



DEPARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
1000 NAVY PENTAGON  
WASHINGTON, D.C. 20350-1000

SECNAVINST 1412.6K  
NPC-85/Code MM  
07 MAY 1999

SECNAV INSTRUCTION 1412.6K

From: Secretary of the Navy  
To: All Ships and Stations

Subj: PROMOTION OF OFFICERS TO THE GRADE OF LIEUTENANT  
(JUNIOR GRADE) IN THE NAVY AND TO THE GRADE OF FIRST  
LIEUTENANT IN THE MARINE CORPS

Ref: (a) DoD Directive 1320.10 of 9 Jul 96 (NOTAL)  
(b) SECNAVINST 1427.2B  
(c) SECNAVINST 1421.4D (NOTAL)  
(d) MCO P1400.29 MARCORPROMMAN (NOTAL)  
(e) SECNAVINST 1920.6A  
(f) Title 10, United States Code  
(g) MILPERSMAN 2220150

1. Purpose

a. To prescribe regulations and procedures for effecting permanent and temporary promotions to the grade of lieutenant (junior grade) in the Navy and for effecting permanent promotion to the grade of first lieutenant in the Marine Corps.

b. To implement reference (a) which provides for the discharge of officers who are not qualified to be promoted to those grades. This is a complete revision and should be read in its entirety.

2. Cancellation. SECNAVINST 1412.6J

3. Applicability

a. The provisions of this instruction are applicable to all ensigns on the Active Duty List of the Navy and all second lieutenants on the Active Duty List of the Marine Corps. Officers not on an Active Duty List that are not subject to this instruction include: Reserve officers assigned to the Training and Administration of the Reserve (TAR), Marine Corps Reserve Officers on active duty in full-time support of the Reserve Establishment (AR), Reserve officers on active duty to pursue special work (ADSW), officers on active duty for training (ADT),

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officers on active duty under a Presidential Selected Reserve Call-up (PSRC), officers in the Uniformed Services University of the Health Sciences and certain other classes of Reserve Officers who are described in reference (b).

b. Those officers not on the Active Duty List serving in the grade of ensign are subject to promotion under reference (c).

c. Officers in the Marine Corps Reserve not on the Active Duty List serving in the grade of second lieutenant are subject to promotion under reference (d).

d. Discharge of these officers when not qualified for promotion to the grade of lieutenant (junior grade) or first lieutenant is prescribed in reference (e).

4. Background. Under references (a) and (f), the Secretary of the Navy is authorized to prescribe regulations governing promotions of ensigns in the Navy to the grade of lieutenant (junior grade) and second lieutenants in the Marine Corps to the grade of first lieutenant.

5. Policy. It is the Department of the Navy policy to promote officers in the grade of ensign serving on active duty, on the Active Duty List of the Navy, to the grade of lieutenant (junior grade) and officers in the grade of second lieutenant serving on active duty, on the Active Duty List of the Marine Corps, to the grade of first lieutenant as soon as qualified, but not earlier than the date of completion of 24 months service in grade. Frocking is not authorized for officers being promoted to the grade of lieutenant (junior grade) or first lieutenant.

a. The continued military service of officers not qualified for promotion is inconsistent with mission requirements of the Department of the Navy and with the productivity and efficiency of the officer corps. Therefore, such officers shall be discharged. Officers found unqualified for promotion shall be afforded a reasonable opportunity to overcome their deficiencies.

b. Officers not qualified for promotion shall be separated in accordance with procedures established in reference (e).

#### 6. Appointment and Procedures

a. The Secretary of the Navy, acting for the President, hereby appoints to the grade of lieutenant (junior grade) or first lieutenant, under Section 624 of reference (f), each officer of the Regular Navy or Naval Reserve or Regular Marine

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Corps or Marine Corps Reserve on the Active Duty Lists serving under a permanent appointment in the grade of ensign or second lieutenant, upon completion of 24 months of service in grade. Time in grade is computed from the officer's date of rank as an ensign or second lieutenant.

b. The Secretary of the Navy, under Section 5596 of reference (f), hereby appoints to the grade of lieutenant (junior grade) each limited duty officer of the Regular Navy on the Active Duty List serving under a temporary appointment in the grade of ensign, upon completion of 24 months of service in grade. Time in grade is computed from the officer's date of rank as an ensign.

c. Officers so appointed rank from their date of appointment to lieutenant (junior grade) or first lieutenant. Pay and allowances are effective on and accrue from this same date. The officers appointed are considered as having accepted the appointment unless expressly declined or the appointment is delayed under the provisions of this instruction.

d. Reserve ensigns of the line and staff corps and Reserve second lieutenants who report to active duty prior to completion of 24 months of service in grade are included in the authority for permanent promotion. In such cases there is no requirement that any of the prescribed service be on active duty. Reserve ensigns in the line and staff corps who report to active duty subsequent to the completion of 24 months of service in grade shall be promoted to the grade of lieutenant (junior grade) under reference (c). Reserve second lieutenants who report to active duty after the completion of 24 months of service in grade shall be promoted to the grade of first lieutenant under reference (d).

e. An example of computing eligibility for promotion under this authority is illustrated in the case of an ensign whose date of rank is 2 October 1995. Such officer will complete 24 months in grade on 1 October 1997 and will be eligible for promotion the following day, 2 October 1997.

7. Qualification for Promotion. Appointment under this instruction to the grade of lieutenant (junior grade) or first lieutenant is subject to the establishment of each appointee's qualifications. Commanding officers are authorized to make an initial determination as to the basic qualifications of an officer under his or her command to serve in the grade of lieutenant (junior grade) or first lieutenant. The decision to delay an appointment should give due consideration to the

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officer's potential for future service in the higher pay grade. The qualifications for promotion include the following:

a. Physical Qualifications. Physical qualifications for promotion shall be established by the Chief of Naval Operations and the Commandant of the Marine Corps in consultation with the Surgeon General of the Navy. Governing regulations are contained in references (d) and (g).

b. Mental, Moral, and Professional Qualifications. The commanding officer shall determine whether the officer is mentally, morally, and professionally qualified for permanent or temporary promotion, as applicable.

(1) An officer's overall professional performance, skills, abilities, and personal traits, in aggregate, should be weighed in making that determination.

(2) Failure to completely qualify in a professional specialty field or satisfactorily conduct a given task should not alone be considered grounds for delay of promotion.

8. Promotion Delay. The promotion of an officer under this instruction to the grade of lieutenant (junior grade) or first lieutenant may be delayed under the following guidelines:

a. Delay for Administrative or Legal Reasons. An officer's promotion can be delayed 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) A board of inquiry has been convened under reference (e) to determine if that officer should be required to show cause for retention due to misconduct, moral or professional dereliction, substandard performance, or because his/her retention is not in the best interest of national security;

(4) A criminal proceeding in a federal or state court is pending against the officer.

If no disciplinary action is taken against the officer, if the charges against the officer are withdrawn or dismissed, if the

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officer is not ordered removed from active duty by the Secretary of the Navy under reference (e), or if the officer is acquitted, as the case may be, then, unless action has been taken to delay the appointment under paragraph 8b, the officer shall be promoted with the same date of rank, same effective date for pay and allowances of the grade to which promoted, and the same position on the Active Duty List as the officer would have had if no delay had intervened.

b. Delay for Physical, Mental, Moral or Professional Reasons. An officer's promotion may be delayed in any case when there is cause to believe that the officer is mentally, physically, morally, or professionally unqualified to perform duties of that grade. If the officer is subsequently found qualified for promotion to such grade, the officer shall, upon such promotion, have the same date of rank, same effective date for pay and allowances in the higher grade to which appointed, and the same position on the Active Duty List as if no delay had occurred, unless the Deputy Chief of Naval Operations (Manpower and Personnel) or the Commandant of the Marine Corps determines that the officer was unqualified for promotion for any part of the delay. If the Deputy Chief of Naval Operations (Manpower and Personnel) or the Commandant of the Marine Corps makes such a determination, they can adjust the officer's date of rank, effective date of pay and allowances, and position on the Active Duty List.

c. Written Notice. Promotion of an officer may not be delayed under the provisions of this instruction unless the officer has been given written notice of the grounds for the delay. Where it is impracticable to give such written notice before the effective date of the appointment, written notice shall be given as soon as practicable. An officer whose promotion has been delayed shall be afforded an opportunity to make a written statement to the Chief of Naval Personnel or the Commandant of the Marine Corps (Code MM) via his/her commanding officer. The commanding officer may make further comment on the officer's statement if desired. If the officer does not desire to make a statement, he/she shall so state in writing. Correspondence initiated under this instruction will be forwarded with the report required in paragraph 10e to the Chief of Naval Personnel (NPC-834), copy to (NPC-85), or the Commandant of the Marine Corps (Code MM), as appropriate.

d. Review of Promotion Delay Recommendations. A promotion delay initiated by a commanding officer is reviewed by the Chief of Naval Personnel or the Commandant of the Marine Corps. The Chief of Naval Personnel or the Commandant of the Marine Corps

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will make a final determination regarding the commanding officer's initial finding that the officer is unqualified for promotion and approve/disapprove the delay of promotion. If the delay is (1) terminated by the Chief of Naval Personnel or the Commandant of the Marine Corps, or (2) in the event the commanding officer later determines that the officer is qualified for promotion and obtains approval from the Chief of Naval Personnel or the Commandant of the Marine Corps to rescind the delay, the officer shall be promoted with the same date of rank, the same effective date for pay and allowances in the higher grade to which appointed, and the same position on the Active Duty List as if no delay had occurred, unless the Deputy Chief of Naval Operations (Manpower and Personnel) or the Commandant of the Marine Corps determines that the officer was unqualified for promotion for any part of the delay. If the Deputy Chief of Naval Operations (Manpower and Personnel) or the Commandant of the Marine Corps makes such a determination, they can adjust the officer's date of rank, effective date of pay and allowances, and position on the Active Duty List.

e. Period of Delay Prior to Retention or Discharge

(1) An officer whose promotion is delayed shall not be discharged or released from active duty for a minimum of six months after the date on which the original promotion would have occurred, unless retention is inconsistent with good order and discipline. If the Chief of Naval Personnel or the Commandant of the Marine Corps determines that the officer is still unqualified for promotion at the completion of the six-month period prescribed, the officer may be discharged by the Secretary of the Navy.

(2) As prescribed by reference (a), an officer (other than a limited duty officer serving under a temporary appointment) who is unqualified for promotion to the grade of lieutenant (junior grade) or first lieutenant at the end of the six-month period described in paragraph 8e(1) may be retained on active duty by the Chief of Naval Personnel or the Commandant of the Marine Corps, acting for the Secretary of the Navy, when it is determined to be in the best interests of the service. However, such officer shall be discharged not later than the end of the 18-month period beginning on the date on which the officer is first found unqualified for promotion by his/her commanding officer unless that officer has been promoted.

(3) A limited duty officer in the Navy or Marine Corps who is serving in the grade of ensign or second lieutenant under a temporary appointment and is found not qualified for promotion

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to the grade of lieutenant (junior grade) or first lieutenant, after any applicable period of delay, shall have such appointment terminated. Upon termination of the temporary appointment, the member will revert to his or her permanent enlisted or warrant officer status.

9. Declination of Appointment. Should an officer, eligible for promotion under provisions of this instruction, decline appointment to lieutenant (junior grade) or first lieutenant, as appropriate, the appointment terminates and the officer shall be released from active duty. Officers who have not incurred a period of obligated active duty service for any of the reasons listed below shall be released from active duty immediately; officers who have completed 6 years total service required by section 651 of reference (f) shall be discharged. Limited duty officers in the Navy or Marine Corps serving in the grade of ensign or second lieutenant under a temporary appointment shall have their appointment terminated and shall revert to their permanent enlisted or warrant officer status. Release from active duty shall occur upon the completion of any period of obligated active duty service incurred as a result of:

a. Service prescribed in the officer program through which accessed and incurred by the officer in consideration for being tendered an initial appointment.

b. Service in a competitive category, designator, occupational field, military occupational specialty or other authorized officer classification in which the Chief of Naval Personnel or the Commandant of the Marine Corps determines that significant personnel shortages result in necessity for retention.

c. Participation in fully funded education programs including Naval Academy, Naval Reserve Officer Training Corps, Armed Forces Health Professions Scholarships, Uniformed Services University of the Health Sciences and equivalent funded education programs.

d. Participation in advanced education or technical training requiring additional obligated service, including postgraduate education, service school or college, law school, medical residency, flight training, naval flight officer training and equivalent programs.

e. Official notification of orders, or executed orders when the officer has not served the required period of time at the new

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duty station, as prescribed by the Chief of Naval Personnel or the Commandant of the Marine Corps.

f. Augmentation into the Regular Navy or Marine Corps.

g. Lateral transfer between competitive categories or designators.

h. Entrance into a program.

i. Receiving an incentive pay, continuation pay, or bonus.

10. Action

a. Navy. Commanding officers will effect the permanent or temporary promotion, as applicable, of qualified officers under their command by notification in writing using NAVPERS 1421/7 citing this instruction and section 624 of reference (f) for line and staff corps officers, or section 5596 of reference (f) for limited duty officers. The appointee shall indicate by endorsement thereon that he/she accepts or declines the appointment. Commands preparing NAVPERS 1421/7 must change the words "temporary appointment" to read "permanent appointment" in the case of line and staff corps officers (other than limited duty officers) and add "JG" after the word "lieutenant" in paragraph 1 of the form. Following receipt of the NAVPERS 1421/7 by the Chief of Naval Personnel (NPC-851), commissions will be prepared and forwarded to each officer as soon as possible. To expedite receipt of the commission, commands should include a self-addressed OPNAV 5216/148 (DON mailing label) with the original NAVPERS 1421/7.

b. Marine Corps. The Commandant of the Marine Corps will authorize commanding officers by message to effect the promotion of qualified second lieutenants on the active duty list when they are eligible for promotion to the grade of first lieutenant under this instruction. Certificates of promotion will be mailed by Headquarters Marine Corps as soon as practicable.

c. Declination of Appointments. Should an officer eligible for promotion under the provisions of this instruction elect to decline appointment, the officer shall so state by special endorsement, in which case such appointment terminates. The commanding officer shall forward the original of the officer's declination to the Chief of Naval Personnel (NPC-85) or the Commandant of the Marine Corps (Code MM) for processing.

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d. Temporary Additional Duty. Should an officer be assigned away from his/her command temporarily, the commanding officer of the temporary duty activity may effect the promotion of that officer with the concurrence of the parent commanding officer. To avoid delay, parent commanding officers may provide concurrence in advance.

e. Report of Delay of an Appointment. Any action taken by the commanding officer to delay an appointment under this instruction shall be reported to the Chief of Naval Personnel (NPC-834), copy to (NPC-85), or by letter to the Commandant of the Marine Corps (Code MMRP), as appropriate. This report will include the circumstances, all correspondence pertinent to the decision to delay to include the officer's written statement in response as provided in paragraph 8c, the date the officer was first found not qualified, and any recommendations in the case. This report shall be made as soon as practicable, but no later than 15 days after the date on which the promotion would have occurred.

(1) The commanding officer will advise the Chief of Naval Personnel (NPC-834), copy to (NPC-85), or the Commandant of the Marine Corps (Code MM), as appropriate, when an officer whose appointment has been delayed is later considered to be qualified for, and recommended for, promotion.

(2) If the officer remains unqualified or has not been promoted at the completion of the six-month period described in paragraph 8e, the commanding officer will advise the Chief of Naval Personnel (NPC-834) or the Commandant of the Marine Corps (Code MMRP), as appropriate, and make recommendations with regard to promotion, continued delay of promotion, retention on active duty, or discharge.

(3) Commanding officers shall ensure compliance with administrative procedures outlined in paragraphs 8 and 9.

f. Recommendations and Administration. Chief of Naval Personnel or Commandant of the Marine Corps (Code MM), as appropriate, shall:

(1) Provide recommendations for discharge to the Secretary of the Navy concerning officers who have been found unqualified for promotion and are subject to discharge as provided in this instruction.

(2) Establish internal procedures for administering the promotion, delay of promotion, retention, or discharge of ensigns

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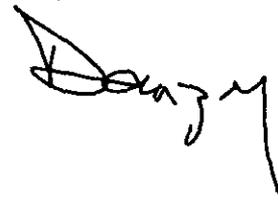
or second lieutenants as appropriate, in accordance with this instruction.

11. Report and Forms

a. Report symbol NPC 1412-1 has been assigned to the reporting requirements contained in paragraph 10e, and is approved for three years from the date of this instruction.

b. NAVPERS 1421/7. (Rev 4-89), Delivery of Temporary Appointment, S/N 0106-LF-006-5400, is available in the Naval Inventory Control Point per CD ROM NAVSUP PUB-600(NLL).

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