 55th birthday. The Deputy Chief of Naval Operations (Manpower, Personnel and Training) (DCNO(MP&T)) may waive the age restriction up to age 60 for otherwise qualified applicants for appointment as a Reserve officer not on the active-duty list. The Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN(M&RA)) may further waive the age restriction for otherwise qualified applicants above age 60 for appointment as a Reserve officer not on the active-duty list. Age limits may be waived in the following instances:

(1) When a manning shortfall exists that cannot be filled by in-zone promotions under the annual five-year promotion plan and recruiting of candidates who meet age requirements.

(2) When extraordinary circumstances indicate such a waiver to be in the best interest of the naval service.

(3) When a gross inequity to the applicant would otherwise result.

Before appointment, applicants granted a waiver who will be unable to complete 20 years of active commissioned service by age 55 must acknowledge in writing that they are ineligible for a Regular appointment. Before appointment, applicants who will be unable to complete 20 years of creditable service for retirement will be required to acknowledge this fact in writing. DCNO(MP&T) shall keep written justification for each waiver granted.

c. Moral character. Applicants must be of good moral character and of unquestioned loyalty to the United States as determined by interview and investigation. As prescribed in reference (k), no person who is drug or alcohol dependent, who abuses drugs or alcohol, whose preservice abuse of drugs and/or alcohol indicates a proclivity to continue abuse in the service, or who has a record of any drug trafficking offenses, shall be permitted to enter the JAG Corps.

d. Physical standards. Must meet the physical standards for service on active duty established by the Director, Naval Medicine and approved by the Chief of Naval Operations. DCNO(MP&T), upon recommendation of the Director, Naval Medicine, may grant waivers for physical defects that will not interfere with performance of active duty within the guidelines of reference (1).

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8. Professional Qualifications.

a. To be eligible for appointment in the JAG Corps or for voluntary recall to the active-duty list, the applicant must have obtained a basic law degree (Juris Doctor or Bachelor of Laws) from a law school considered by the ABA to be accredited under provisions established by the ABA at the time of the applicant's graduation, and must be admitted to practice before a Federal Court or the highest court of a State, Territory, Commonwealth, or the District of Columbia.

b. Officers who are participants in the JAG Corps Student Program need not have been admitted to practice law in order to be eligible for a superseding appointment in the JAG Corps. They are eligible for their superseding appointment in the JAG Corps if they have met the following requirements:

(1) Graduated from a law school which at the time of the officer's graduation was considered by the ABA to be accredited under provisions established by the ABA;

(2) Received official notification of passing the bar examination and all other testing requirements required for admission to practice before a Federal Court or the highest court of any State, Territory, Commonwealth, or the District of Columbia; and

(3) Commenced extended active duty.

c. Officers in the JAG Corps Student Program who fail to complete the prescribed course of instruction at OIS or NJS will be administratively processed for separation under reference (m). Officers who fail to graduate from law school, who twice fail a bar examination or other testing requirements for admission to the bar, who otherwise fail to become admitted to practice as required under paragraph 8a, or who fail to attend OIS or NJS will be reappointed in another competitive category to complete any active duty obligation incurred as a result of appointment in the JAG Corps Student Program, or, if so determined by the Chief of Naval Personnel, will be separated under reference (m).

d. Officers who are participants in the LEP and assigned to law school under reference (b) need not have been admitted to practice law in order to be eligible for a superseding appointment in the JAG Corps. An officer may be appointed in the JAG Corps at any time after selection for the LEP in the discretion of the DCNO (MP&T). Appointment in advance of graduation from law school may be authorized, for example, to prevent a LEP participant from being considered for promotion by a selection board at a disadvantage to his peers. The following conditions for appointment will apply:

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(1) Regular or reserve status will not change. If appointed as a Reserve officer, a LEP participant will be redesignated as a Regular officer in accordance with reference (g).

(2) Officers will be awarded entry grade credit (EGC) in accordance with paragraphs 10 and 11.

(3) Officers will be appointed under section 531 or 593 of reference (e) in a grade determined on the basis of EGC awarded under paragraph 14a.

9. Examination of professional qualifications. The Judge Advocate General shall examine and certify the professional qualifications of all applicants for appointment or recall in the JAG Corps and as line officers under instruction in the JAG Corps Student Program. He shall be the sole judge of all such applicants' professional qualifications. Once the Judge Advocate General has certified an applicant as professionally qualified, DCNO(MP&T) or Commander, Navy Recruiting Command acting for DCNO(MP&T), shall determine whether the applicant is otherwise qualified for appointment, except for those seeking appointment under references (b) and (g), for whom the Chief of Naval Personnel will be responsible.

10. Entry grade credit. Entry grade and date of rank upon appointment in the JAG Corps shall be based upon prior active commissioned service, advanced education, training, or special experience as indicated in the following table:

Entry Grade Credit Table

<u>Qualification</u>	<u>EGC</u>
(1) Commissioned service in any of the uniformed services on active duty or in an active status.	One year for each year
(2) Juris Doctor or Bachelor of Laws degree, awarded in accordance with paragraph 8a.	Three years
(3) Unusual cases involving special experience or unique qualifications for which the CNO establishes a requirement in the annual accession plan on a case by case basis with the approval of ASN(M&RA).	One-half year for each year up to a maximum of three years credit

11. Limits and computation of EGC. EGC will be computed as follows:

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a. A period of time or a special qualification will be counted only once, except as allowed under paragraph 11e.

b. Qualifying periods of less than one full year will be proportionately credited.

c. Credit will not be awarded for service as a warrant officer.

d. Graduates of the service academies will not be awarded credit for any service performed, or education, training, or experience obtained, before graduation from the academy concerned.

e. EGC will not be awarded under paragraphs (2) and (3) of the EGC Table for education, training, or experience obtained while serving as a commissioned officer (other than as a warrant officer) on active duty or in an active status. However, EGC will be awarded for advanced education or an advanced degree if an officer, while in an active status as a member of the JAG Corps Student Program, completed the advanced education or received the advanced degree in less than the number of years normally required to complete such advanced education or receive such advanced degree.

f. Detailed guidelines for the computation of EGC are set forth in enclosure (2).

12. Maximum EGC. To obtain experienced former active-duty commissioned officers who can compete for career status while maintaining uniform and stable management of the JAG Corps community, total EGC granted, other than for officers accessed through the LEP, shall be limited to 48 months. The ASN(M&PA), considering the recommendations of the DCNO(MP&T), may waive this limit in the following circumstances:

a. For appointment on the active-duty list. When there is a shortage against authorized strength which cannot be met by:

(1) accessions from the LEP under reference (b);

(2) voluntarily recalling qualified officers from the Reserve component; or,

(3) in-zone promotion under the five-year promotion plan approved by the Secretary.

b. For appointment in the Selected and Ready Reserve component.

When there is a shortage against authorized strength which cannot be met by:

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- (1) transfer of officers from the active-duty list; and,
- (2) directly procuring former military officers and civilians.

c. When a gross inequity to the applicant would otherwise result.

Before appointment, selectees for whom a waiver is granted must acknowledge in writing that, although they remain eligible and subject to recall to active duty, they may not be permitted to transfer into the Regular Navy.

13. EGC in transition period. This instruction provides for EGC to be accorded to selectees appointed in the JAG Corps after 14 September 1981 who were not participating in a program leading to appointment in the JAG Corps on 14 September 1981.

a. There shall be no retroactive changes made as a result of this instruction to the number of years credit previously granted to officers appointed in the JAG Corps before 15 September 1981.

b. Selectees who, on 14 September 1981, were participating in a program leading to appointment in the JAG Corps may be granted EGC under laws and regulations in effect on that date, even though not appointed until after that date. The actual entry grade, as well as promotion procedures and criteria for such persons, shall be determined under laws and regulations in effect on 15 September 1981, or as these laws and regulations may be subsequently changed.

c. Selectees who, before 15 September 1981, were selected for participation in a post-baccalaureate education program leading to appointment in the JAG Corps, or who had completed a post-baccalaureate program and were selected for appointment in the JAG Corps, and who, under regulations of the Secretary of the Navy in effect on 12 December 1980, would have been appointed and ordered to active duty in a grade determined under such regulations, and who had not been so appointed and ordered to active duty, may be appointed and ordered to active duty in such grade with a date of rank and position on the active-duty list junior to that of all other officers of the same grade and competitive category serving on active duty.

14. Appointments. Appointments in the JAG Corps shall be made subject to the following guidance governing entry grade, date of rank, and precedence.

a. Entry grade. A selectee shall not be appointed in a grade higher than lieutenant commander. The ASN(M&RA) will consider requests for waiver of the foregoing limitation subject to the

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provisions of paragraph 12. The following table provides minimum EGC required for appointments in grades ensign, 0-1, through lieutenant commander, 0-4.

<u>Grade</u>	<u>Minimum Years of Entry Grade Credit</u>
Ensign	0 years
Lieutenant (junior grade)	2 years (or the then-applicable promotion flow point)
Lieutenant	4 years (or the then-applicable promotion flow point)
Lieutenant Commander	10 years (or the then-applicable promotion flow point)

b. Selectee who has not been a commissioned officer.

Selectees shall be appointed in a grade and with a date of rank calculated from the inception date of the selectee's class at OIS. Guidelines for computation and application of EGC are set forth in paragraph 1 of enclosure (2).

c. Selectee who is or was a commissioned officer (other than as a warrant officer or a participant in the JAG Corps Student Program or LEP). Selectees shall be appointed in the same grade and with the same date of rank as the "running mate" in the JAG Corps on the active-duty list of the Navy who:

(1) Was originally appointed in the JAG Corps from a civilian status with no prior commissioned service;

(2) Has been on continuous active duty since appointment in the JAG Corps;

(3) Was promoted under reference (e) in due course to all grades in which served;

(4) Has not lost numbers or precedence on the lineal list or active-duty list; and

(5) Has, on the date of the selectee's appointment in the JAG Corps, active commissioned service which, when combined with the constructive service credit credited upon appointment, is equal to, or most nearly equal to, the EGC of the selectee.

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Guidelines for computation and application of EGC are set forth in paragraph 2 of enclosure (2).

d. Selectee who is a participant in the JAG Corps Student Program. A selectee shall have EGC applied so that he or she shall have the same grade and date of rank as the "running mate" in the JAG Corps described in paragraph 14c. In determining "running mates" for Student Program selectees who were appointed as line officers under instruction as prospective JAG Corps officers, constructive service credit and prior commissioned service credit earned after entering into the JAG Corps Student Program shall be applied upon their appointment as Reserve officers in the JAG Corps from the date of their appointment as line officers under instruction. Guidelines for computation and application of EGC are set forth in paragraph 3 of enclosure (2).

e. Selectee who is a participant in the Law Education Program. A selectee shall be assigned a date of rank in the grade reflecting the amount by which that officer's service credit exceeds the minimum years of EGC required for appointment in the grade in which appointed determined as of the date of that officer's appointment. The appointee shall be placed on the active-duty list under reference (i). A participant in the LEP, if serving as a Naval Reserve officer, shall be required under reference (q) to accept an appointment, if tendered, as a Regular officer in the JAG Corps.

f. Date of rank when the minimum EGC required for appointment in a given grade is granted. In such cases, the date of rank shall be the date of appointment. When the EGC exceeds the minimum years required for appointment in a given grade, the excess credit shall adjust the date of rank within grade. The selectee's excess EGC shall be compared with the time-in-grade of JAG Corps officers on the active-duty list in the same grade. The date of rank upon appointment shall be the same as that of the JAG Corps officer on the active-duty list in the same grade with time-in-grade most equal to, but not less than, the selectee's excess EGC.

g. Assignment of precedence. Each selectee will be placed on the active-duty list or assigned a "running mate" as follows:

(1) If upon appointment in the JAG Corps, the selectee is ordered to active duty (other than active duty as a Reserve officer as described in section 641(1) of reference (e)) or is on active duty at the time of such appointment, he or she shall be placed on the active-duty list under reference (i).

(2) If the selectee is appointed to the grade of lieutenant (junior grade) or above, but is not concurrently ordered to active duty and placed on the active-duty list of the Navy, he or she shall be assigned a "running mate" under reference (n).

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h. Constructive date of rank as ensign. Selectees awarded EGC shall be assigned a constructive date of rank as ensign computed in accordance with the guidelines in enclosure (2).

i. Application processing. All qualified applicants accepted for appointment either on active or inactive duty shall be commissioned within 60 days following receipt of a complete application by Navy Recruiting Command or, where required, their nominations shall be forwarded to the Senate for confirmation within 60 days. DCNO(MP&T) may authorize delayed commissioning in the following instances:

(1) When a later time is requested by the applicant.

(2) When a baccalaureate student is granted conditional acceptance into the JAG Corps Student Program pending successful attainment of his or her degree. The selectee must sign a statement of understanding to that effect.

(3) When a Direct Appointment Program applicant is granted conditional acceptance pending proof of admission to practice before a Federal Court or the highest court of a State, Territory, Commonwealth, or the District of Columbia. The selectee must sign a statement of understanding to that effect.

(4) When a Direct Appointment Program applicant is granted acceptance pending a quota becoming available for entry onto extended active duty.

j. Return to former status. An officer who attends law school under the LEP shall return to his or her former status (line or staff corps) in accordance with reference (b) if the officer in any manner fails to meet the professional qualifications in paragraph 8a.

15. Responsibilities.

a. The Chief of Naval Operations is responsible for:

(1) Procurement and appointment of JAG Corps officers in compliance with this instruction; and

(2) Establishment of the annual accession plan.

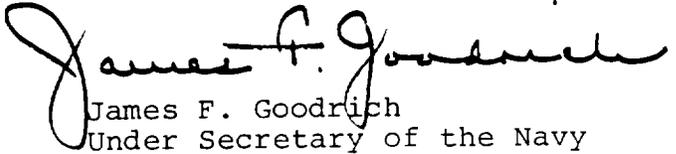
b. The DCNO(MP&T) may approve entry grade credit and establish entry grades and dates of rank of JAG Corps officers in compliance with the guidelines in this instruction.

c. The Judge Advocate General is responsible for certifying professional qualifications and calculating EGC.

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d. Commander Navy Recruiting Command shall prepare appointment documents based upon entry grade computations by the Judge Advocate General.


James F. Goodrich
Under Secretary of the Navy

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JAG CORPS STUDENT PROGRAM

1. Purpose. To aid in attaining future accession requirements for the JAG Corps on the active-duty list and in the Reserve Component, DCNO(MP&T) shall conduct a JAG Corps Student Program within the following guidelines.

2. Eligibility. Candidates must meet the basic qualifications in paragraph 7 of the basic instruction, except that no age waivers may be granted, and must satisfy one of the following criteria:

a. Have received notification of admission to a law school qualifying under paragraph 8a of the basic instruction after attainment of a baccalaureate degree. Graduation from law school must be anticipated within three years of commissioning. Conditional acceptance may be granted in accordance with paragraph 14h(2) of the basic instruction.

b. Be matriculated in a program of professional study in law leading to a Juris Doctor or Bachelor of Laws degree in a law school qualifying under paragraph 8a of the basic instruction.

c. Be awaiting admission to practice before a Federal Court or the highest court of a State, Territory, Commonwealth, or the District of Columbia, having attained a Juris Doctor or Bachelor of Laws Degree from a school qualifying under paragraph 8a of the basic instruction.

3. Appointments. Candidates selected for the program will be appointed as Reserve Officers in the Unrestricted Line, JAG Corps Student Program (designator 1955), for inactive duty during the period of their professional studies. The following conditions will apply:

a. They will serve without pay or allowances while in a student status except during periods of active duty.

b. They will become admitted to practice law in accordance with paragraph 8a of the basic instruction.

c. They will successfully complete OIS. This requirement may be waived by DCNO(MP&T) in the case of an officer with prior commissioned service.

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d. Upon satisfaction of the requirements of paragraph 8b of the basic instruction, they will accept a superseding appointment in the JAG Corps Reserve (designator 2505) on the active-duty list or in an active status in the Reserve component, if offered.

e. Total service obligation is eight years. For officers appointed to the active-duty list, the initial active-duty obligation is three years, which will begin to run upon satisfaction of the following requirements:

(1) Commencement of extended active duty;

(2) Admission to practice before a Federal Court or the highest court of a State, Territory, Commonwealth, or the District of Columbia; and

(3) Successful completion of NJS training.

4. Disenrollment. Officers in the JAG Corps Student Program are subject to the provisions of reference (m). They may be disenrolled and separated from the Naval Reserve under paragraph 8c of the basic instruction for:

a. Academic failure or failure to maintain satisfactory standing while enrolled in law school under the standards of the school in which enrolled.

b. Suspension or expulsion from law school.

c. Discontinuing professional training or withdrawing from law school.

d. Failure to obtain a Juris Doctorate or Bachelor of Laws Degree within three years from commissioning in the JAG Corps Student Program.

e. Failure to pass a bar examination or any other testing requirement necessary for admission to a Federal Court or the highest court of a State, Territory, Commonwealth, or the District of Columbia in two consecutive attempts.

f. Failure to become admitted to practice, in accordance with paragraph 8a of the basic instruction, within one year of graduation from law school.

g. Failure to commence extended active duty within six months of official notification of successful completion of all testing requirements needed for admission to a Federal Court or the highest court of a State, Territory, Commonwealth, or the District of Columbia.

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5. Superseding appointment in the JAG Corps. DCNO(MP&T) may offer superseding appointments in the JAG Corps to successful Student Program students to the extent necessary to meet current year accession plan requirements for the active-duty list and the Reserve Component.

a. Selection will be based on criteria established by DCNO(MP&T) and the Judge Advocate General.

b. Officers receiving a superseding appointment who fail to become admitted to practice law in accordance with paragraph 8a of the basic instruction within six months of graduation from NJS will be separated in accordance with paragraph 8c of the basic instruction.

6. Active Duty for Training. JAG Corps Student Program officers may be called to active duty to attend OIS or for legal clerkships between academic semesters while enrolled in law school and while awaiting bar examination results or orders to extended active duty.

Enclosure (1)

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COMPUTATION RULES

1. Selectee who has not been a commissioned officer. A selectee who has not previously served as an officer in a grade above chief warrant officer, W-4, will be credited upon appointment in the JAG Corps with three years constructive service credit under item (2) of the EGC Table in paragraph 10 of the basic instruction. A constructive date of rank as ensign will be calculated by subtracting the EGC from the inception date of the selectee's class at OIS.

2. Selectee with prior commissioned service (other than as a warrant officer or a participant in the JAG Corps Student Program or LEP).

a. Computation of constructive service credit.

(1) The number of academic hours credited toward graduation under the requirements of the law school attended while the selectee was not a commissioned officer on active duty or in an active status will be divided by the number of hours required by the school for graduation, and the quotient will be multiplied by three.

(2) The product obtained in paragraph 2a(1) will be rounded off to a tenth of a whole number. A decimal larger than a tenth ending in a number of five or more will be rounded to the next higher tenth.

(3) The whole number of the product obtained in paragraph 2a(1) is the number of years of constructive service credit to be awarded.

(4) The decimal fraction rounded off in paragraph 2a(2) will be multiplied by 12. Any decimal fraction remaining will advance this new product one whole number.

(5) The whole number obtained in paragraph 2a(4) is the number of months of constructive service credit to be awarded in addition to the years awarded by paragraph 2a(3).

b. Computation of prior commissioned service credit. For appointment in the JAG Corps as a Reserve officer, a selectee shall be credited with one day of service credit for each day of prior service as a commissioned officer performed as a Regular or Reserve officer on active duty or as a Reserve officer in an active status

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in any uniformed service, plus constructive service credit computed under paragraph 2a. A constructive date of rank as ensign will be calculated by subtracting the total EGC from the inception date of the selectee's class at OIS, or, if the requirement for OIS is waived by the DCNO(MP&T), from the inception date of the selectee's class at NJS. EGC (prior commissioned service credit plus constructive service credit) shall total not less than three years and no more than that specified in paragraph 12 of the basic instruction. EGC shall be applied under paragraph 14c or 14g of the basic instruction.

3. Selectee who is a participant in the JAG Corps Student Program.

a. Participant who is appointed before graduation from law school:

(1) Computation of constructive service credit. The amount of constructive service credit granted to a selectee appointed as a line officer under instruction (designator 1955) before graduating from law school shall be computed as follows:

(a) The number of months between the date of selectee's appointment as a line officer under instruction and the date of graduation from law school shall be determined. Periods of 15 days or more will be rounded up to one month. Periods of 14 days or less will not be counted.

(b) If the number of months computed in paragraph 3a(1)(a) is less than 36, that number shall be subtracted from 36.

(c) The difference obtained in paragraph 3a(1)(b) will be the number of months of constructive service credit with which the selectee shall be credited.

(d) If the number of months computed in paragraph 3a(1)(b) is equal to, or greater than, 36 months, the selectee will receive no constructive service credit for law school attendance.

(2) Upon appointment in the JAG Corps, a selectee appointed before graduation from law school as a line officer under instruction (designator 1955) shall be awarded one day credit for each day of prior commissioned service performed as a Reserve officer on active duty or in an active status as a member of the Student Program plus constructive service credit computed under paragraph 3a(1). Total EGC shall be applied in accordance with paragraph 14d of the basic instruction. No less than three years credit may be awarded under this paragraph and no more than that specified in paragraph 12 of the basic instruction. A constructive date of rank as ensign will be calculated by subtracting

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constructive service credit computed under paragraph 3a(1) from the date of the selectee's appointment as a line officer under instruction (designator 1955).

b. Participant who is appointed after graduation from law school.

A selectee appointed as a line officer under instruction (designator 1955) as a prospective JAG Corps officer after graduation from law school, upon appointment as a Reserve officer in the JAG Corps, shall be awarded one day of credit for each day of prior commissioned service performed as a Reserve officer on active duty or in an active status as a member of the Student Program plus 36 months of constructive service credit, applied in accordance with paragraph 14d of the basic instruction. No less than three years credit may be awarded under this paragraph and no more than that specified in paragraph 12 of the basic instruction. A constructive date of rank as ensign will be calculated by subtracting constructive service credit from the date of the selectee's appointment as a line officer under instruction (designator 1955).

4. In addition to the provisions of paragraphs 1, 2, and 3 above, EGC may be granted in cases involving special experience or unique qualifications at the rate of one-half year for each year up to a maximum of three years credit in accordance with the EGC table in paragraph 10 of the basic instruction subject to the provisions of paragraph 12 of the basic instruction.

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