



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

SECNAVINST 1412.9A CH 1
MPP-31
13 SEP 1985

SECNAV INSTRUCTION 1412.9A CHANGE TRANSMITTAL 1

From: Secretary of the Navy

Subj: PROMOTION AND CONTINUATION OF LIMITED DUTY OFFICERS (LDO's)
AND WARRANT OFFICERS (WO's) IN THE REGULAR MARINE CORPS
AND THE PROMOTION AND CONTINUATION OF WARRANT OFFICERS
(WO's) IN THE MARINE CORPS RESERVE

Encl: (1) Revised enclosure (3)

1. Purpose. To transmit new enclosure (3), which clarifies the service-in-an-active-status and the service-in-grade requirements for consideration for promotion and for promotion of warrant officers in the Marine Corps Reserve and deletes the requirement for Regular and Reserve warrant officer promotion boards to be constituted as Naval Examining Boards, and to direct pen changes to the instruction.

2. Action

a. Remove enclosure (3) of the basic instruction and insert enclosure (1).

b. Cause the following pen changes to be made:

(1) Page 1: Delete reference (g) and redesignate reference (h) as reference (g).

(2) Page 2, subparagraph 5a, line 3: Insert a comma after the word "WO's."

(3) Page 3, subparagraph 6a(1), line 2: Delete the phrase "under the guidance from reference (a) through (h)."

(4) Enclosure (1), page 6, subparagraph 8b, lines 8 through 16: Delete the last two sentences in their entirety.

(5) Enclosure (1), page 7, paragraph 12, line 5: Delete the word "Code."

(6) Enclosure (1), page 10, subparagraph 14c, line 7: Change the phrase "(Code MMCP)" to read "(MMCE)."

(7) Enclosure (1), page 11, subparagraph 17b(1), lines 2 and 3: Delete the phrase "and who is qualified under paragraph 8 of this enclosure."



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

SECNAVINST 1412.9A CH-2
CMC (MPP-35)
25 April 1989

SECNAV INSTRUCTION 1412.9A CHANGE TRANSMITTAL 2

Subj: PROMOTION AND CONTINUATION OF LIMITED DUTY OFFICERS
(LDO'S) AND WARRANT OFFICERS (WO'S) IN THE REGULAR MARINE
CORPS AND PROMOTION AND CONTINUATION OF WARRANT OFFICERS
(WO'S) IN THE MARINE CORPS RESERVE

Encl: (1) Reprinted page 1, revised pages 2, 3, and 4, and new page
4a of Enclosure (1)

1. Purpose. To add policy to cover the promotion and continuation of WOs in the separate competitive category of WO (Marine Gunner).
2. Action. Remove pages 1, 2, 3, 4 of enclosure (1) to the basic instruction and replace with enclosure (1) of this change transmittal.

A handwritten signature in black ink, appearing to read "H. Lawrence Garrett, III", is written over a horizontal line.

H. Lawrence Garrett, III
Secretary of the Navy.
Acting

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ERRATUM TO
SECNAVINST 1412.9A CH 2
OF 25 APR 1989

PROMOTION AND CONTINUATION OF LIMITED DUTY OFFICERS (LDO'S)
AND WARRANT OFFICERS (WO'S) IN THE REGULAR
MARINE CORPS AND PROMOTION AND CONTINUATION OF
WARRANT OFFICERS (WO'S) IN THE MARINE CORPS RESERVE

1. Remove page 2 of enclosure (1) of the subject instruction and replace it with the attached pages (cover sheet and page 2 of enclosure (1)).

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SECNAVINST 1412.9A CH-3
MPP-31
8 June 1999

SECNAV INSTRUCTION 1412.9A CHANGE TRANSMITTAL 3

From: Secretary of the Navy

Subj: PROMOTION AND CONTINUATION OF LIMITED DUTY OFFICERS
(LDO'S) AND WARRANT OFFICERS (WO'S) IN THE REGULAR MARINE
CORPS AND THE PROMOTION AND CONTINUATION OF WARRANT
OFFICERS (WO'S) IN THE MARINE CORPS RESERVE

Encl: (1) Revised page 4 and revised enclosure (3)

1. Purpose. To parallel Reserve component warrant officer promotion procedures and regulations with those of the Regular component warrant officers.

2. Action. Remove page 4 and enclosure (3) and replace with enclosure (1) of this change transmittal.

Richard Danzig
Richard Danzig

A handwritten signature in black ink, appearing to read "Richard Danzig", is located to the right of the typed name.

Distribution:
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CH-1 of 13 Sep 85
CH-2 of 25 Apr 89
CH-3 of 8 Jun 99



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

SECNAVINST 1412.9A
CMC (MPP-30)

13 February 1984

SECNAV INSTRUCTION 1412.9A

Subj: Promotion and continuation of Limited Duty Officers (LDO's) and Warrant Officers (WO's) in the Regular Marine Corps and the promotion and continuation of Warrant Officers (WO's) in the Marine Corps Reserve

- Ref:
- (a) Title 10 U.S.C.
 - (b) SECNAVINST 1120.11
 - (c) SECNAVINST 1920.6A
 - (d) SECNAVINST 1811.3K
 - (e) SECNAVINST 1920.7
 - (f) SECNAVINST 1420.1
 - (g) SECNAVINST 5420.175
 - (h) SECNAVINST 1401.1

- Encl:
- (1) Regulations to govern the promotion of LDO's and WO's in the Regular Marine Corps
 - (2) Regulations to govern the continuation of LDO's and WO's on active duty in the Regular Marine Corps
 - (3) Regulations to govern the promotion and continuation of warrant officers in the Marine Corps Reserve

1. Purpose. To prescribe regulations to govern the promotion and continuation of LDO's and warrant officers on active duty in the Regular Marine Corps and the promotion and continuation of warrant officers in the Marine Corps Reserve. (R)
2. Cancellation. SECNAVINST 1412.9.
3. Applicability. Provisions of this instruction are applicable, effective immediately, to the Marine Corps and apply to:
 - a. The promotion to higher grades of permanent and temporary LDO's serving in the Regular Marine Corps;
 - b. The promotion of warrant officers in the Regular Marine Corps to higher permanent and temporary warrant officer grades, and the promotion of warrant officers in the Marine Corps Reserve to higher permanent warrant officer grades;
 - c. The continuation on active duty of permanent and temporary LDO's and permanent warrant officers in the Regular Marine Corps who are subject to involuntary retirement/reversion; and
 - d. The continuation in an active status of permanent warrant officers in the Marine Corps Reserve who are subject to involuntary retirement. (A)

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4. Background. The promotion of permanent LDO's to higher permanent grades is governed by sections 611-645 of reference (a). The promotion of temporary LDO's to higher temporary grades is governed by section 5596 of reference (a), which states that promotions shall be governed by such regulations as the Secretary of the Navy may prescribe; however, those regulations shall conform to the greatest extent practicable to the procedures prescribed in sections 611-645 of reference (a). The promotion of permanent warrant officers in the Regular Marine Corps to higher permanent and temporary warrant officer grades is governed by sections 557-564 of reference (a) and section 602 of reference (a). The promotion of temporary warrant officers in the Regular Marine Corps is governed by section 602 of reference (a). The promotion of permanent warrant officers in the Marine Corps Reserve to higher permanent grades is governed by section 598 of reference (a), which states that promotions shall be made under such regulations as the Secretary of the Navy may prescribe. The continuation on active duty of permanent LDO's and WO's in the Regular Marine Corps is governed by section 6383 of reference (a) and section 1305 of reference (a), respectively. The continuation on active duty of temporary LDO's is governed by section 5596 of reference (a), which authorizes the Secretary of the Navy to make and terminate appointments of temporary LDO's under such regulations as he may prescribe. The continuation on active duty or in an active status of permanent warrant officers in the Marine Corps Reserve is governed by section 597 of reference (a), which states that appointments as Reserves in permanent warrant officer grades are for an indefinite term and are held during the pleasure of the Secretary concerned.

A)

5. Policy

R)

a. Promotion of LDO's and WO's. It is Department of the Navy policy to provide reasonable career opportunities for LDO's and WO's and to meet approved requirements for WO's and approved requirements for LDO's in each grade. This instruction is supported by accession policies for LDO's and WO's set forth in reference (b), separation policies for LDO's and WO's set forth in reference (c), and voluntary retirement policies set forth in references (a) and (d).

b. Continuation of LDO's and WO's. The Secretary of the Navy may defer the involuntary retirement of permanent LDO's for length of service or failures of selection, the involuntary retirement of permanent WO's for length of service, and the involuntary retirement/reversion of temporary LDO's for length of service, with the objective of retaining LDO's and WO's on active duty for longer periods of service to meet the skill needs of the Marine Corps, consistent with references (c) and (e).

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R) 6. Action

a. The Commandant of the Marine Corps shall:

(1) Implement the policies and procedures set forth in enclosures (1), (2), and (3), under guidance from references (a) through (h).

(2) Submit annual promotion plans to the Secretary of the Navy, via the Judge Advocate General for legal review, at least 30 days prior to the convening dates of promotion selection boards under this instruction. The LDO promotion plan should be incorporated as part of the unrestricted officer promotion plan submitted in accordance with reference (f). The foregoing requirement should not be delegated.

(3) Submit precepts for promotion selection boards, special selection boards, continuation boards, and such Secretarial letters of guidance and instruction as the Secretary of the Navy may deem necessary, to the Secretary of the Navy, via the Judge Advocate General for legal review, at least 10 days prior to the convening dates of such boards.

(4) Issue notices of convening of promotion selection boards, special selection boards, and continuation boards under this instruction at least 30 days prior to the convening dates of such boards under this instruction.

(5) Request a decision by the Secretary of the Navy under paragraph 20c of enclosure (1) regarding the convening of a special selection board for a Regular warrant officer who was not considered by the regularly scheduled promotion selection board because of administrative error. In each such case, the Commandant of the Marine Corps shall forward his comments and recommendations directly to the Secretary.

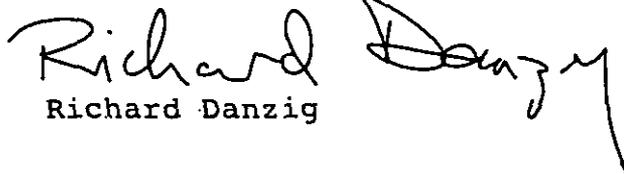
(6) Request a decision by the Secretary of the Navy under paragraph 20d of enclosure (1) regarding the convening of a special selection board for a Regular warrant officer who was considered but not recommended for promotion by a regular promotion selection board because the board acted contrary to law, the action of the board involved material error of fact or material administrative error, or because the board did not have before it for its consideration material information. In each such case, the Commandant of Marine Corps shall forward his comments and recommendations to the Secretary, via the Judge Advocate General.

b. The Board for Correction of Naval Records may, in appropriate cases, recommend to the Secretary of the Navy that a Regular

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warrant officer's case be referred to a special selection board. In order to ensure consistency and uniformity in the referral of cases to special selection boards, the Board for Correction of Naval Records shall be guided by the provisions of paragraphs 20c and 20d of enclosure (1) of this instruction, and may request the comments and recommendations of the Commandant of the Marine Corps or Judge Advocate General, as appropriate.

- R) 7. Reports. The reports contained in this instruction are exempt from reports control per SECNAVINST 5214.2B.


Richard Danzig

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SECNAVINST 1412.9A

13 FEB 1984

REGULATIONS TO GOVERN THE
PROMOTION OF LDO'S AND WO'S
IN THE REGULAR MARINE CORPS

Enclosure (1)

25 APR 1989

1. Purpose

a. This enclosure outlines the statutory requirements for the promotion of permanent regular LDO's to higher permanent grades as set forth in sections 611-645 of reference (a). This enclosure also prescribes regulations for the promotion of temporary LDO's to higher temporary grades pursuant to section 5596 of reference (a).

b. This enclosure outlines the statutory requirements for the promotion of permanent regular warrant officers to higher permanent warrant officer grades per sections 557-564 of reference (a) and prescribes regulations for the promotion of permanent and temporary Regular warrant officers to higher temporary warrant officer grades per section 602 of reference (a).

2. Definitions. The following definitions, unless otherwise qualified, shall apply throughout this enclosure:

a. Permanent Limited Duty Officer (LDO). A permanent commissioned officer appointed under section 5589 of reference (a) in a permanent grade above chief warrant officer, W-4, and designated for limited duty; or a former limited duty officer (temporary) who was appointed in a permanent grade above chief warrant officer, W-4, under section 5573a of reference (a) before 15 September 1981 and designated for limited duty.

b. Temporary Limited Duty Officer (LDO). A commissioned officer temporarily appointed under section 5596 of reference (a) in a grade above chief warrant officer, W-4, in the Regular Marine Corps who is designated for limited duty and whose permanent status is chief warrant officer, warrant officer, or enlisted member.

c. Permanent Regular Warrant Officer. An officer of the Regular Marine Corps serving on active duty in a permanent warrant officer grade under section 555 of reference (a).

d. Temporary Regular Warrant Officer. A warrant or commissioned warrant officer temporarily appointed under section 5596 of reference (a) whose permanent status is enlisted.

e. Promotion Selection Board. A board convened under the authority of sections 558, 602, 611(a), and 5596 of reference (a), as applicable, and this enclosure to recommend officers for promotion to a higher temporary and/or permanent officer grade.

A) f. Warrant Officer (Marine Gunner). A separate competitive category comprised of non-technical WO's selected to serve as Infantry Weapons Officers.

25 APR 1989

1. Purpose

a. This enclosure outlines the statutory requirements for the promotion of permanent regular LDO's to higher permanent grades as set forth in sections 611-645 of reference (a). This enclosure also prescribes regulations for the promotion of temporary LDO's to higher temporary grades pursuant to section 5596 of reference (a).

b. This enclosure outlines the statutory requirements for the promotion of permanent regular warrant officers to higher permanent warrant officer grades per sections 557-564 of reference (a) and prescribes regulations for the promotion of permanent and temporary Regular warrant officers to higher temporary warrant officer grades per section 602 of reference (a).

2. Definitions. The following definitions, unless otherwise qualified, shall apply throughout this enclosure:

a. Permanent Limited Duty Officer (LDO). A permanent commissioned officer appointed under section 5589 of reference (a) in a permanent grade above chief warrant officer, W-4, and designated for limited duty; or a former limited duty officer (temporary) who was appointed in a permanent grade above chief warrant officer, W-4, under section 5573a of reference (a) before 15 September 1981 and designated for limited duty.

b. Temporary Limited Duty Officer (LDO). A commissioned officer temporarily appointed under section 5596 of reference (a) in a grade above chief warrant officer, W-4, in the Regular Marine Corps who is designated for limited duty and whose permanent status is chief warrant officer, warrant officer, or enlisted member.

c. Permanent Regular Warrant Officer. An officer of the Regular Marine Corps serving on active duty in a permanent warrant officer grade under section 555 of reference (a).

d. Temporary Regular Warrant Officer. A warrant or commissioned warrant officer temporarily appointed under section 5596 of reference (a) whose permanent status is enlisted.

e. Promotion Selection Board. A board convened under the authority of sections 558, 602, 611(a), and 5596 of reference (a), as applicable, and this enclosure to recommend officers for promotion to a higher temporary and/or permanent officer grade.

A) f. Warrant Officer (Marine Gunner). A separate competitive category comprised of non-technical WO's selected to serve as Infantry Weapons Officers.

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3. Promotion of Permanent and Temporary LDO's. Promotion selection boards are convened to recommend permanent and/or temporary LDO's for promotion to the grades of captain through lieutenant colonel. The Secretary of the Navy shall prescribe the selection opportunities and the promotion zones for LDO promotion selection boards in annual promotion plans. Permanent LDO's and temporary LDO's serving in the same grade who have the requisite service in grade may be considered for promotion by the same promotion selection board. In the case of a board that considers both permanent and temporary LDO's for promotion to the same grade, the report of that board shall include the names of all LDO's (permanent and temporary) recommended for promotion in order of seniority and shall indicate which of these LDO's are recommended for promotion to the next higher permanent LDO grade and which of these LDO's are recommended for promotion to the next higher temporary LDO grade.

4. Promotion of Regular WO's (Temporary and Permanent)

R)

a. From the list of regular (technical) warrant officers, W-1, the promotion selection board shall recommend those whom it considers fully qualified for promotion to the grade of chief warrant officer, W-2. Warrant officers in the Marine Gunner competitive category are initially appointed as temporary warrant officer, W-1. Following their successful completion of the Warrant Officer Basic Course they are appointed to permanent chief warrant officer, W-2 without board action.

b. The Secretary of the Navy shall prescribe the number of chief warrant officers who may be selected for promotion to chief warrant officer, W-3, or chief warrant officer, W-4, as appropriate. The number so prescribed may not be less than 80 percent of the number of chief warrant officers who are being considered for the first time for promotion to that grade. The selection percentages shall be established by the Secretary of the Navy in the annual Regular warrant officer promotion plan.

c. Each warrant officer, W-1, and each chief warrant officer, W-2 or W-3, being considered for the first time for promotion to the next higher warrant officer grade shall be considered in the promotion zone in time to permit promotion, if selected, as of the day after the date on which he or she will complete the prescribed years of service for temporary promotion. For warrant officers (technical) the requisite years of service for temporary appointment to a higher warrant officer grade shall be prescribed by the Secretary of the Navy in the annual Regular warrant officer promotion plan. For warrant officers in the Marine Gunner competitive category the time in grade requirement for consideration for temporary appointment to the grade of chief warrant officer, W-3, or chief warrant officer, W-4 is three years in the next lower warrant officer (temporary or permanent) grade. (R)

Enclosure (1)

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d. The Secretary may further prescribe the number of chief warrant officers, W-2, and chief warrant officers, W-3, who may be selected by a CWO selection board from below the promotion zone for promotion by temporary appointment to the next higher grade. The number so prescribed may not exceed 5 percent of the total number of officers that the promotion selection board is authorized to recommend for promotion from above and in the promotion zones. If the number so determined is less than one, the promotion selection board may recommend one such officer. The requisite years of service for consideration for promotion from below the promotion zone, if authorized, shall be prescribed by the Secretary of the Navy in the annual Regular warrant officer promotion plan.

R) e. For purposes of promotion of Regular WO's (temporary and permanent) to higher temporary WO grades, service in grade shall be computed as follows:

(1) For regular (technical) warrant officers to the next higher temporary grade, from the date of appointment for WO-1's, and from the dates of eligibility for promotion to their present temporary WO grades for CWO-2 and CWO-3.

(2) For WO's in the Marine Gunner competitive category, to the next higher temporary grade, from the date of appointment to permanent CWO-2, and from the date of eligibility for promotion to their present temporary WO grade for CWO-3's.

(3) For regular (technical) warrant officers to the next higher permanent grade, from the date of appointment for WO-1's, and from the dates of eligibility for promotion to their present permanent WO grades for CWO-2 and CWO-3.

(4) For WO's in the Marine Gunner competitive category, to the next higher permanent grade, from the date of appointment to permanent CWO-2, and from the date of eligibility for promotion to their present permanent WO grade for CWO-3's.

f. A temporary LDO whose permanent status is that of a warrant officer in the Regular Marine Corps shall be eligible for consideration by both (1) a Regular WO promotion selection board, for promotion to the next higher permanent regular warrant officer grade, under this enclosure and (2) an LDO promotion selection board, for promotion to the next higher temporary grade (above CWO-4), under this enclosure.

5. Promotion Selection Boards. The Secretary of the Navy shall, whenever the needs of the service require, but at least once a year, convene promotion selection boards to recommend permanent or temporary LDO's on the active-duty list of the Marine Corps and permanent or temporary Regular warrant officers serving on active duty for promotion to the next higher grade.

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6. Promotion Zones. Promotion zones will be established by the Secretary of the Navy prior to the convening of each board for the grade of officers to be considered by the board. The limits of the zone will be indicated by the names and dates of rank of the designated junior and senior officers on the active-duty list (LDO's) or on the lineal list (WO's) in the promotion zone. Below zone eligibility, if any, will be indicated by the name and date of rank of the designated junior officer on the active-duty list (LDO's) or on the lineal list (WO's) eligible for consideration by the board. Officers who are eligible for consideration for promotion will be considered as officers within, above, or below the promotion zone as defined below:

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a. In the Zone. Officers who (1) neither failed of selection for promotion to the next higher grade nor had their names removed from a promotion list for the next higher grade, and (2) are senior to the officer designated by the Secretary of the Navy as the junior officer in the promotion zone.

b. Above the Zone. Officers who are eligible for consideration for promotion to the next higher grade, are in the same grade as the officers in the promotion zone, and are senior to the senior officer in the promotion zone.

c. Below the Zone. Officers who are eligible for consideration for promotion to the next higher grade, are in the same grade as the officers in the promotion zone, and are junior to the junior officer in the promotion zone.

Officers senior on the active-duty list/lineal list to the senior officer in zone, but who have not previously failed of selection to the next higher grade, will be considered by promotion selection boards as officers above the zone not previously considered.

7. Notice of Convening. Notice of convening of a promotion selection board shall be issued at least 30 days before a selection board is convened. The notice shall include (1) the names and dates of rank of the junior and senior officers on the active-duty list (LDO's) or on the lineal list (WO's) in the promotion zone as of the date of notification; (2) the name and date of rank of the junior officer eligible on the active-duty list (LDO's) and on the lineal list (WO's) (if below-zone eligibility is authorized) as of the date of notification and (3) the date the board will convene. The notice shall also inform eligible officers of their right to communicate with the selection board.

8. Precept. A promotion selection board shall be convened by written order (precept), which shall be prepared by the Commandant of the Marine Corps, reviewed by the Judge Advocate General for legality, and signed by the Secretary of the Navy. The precept shall be addressed to the President of the Board, who also serves as a member of the board. The precept shall include the instructions of the Secretary of the Navy governing the conduct of the board and shall appoint the President and members of the board. The precept shall require that:

a. An LDO promotion selection board certify that the board has carefully considered the record of each officer whose record was furnished to the board and that, in the opinion of the majority of the members of the board, the officers recommended for promotion are fully qualified for promotion and are the best qualified for promotion,

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to meet the needs of the Marine Corps, from among those officers whose names were furnished to the board.

b. The WO promotion selection board certify that the board has carefully considered the case of each warrant officer whose name was furnished to the board and that, in the opinion of the majority of the members of the board, the officers recommended for promotion are, in the case of warrant officers, W-1, fully qualified for promotion to the grade of CWO-2 and are, in the case of chief warrant officers, W-2, or W-3, best qualified for promotion to the grade of CWO-3 or CWO-4, as appropriate. Subsequent to making its selections for promotion, each WO promotion selection board shall be constituted as a naval examining board and shall select for promotion to the appropriate grade those officers who, in the opinion of the examining board, are physically, morally, and professionally qualified for promotion. The examining board in making its selections shall conduct itself in accordance with the regulations of the Secretary of the Navy governing the procedures to be followed by naval examining boards, as set forth in reference (g).

9. Membership. Promotion selection boards shall consist of at least five officers, each of whom is:

a. Serving on the active-duty list of the Marine Corps in the grade of major or above in the Regular Marine Corps or Marine Corps Reserve for LDO Promotion Selection Boards and serving in the permanent grade of lieutenant colonel or above in the Regular Marine Corps for WO Promotion Selection Boards; and

b. Serving in a grade higher than the officers under consideration.

Each LDO promotion selection board shall have included in its membership at least one LDO on the active-duty list of the Marine Corps. However, when there are no LDO's on the active-duty list in a grade higher than the grade of the officers to be considered by the board and eligible to serve on the board, one or more LDO's shall be included on the board who hold higher grades than the grades of the officers under consideration and who are retired officers in the Marine Corps. Five (5) members shall constitute a quorum for a WO promotion selection board. An officer may not serve on two successive promotion selection boards convened to consider officers for the same grade and competitive category. Other policy relating to board membership representation may, consistent with reference (a) and this enclosure, be prescribed or approved by the Secretary of the Navy.

10. Oath. Each member of a promotion selection board shall swear, or affirm, that he/she will perform his/her duties as a member of the board without prejudice or partiality and having in view both the special fitness of officers and the efficiency of the Marine Corps.

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11. Information to be Furnished Promotion Selection Boards. The following information shall be furnished to each promotion selection board at the time it is convened by the authority indicated:

a. The Secretary of the Navy will specify in the annual promotion plan the maximum number of LDO's and WO's in each grade that the board may recommend for promotion. The boards are not required to select to the numbers provided.

b. The Commandant of the Marine Corps shall provide the names of all LDO's and WO's who are to be considered by the board from above the promotion zone, within the promotion zone, and below the promotion zone, as appropriate, in order of seniority.

c. The Commandant of the Marine Corps shall supply the pertinent records of each officer to be considered by the board. Such records shall, at a minimum, include all documents, including evaluations, that are essential for a fair and substantially accurate and complete portrayal of the officer's career.

d. For LDO Promotion Selection Boards, the Secretary of the Navy will provide in the board precept or separate memoranda information on the needs of the Marine Corps for LDO's possessing particular skills.

e. The Secretary of the Navy will provide in the board precept or in Secretarial letters of guidance or instruction such other information and guidelines as may be necessary to enable the board to perform its functions properly.

12. Communication with Promotion Selection Boards. Only an LDO or WO who is eligible for consideration by a promotion selection board convened under this enclosure may send a written communication to the selection board. Such communication must arrive at Headquarters Marine Corps (Code MMPR) not later than the convening date of the board. The officer's written communication may include as attachments correspondence from an individual concerning the eligible officer. The officer's written communication may also include endorsements on that eligible officer's written communication. The communication shall not criticize or reflect upon the character, conduct or motive of any other officer. The written communication may call the attention of the board to any matter concerning the officer that he/she considers important to his or her case. The selection board shall give consideration to any such timely written communication received.

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13. Proceedings, Recommendations, Reports, and Action on Reports of Selection Boards

a. Except as authorized or required by the Secretary of the Navy, the Secretary of Defense, or the President, no member or recorder of a promotion selection board shall disclose the proceedings or recommendations of a promotion selection board.

b. Each promotion selection board shall submit a report to the Secretary of the Navy, listing the names of the officers recommended for promotion in order of seniority. The report shall be in writing and shall be signed by each board member and recorder. The report shall certify that the board has complied with all instructions contained in its precept and, as appropriate, other letters of guidance or instruction provided by the Secretary of the Navy.

c. The report of each promotion selection board shall be reviewed for legality by the Judge Advocate General of the Navy prior to its being submitted to the Secretary of the Navy.

d. If, after reviewing the report of a promotion selection board, the Secretary of the Navy determines that the board acted contrary to law or regulation, the Secretary shall return the report to the board for further proceedings. Upon receipt of a report that has been returned by the Secretary for further proceedings, the board (or a subsequent promotion selection board for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report and shall resubmit the report, as revised, to the Secretary of the Navy in accordance with the provisions of this enclosure for the original submission of promotion selection board reports to the Secretary of the Navy.

e. After his final review of the report of a promotion selection board for the promotion of permanent LDO's, the Secretary of the Navy shall submit the report, with his recommendations, to the Secretary of Defense for transmittal to the President for his approval, modification, or disapproval. The report of a promotion selection board convened for the purpose of recommending temporary LDO's for promotion by temporary appointment to a higher grade and the report of a promotion selection board convened for the purpose of recommending Regular WO's for promotion to a higher warrant officer grade will be reviewed and approved or disapproved by the Secretary of the Navy. In the case of a WO or temporary LDO listed in the report of the promotion selection board as recommended for promotion, the Secretary of the Navy in reviewing and where appropriate approving the report of the board may, if he deems it appropriate when there are unresolved allegations concerning the selected officer's qualifications for promotion, withhold his approval of the officer's selection, neither approving it nor disapproving it, pending resolution of the allegations.

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f. The report of a promotion selection board for the promotion of LDO's shall include the name of any LDO before it for consideration for promotion 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 his or her retention on active duty, under reference (c), because of his or her substandard performance of duty, misconduct, moral or professional dereliction, or because his or her retention is clearly inconsistent with the interests of national security. The Secretary of the Navy may submit to a board convened under reference (c) the name of any LDO so named in the report of a promotion selection board as having a record that indicates that the officer should be required to show cause for his/her retention on active duty.

g. The WO Promotion Selection Board shall report the names of those WO's whose records and/or reports establish, in its opinion, their unfitness or unsatisfactory performance in their warrant officer grade or that their retention is clearly inconsistent with the interests of national security. Warrant officers so reported by a promotion selection board may be processed for administrative separation under the provisions of reference (c). (R)

h. The name of a permanent LDO recommended for promotion to a higher permanent grade by a promotion selection board may be removed from the report of the selection board by the President. The name of a temporary LDO and the name of a Regular WO recommended for promotion to a higher warrant officer grade by a promotion selection board may be removed from the report of the selection board by the Secretary of the Navy or as provided in section 562 of reference (a) for permanent promotion of Regular WO's. The Commandant of the Marine Corps may forward requests for such action to the Secretary of the Navy for review and final action, except that in the case of permanent LDO's, the Secretary of the Navy shall forward a request for such action to the President via the Secretary of Defense.

i. Upon approval by the President or Secretary of the Navy, as appropriate, of a promotion selection board's report, the names of the officers recommended for promotion and approved by the President or Secretary of the Navy, as appropriate, shall normally be disseminated by the Secretary of the Navy. If not sooner disseminated, the names of all permanent LDO's and Regular WO's who have been selected for promotion to higher permanent officer grades and whose names have not been removed from the promotion list shall, upon confirmation by the Senate, promptly be disseminated by the Secretary of the Navy.

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14. Failure of Selection for Promotion

a. LDO's/WO's who are in or above the promotion zone established for his or her grade and are considered but not selected for promotion by a promotion selection board are considered to have failed of selection for promotion. Officers who have failed of selection for promotion to the next higher grade remain eligible for consideration for promotion to that grade as long as they continue on active duty in other than a retired status.

b. A warrant officer whose name was previously removed from a promotion list or who previously failed of selection, and who is selected for promotion to the next higher warrant officer grade, but who within such time as may be prescribed by the Secretary of the Navy fails to meet the moral and professional qualifications prescribed by the Secretary shall be treated as if he or she had twice failed of selection for promotion.

c. Under the provisions of reference (c), two or more failures of selection may, in accordance with applicable statutes, subject an officer to involuntary discharge, retirement, or reversion. Counseling for officers who fail of selection for promotion to grades CWO-2, CWO-3, CWO-4, O-3, O-4 and O-5 will be made available upon the officer's request. Requests for counseling should be forwarded to the Commandant of the Marine Corps (Code MMCP). Counseling shall consist of reviewing the officer's record and indicating for him or her factors that may account for the officer's not being selected. Counseling will be provided by an officer who is experienced in personnel matters and is senior to the officer requesting counseling. An officer will not be assigned to counsel an individual who has failed of selection to a specific grade if any of the individual's failures of selection to that grade occurred before a promotion selection board of which the counselor was a member or recorder. Additionally, the counselor, to the maximum extent practicable, should not be required to serve as a member or recorder of the next promotion selection board which considers the record of an officer he or she has counseled.

15. Delay of Promotion of LDO's. The promotion of an LDO who has been selected for promotion to the next higher grade may be delayed under the provisions of section 624(d) of reference (a), as prescribed in reference (f).

16. Promotion of Selectees. The names of WO's selected for promotion and approved for permanent or temporary appointment to the next higher grade shall be placed on a promotion list for temporary appointment or permanent appointment, as applicable, in order of seniority by grade as determined by the lineal list. The names of permanent

and temporary LDO's selected for promotion and approved for promotion to the next higher grade shall be placed on a single promotion list in order of seniority by grade as determined by the active-duty list.

17. Timing of Promotions

a. LDO's

(1) LDO's on a promotion list will be appointed as Regular officers in the next higher grade as additional LDO's are needed in that grade. Promotions shall be made in the order in which the names of officers appear on the promotion list and after officers previously selected for promotion have been promoted. Permanent LDOs shall be appointed to the next higher permanent grade in accordance with section 624(c) of reference (a). Temporary LDO's shall be appointed to the next higher temporary grade by the Secretary of the Navy in accordance with section 5596(d) of reference (a).

(2) An LDO whose name is removed from a promotion list continues to be eligible for consideration for promotion. If the LDO is recommended for promotion by the next promotion selection board convened for his/her grade and is promoted, the Secretary of the Navy may, upon such promotion, grant the LDO 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 active-duty list as he/she would have had if his/her name had not been so removed. If such an LDO is not recommended for promotion by the next promotion selection board convened for his/her grade, or if his/her name is again removed from the list of officers recommend for promotion, he/she shall be considered for all purposes to have twice failed of selection for promotion.

b. WO's

(1) A WO on a promotion list who has not previously failed of selection to the warrant officer grade for which selected and who is qualified under paragraph 8 of this enclosure shall be permanently or temporarily appointed under section 563 or 602 of reference (a), as appropriate, to the grade for which selected on the day after the date on which he or she completes the required service.

(2) A WO on a promotion list who has previously failed of selection to the warrant officer grade for which selected and who is qualified under paragraph 8 of this enclosure shall be permanently or temporarily appointed under section 563 or 602 of reference (a), as appropriate, to the grade for which selected on the earlier of the following dates:

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(a) One year after the date upon which his or her promotion would have been effective if he or she had been selected by the last promotion selection board which failed to select him or her; or

(b) The earliest date upon which any WO who did not fail of selection, and whose name follows his or hers on the promotion list approved by the Secretary of the Navy, is promoted to that grade.

(3) A WO whose name was placed on the promotion list as a result of his or her selection for promotion from below the promotion zone for temporary appointment who is qualified under paragraph 8 of this enclosure shall be temporarily appointed under section 602 of reference (a) to the grade for which selected on the later of the following dates:

(a) The day after the date on which he or she completes the required service; or

(b) The date of eligibility of the most junior CWO of the grade concerned who was selected for promotion from among those eligible CWO's in the promotion zone.

(4) A warrant officer whose name is removed from a promotion list continues to be eligible for consideration for promotion. If such a warrant officer is selected for promotion by the next selection board, and if his or her name appears in a report of warrant officers approved for promotion by the Secretary of the Navy, his or her name shall be replaced without prejudice on the list from which it is removed, and, when promoted, his or her date of appointment will be the same as if his or her name had not been removed from the promotion list. However, if such a warrant officer is not selected for promotion by the next promotion selection board, or if he or she is so selected but his/her name is again removed from the promotion list, he or she shall be treated for all purposes as if he or she twice failed of selection for promotion.

18. Effective Date of Promotion. Except as otherwise provided by law or this instruction, the date of rank of an officer promoted to a higher grade under section 563, 602, 624 or 5596 of reference (a), as applicable, and this enclosure is the date of appointment. Appointments are considered accepted (and therefore effective) on the date made, unless the officer concerned expressly declines the appointment. Promotion of officers from one competitive category may be effected without regard for the relative seniority of officers of the same grade in other competitive categories.

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19. Special Selection Boards for LDO's. Reference (h) provides for the convening of special selection boards for LDO's. (A)

20. Special Selection Boards for temporary promotion of Regular WO's (A)

a. Policy. Special selection boards shall be used only to consider the records of warrant officers and make recommendations to the Secretary of the Navy with regard to selection for promotion in cases where an error or omission precluded a warrant officer's consideration, or proper consideration, by a regularly scheduled selection board. Warrant officers may not be considered by a special selection board if, in exercising reasonable diligence, the officer could have discovered the error or omission in his/her record, and could have taken timely corrective action prior to the convening of the regularly scheduled selection board.

b. Sampling of Records. The president of each regularly scheduled promotion selection board shall prepare a sampling of records of warrant officers who were recommended for promotion and of warrant officers who were not recommended for promotion by the regularly scheduled selection board. The Commandant of the Marine Corps shall prescribe the method by which the sampling of records will be selected. Sample records shall be retained for a period of at least seven calendar years. Written communications to the board by warrant officers whose records are retained will also be retained with the records. Each board president shall deliver his or her sampling of records to the Commandant of the Marine Corps (Code MM) who is the custodian of all sample records retained pursuant to this paragraph.

c. Warrant officers not considered due to Administrative Error

(1) The Secretary of the Navy shall, upon determination that an administrative error prevented consideration of a warrant officer's record before a regular selection board, convene as soon as practicable, a special selection board to consider the record of the warrant officer concerned. The Commandant of the Marine Corps shall provide comments and recommendations, as appropriate, for consideration by the Secretary in making determinations under the provisions of this paragraph.

(2) Failure to submit the record of a warrant officer to the regularly scheduled promotion selection board for that officer's grade prior to the date that board adjourned and forwarded its report to the Secretary of the Navy shall constitute administrative error, if the warrant officer was on active duty on or before the date the board adjourned and should have been considered

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by the board as an in-zone, above-zone, or below-zone eligible (if applicable).

(3) Warrant officers who are considered by a special selection board as in-zone or above-zone eligibles in accordance with subparagraph 20c(1) and who are not recommended for promotion will be considered to have failed of selection for promotion.

d. Warrant officers considered by a regular promotion selection board but not recommended for promotion due to the board's acting contrary to law, the action of the board involving material error of fact or material administrative error, or the board not having before it for its consideration material information

(1) A special selection board may be convened when the Secretary of the Navy determines that a warrant officer was not recommended for promotion by a regularly scheduled selection board as an in-zone or above-zone eligible because:

(a) The action of the selection board which considered the officer for promotion was contrary to law;

(b) The action of the selection board involved material error of fact or material administrative error; or

(c) The board did not have material information before it for its consideration.

(2) A determination that material error of fact or material administrative error occurred or that material information was not considered by a selection board will be made by the Secretary of the Navy, who will consider the comments and recommendations of the Commandant of the Marine Corps. The Commandant of the Marine Corps shall then forward the recommendations regarding the requests of warrant officers who were considered but not selected for promotion to the Secretary via the Judge Advocate General.

(3) The following principles apply regarding Secretarial determinations under subparagraph 20d(1):

(a) A compositional defect in the membership of a selection board, which violated paragraph 9 of this enclosure, is always material error and is never considered harmless.

(b) An error which deprives a warrant officer being considered by a selection board of a constitutional or statutory right is material.

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(c) A procedural or administrative error that deprives a warrant officer who is before a selection board of fair and impartial consideration of his or her record is material.

(d) Each warrant officer before a selection board is entitled to be considered on a record that substantially portrays, accurately, completely and fairly, his or her career. Any information that, under the circumstances, is essential for a substantially accurate, complete, and fair portrayal of the warrant officer's career is material information.

(e) If a warrant officer has failed of selection before a regularly scheduled board more than once for promotion to the next higher grade and if more than one of these failures involved the same error as provided in subparagraph 20d(1), the officer's case shall be considered by only one special selection board.

e. Presentation of Records to Special Selection Boards. The record of a warrant officer presented to a special selection board will be modified as necessary to reflect the record that would have been presented to the regularly scheduled selection board had an error or omission not occurred. Special selection boards will compare the modified record to the sample records retained from the corresponding regularly scheduled selection board under subparagraph 20b.

f. Special Selection Board Membership, Duties, and Reports

(1) The oath of special selection boards is the same as that for regular warrant officer selection boards.

(2) The Commandant of the Marine Corps shall issue instructions concerning membership of special selection boards. The instruction shall incorporate the requirements of paragraph 9 of this enclosure. The instruction shall be subject to the review and approval of the Secretary of the Navy.

(3) The board shall be provided such information as was furnished to the regularly scheduled selection board which failed to consider, or failed to properly consider, the warrant officer whose record is before the board for consideration for promotion.

(4) Based upon the records and other information submitted, the board shall recommend for promotion those warrant officers whose records were submitted to the board for consideration for selection for promotion who, in the opinion of the majority of the

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members (1) are fully qualified for promotion; and (2) when compared to the warrant officers whose records were retained in the sampling, are better qualified for promotion than all of the warrant officers who previously failed of selection and are comparable to those warrant officers who were selected for promotion by the regularly scheduled promotion selection board.

(5) A special selection board shall submit to the Secretary of the Navy a written report signed by each member and the recorder of the board, containing the name of each officer it recommends for promotion, and each officer it does not recommend for promotion, in accordance with the foregoing criteria and certifying that the board has carefully considered the record of each officer whose name was referred to it. The board's report shall include the name of any Regular warrant officer before it for consideration for promotion whose record, establishes in the opinion of a majority of the members of the board, his or her unfitness or unsatisfactory performance in his or her warrant officer grade or that his or her retention is clearly inconsistent with the interests of national security. (Warrant officers so reported by a special selection board may be processed for administrative separation under the provisions of reference (c).) The report of the board shall be handled in the same manner as reports of regularly scheduled selection boards under the provisions of paragraph 13 of this enclosure.

(6) Except as authorized or required by the Secretary of the Navy, the proceedings and report of a special selection board, including specific information regarding the sample records used and how each officer's record was rated, shall not be disclosed to any person not a member or recorder of the board.

g. Scheduling of Special Selection Boards and Notification of officers to be Considered. Special selection boards for warrant officers normally shall be convened in conjunction with regularly scheduled promotion selection boards for warrant officers. Special selection boards may, however, be convened at other times. Warrant officers to be considered for promotion by a special selection board shall be notified at least 30 days before the board convenes that they will be considered. Such warrant officers shall be provided an opportunity to send written communications to the board in the same manner as that provided for regularly scheduled promotion selection boards under the provisions of paragraph 12 of this enclosure. The results of special selection boards shall be made known to affected warrant officers on a timely basis. Barring extenuating circumstances, special selection boards shall be convened and the results made known to affected warrant officers within 180 days after the Secretary determines that an error warranting a special selection board exists.

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h. Promotion of Officers Selected by Special Selection Boards.

If the report of a special selection board convened under this enclosure, as approved by the Secretary of the Navy, recommends for promotion to the next higher grade an officer whose name was referred to it for consideration, such officer shall be temporarily appointed to the grade for which selected under section 602 of reference (a) on one of the following dates:

(1) The date on which the warrant officer would have been appointed if he or she had been recommended for promotion by the regularly scheduled promotion selection board that either did not consider that officer or did not properly consider that officer, provided the report of the special selection board is approved by the Secretary of the Navy on or before that date.

(2) The date on which the Secretary of the Navy approves the report of the special selection board if that date is later than the date on which the warrant officer would have been promoted if he or she had been recommended for promotion by the regularly scheduled promotion board that either did not consider that officer or did not properly consider that officer.

The date of rank and effective date for pay and allowances in the grade to which appointed as a result of the approved recommendation of a special selection board under this enclosure shall be the date of appointment to that grade, as determined under subparagraph 20h(1) or 20h(2) of this enclosure.

i. Retention of Statistical Data. The report of each board convened under this instruction shall include statistical data regarding the number of warrant officers considered for promotion to each grade, the number of warrant officers selected for promotion to each grade, the number of warrant officers considered but not selected for promotion to each grade, the number of warrant officers considered by the special selection board who were not considered by the appropriate regular selection board as a result of administrative error, and the number of warrant officers considered by the special selection board on the basis of legal or other material error regarding their previous consideration by the appropriate regularly scheduled promotion selection board.

SECNAVINST 1412.9A

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REGULATIONS TO GOVERN THE CONTINUATION
OF LDO'S AND WO'S ON ACTIVE DUTY IN THE
REGULAR MARINE CORPS

Enclosure (2)

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1. Purpose. This enclosure governs the continuation on active duty of eligible permanent LDO's and Regular WO's who are subject to involuntary retirement under section 6383 or 1305 of reference (a) and the continuation of eligible temporary LDO's who are subject to involuntary retirement/reversion under section 5596 of reference (a).

2. Definitions. The following definitions, unless otherwise qualified, shall apply throughout this enclosure:

a. Permanent Limited Duty Officer (LDO). A permanent commissioned officer appointed under section 5589 of reference (a) in a permanent grade above chief warrant officer, W-4, and designated for limited duty; or a former limited duty officer (temporary) who was appointed in a permanent grade above chief warrant officer, W-4, under section 5573a before 15 September 1981 and designated for limited duty.

b. Temporary Limited Duty Officer (LDO). A commissioned officer temporarily appointed under section 5596 of reference (a) in a grade above chief warrant officer, W-4, in the Regular Marine Corps who is designated for limited duty and whose permanent status is chief warrant officer, warrant officer, or enlisted member.

c. Regular Warrant Officer (WO). An officer of the Regular Marine Corps having a permanent warrant officer grade under section 555 of reference (a).

R) d. Continuation. The selective deferment of involuntary retirement for length of service or failures of selection for promotion for eligible permanent LDO's; or the selective deferment of involuntary retirement for length of service for Regular WO's; or the selective deferment of involuntary retirement/reversion for eligible temporary LDOs in order to permit those officers to continue on active duty in the Regular Marine Corps.

e. Continuation Selection Board. A board convened under section 1305, 5596, or 6383 of reference (a) and this enclosure to recommend officers referred to in paragraph 2d for continuation on active duty.

3. Continuation of Permanent LDO's

a. Under section 6383(a) of reference (a) and the provisions of reference (c), a permanent LDO who holds the grade of lieutenant colonel or major in the Regular Marine Corps is subject to involuntary retirement on the last day of the month following the month in which he/she completes 30 years of active naval service (other than active duty for training in a Reserve component). In addition, under section

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6383(b) of reference (a) and the provisions of reference (c), a permanent LDO who holds the grade of major in the Regular Marine Corps and is not on a promotion list to the next higher grade is subject to involuntary retirement not later than the first day of the seventh month beginning after the month in which the President approves the report of a promotion selection board in which the officer is considered as having failed of selection for promotion to the grade of lieutenant colonel for the second time.

b. A permanent LDO who is serving in the grade of lieutenant colonel or major and subject to involuntary retirement may, subject to the needs of the service, be continued on active duty under section 6383(i) of reference (a), if the officer is selected by a continuation selection board.

c. A permanent LDO whose retirement is deferred under section 6383(i) of reference (a) and who is not subsequently promoted may not be continued on active duty beyond 24 years of active commissioned service, if in the grade of major or 28 years of active commissioned service, if in the grade of lieutenant colonel or beyond age 62, whichever is earlier. Consistent with these limitations, each continuation board convened under this enclosure will be provided guidance concerning the period of continuation that the board may recommend for each officer. No officer may be deferred for a period of more than 5 years by any one selection board.

d. A permanent LDO who is selected for deferment of involuntary retirement shall be notified of his/her selection and afforded an opportunity to accept or decline it. If the permanent LDO declines to continue on active duty, he/she shall be retired in accordance with section 6383(a) - (c) of reference (a). The results of continuation selection boards shall be made known sufficiently in advance of the date of involuntary retirement so as to allow those permanent LDO's who are selected for deferment, and those who are not selected for deferment, a reasonable period of time for personal planning.

e. Each officer who is (1) continued on active duty, (2) not subsequently promoted or continued for a further period, and (3) not on a promotion list or continuation list shall, unless sooner retired, be retired upon the expiration of the period for which the officer's service was continued. Each officer shall be retired on the first day of the first month following the month in which the officer completes his/her period of continued service.

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4. Continuation of Temporary LDO's

a. Under section 5596 of reference (a) and the provisions of reference (c), the appointments of temporary LDO's are, except as otherwise provided in section 4b, normally terminated on the earlier of the following dates:

(1) For temporary LDO's with permanent enlisted status, the last day of the month following the month in which he/she completes 30 years of active naval service, (other than active duty for training in a Reserve component);

(2) For temporary LDO's with permanent WO status, 60 days after he/she completes 30 years of active service; or

(3) A date requested by the officer and approved by the Secretary of the Navy, but not later than the first day of the seventh calendar month beginning after the month in which the Secretary approves the report of the LDO promotion selection board in which the officer is considered as having failed of selection for promotion to the next higher grade for the second time.

b. A temporary LDO who is subject to involuntary retirement/reversion for years of service under paragraph 4a(1) or 4a(2) may, subject to the needs of the Marine Corps and the provisions of section 1251 or 1263 of reference (a), be continued on active duty in that status if selected by a continuation selection board. A temporary LDO who is selected for deferment of retirement or reversion to permanent status shall be notified of his/her selection and afforded an opportunity to accept or decline it. If the temporary LDO declines to continue on active duty, he/she shall be retired under sections 1370(a)(3) and 6323 of reference (a), or reverted to his/her permanent status and retired under section 1263, 1293, 1305, or 6326 of reference (a). The results of continuation selection boards shall be made known sufficiently in advance of the date of involuntary retirement or reversion in order to allow those temporary LDO's who are selected for deferment, and those who are not selected for deferment, a reasonable period of time for personal planning. Each officer who is (1) continued on active duty; (2) not subsequently promoted or continued for a further period, and (3) not on a promotion list or continuation list shall, unless otherwise retired, be retired upon the expiration of the period for which the officer's service was continued. Each officer shall be retired on the first day of the first month following the month in which the officer completes his/her period of continued service.

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5. Continuation of Regular WO's

a. Under section 1305(a) of reference (a) and the provisions of reference (c), a regular warrant officer who has at least 30 years of active service that could be credited to him/her under section 511 of the Career Compensation Act of 1949, as amended, shall be retired 60 days after he/she completes that service. However, under section 1305(c) of reference (a), the Secretary may defer the retirement of any regular warrant officer upon the recommendation of a continuation selection board and with the consent of the warrant officer, but not later than 60 days after he/she becomes 62 years of age. (R)

b. Continuation selection boards for WO's shall be convened, whenever the needs of the Marine Corps require, by the Secretary of the Navy to consider officers for deferment of their involuntary retirement for 30 years of active service under section 1305(a) of reference (a). No officer may be deferred for a period of more than 5 years by any one selection board.

c. A Regular WO who is selected for deferment of involuntary retirement shall be notified of his/her selection and afforded an opportunity to accept or decline it. If the Regular WO declines to continue on active duty, he/she shall be retired in accordance with section 1305(a) of reference (a). The results of continuation selection boards shall be made known sufficiently in advance of the date of involuntary retirement so as to allow those Regular WO's who are selected for deferment, and those who are not selected for deferment, a reasonable period of time for personal planning.

6. Continuation Selection Board Procedures

a. Notice of Convening. Notice of convening of a continuation selection board shall be issued at least 30 days before such board is convened. The notice shall include the convening date of the board and such additional information that will permit eligible officers to communicate with the continuation selection board.

b. Continuation Board Membership. Each board shall consist of at least five officers on the active-duty list of the Marine Corps each of whom is:

(1) Serving in the grade of major or above in the Regular Marine Corps; and

(2) Serving in a grade higher than that of the officers under consideration.

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Each LDO continuation selection board shall have included in its membership at least one LDO serving in the grade of lieutenant colonel on the active-duty list of the Marine Corps. However, no LDO so serving on an LDO continuation selection board may act upon the case of an officer being considered by the board who is serving in the grade of lieutenant colonel. If an LDO serving in the grade of lieutenant colonel is to be considered by a continuation selection board, the membership of the board shall consist of the five officers in the grade of colonel or above. Other policies relating to board membership shall, consistent with reference (f) and this enclosure, be prescribed or approved by the Secretary of the Navy.

c. Oath. Each member of the board shall swear, or affirm, that he/she will perform his/her duties as a member of the board without prejudice or partiality and having in view both the special fitness of officers and the efficiency of the Marine Corps.

d. Information to be provided to Continuation Selection Boards

(1) The Secretary of the Navy will provide the following information to each continuation board at the time it is convened:

(a) The minimum and maximum periods of continuation that the board may recommend.

(b) The maximum number of LDO's or WO's that the board may recommend for continuation.

(c) Information on the skill needs and qualifications for LDO's or WO's in each grade under consideration and such other information and guidelines as may be necessary to enable the board to perform its functions properly.

(2) The Commandant of the Marine Corps shall provide the names and pertinent records of LDO's or WO's to be considered for continuation.

e. Board Reports. Board reports shall be forwarded to the Secretary of the Navy for approval or disapproval in whole or in part via the Commandant of the Marine Corps for recommendations and the Judge Advocate General for review as to the legality of the report. The report of the board shall be reviewed for legality by the Judge Advocate General of the Navy prior to its being submitted to the Secretary of the Navy. Each report shall be in writing and shall be signed by all acting members. The report of each continuation board shall certify that the board has carefully considered the

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record of each officer whose name was furnished and that, based upon the needs of the service for officers with specific skills or qualifications, and based upon the skills and qualifications of the officers concerned, it is the opinion of a majority of the acting members that the continuation on active duty of the officers whose names are listed in the report of the board is in the best interest of the Marine Corps.

7. Continuation on Active Duty to Complete Disciplinary Action.

When any action has been commenced against an LDO with a view to trying such officer by court-martial and such officer is to be separated or retired under section 5596, 6383, or chapter 36 of reference (a), the Secretary of the Navy may delay the separation or retirement of the officer, without prejudice to such action, until the completion of the action. Requests for delay under this authority shall be forwarded to the Secretary of the Navy for review and action via the Commandant of the Marine Corps. (R)

8. Deferment of Retirement or Separation for Medical Reasons

a. The Secretary of the Navy may defer the retirement or separation under references (a) and (c), of any LDO if the evaluation of the physical condition of the officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date on which the officer would otherwise be required to retire or to be separated under references (a) and (c). Requests for deferral under this authority shall be forwarded to the Secretary of the Navy for review and action via the Commandant of the Marine Corps. (R)

b. The Secretary of the Navy may defer, for not more than four months, the retirement under section 1263 or 1305 of reference (a), as prescribed in reference (c), of any permanent warrant officer if, because of unavoidable circumstances, evaluation of his/her physical condition and determination of his/her entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date when he/she would otherwise be required to retire under that statute. Requests for deferral under this authority shall be forwarded to the Secretary of the Navy for review and action via the Commandant of the Marine Corps. (R)

SECNAVINST 1412.9A CH-3

8 JUN 1999

REGULATIONS TO GOVERN THE PROMOTION
AND CONTINUATION OF WARRANT OFFICERS
IN THE MARINE CORPS RESERVE

Enclosure (3)

8 JUN 1989

1. Purpose. This enclosure governs the promotion and continuation of permanent warrant officers in the Marine Corps Reserve.

2. Definitions. The following definitions apply throughout this enclosure.

- R) a. Warrant Officer. A member of the Marine Corps Reserve who holds a permanent appointment in a warrant officer grade under section 12241 of reference (a).
- b. Active Status. A warrant officer in the Marine Corps Reserve who is serving in the Active Reserve (AR), the Selected Marine Corps Reserve (SMCR), the Individual Ready Reserve (IRR), or on the Active Status List of the Standby Reserve.
- c. Inactive Status. The status of a warrant officer who is assigned to the Inactive Status List, as defined by Section 10152 of reference (a).
- A) d. Active Reserve Competitive Category. A Reserve warrant officer who is serving on active duty, as part of the Active Guard and Reserve per reference (a), in support of the Reserve Component.
- A) e. "Other than Active Reserve" Competitive Category. A Reserve warrant officer, not on the Active Reserve Program, who is serving in the SMCR, IRR, or on the Reserve Active Status List of the Standby Reserve.
- R) f. Promotion Selection Board. A board convened under the authority of section 12242 of reference (a) to recommend warrant officers for promotion to a higher permanent Reserve warrant officer grade.
- R) g. Continuation. The selective deferment of involuntary retirement for length of service or involuntary discharge for failures of selection.
- A) 3. Active Status Requirements. Warrant officers must be in an active status for promotion consideration or promotion. Warrant officers may be considered for promotion under this enclosure only if they have served continuously on the Active Duty List or in an active status, or a combination of the two, for the 1-year period immediately preceding the convening date of the selection board considering them for promotion. Warrant officers may be promoted under these regulations only if they have served continuously in an active status for the 1-year period

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immediately preceding their date of appointment to the next higher grade.

4. Service Credit. Upon original appointment as a permanent Reserve warrant officer, the Secretary of the Navy shall credit an appointee for promotion purposes with all prior active service performed in the grade to which so appointed or in any higher warrant or commissioned grade. Service once credited for appointment to a warrant officer grade may not be credited again for promotion in warrant officer grades.

5. Selection Boards

a. Whenever the Secretary of the Navy determines that the needs of the service so require, but at least once a year, he shall convene a promotion selection board to select chief warrant officers, W-2; chief warrant officers, W-3; and chief warrant officers, W-4; for permanent promotion to the next higher permanent grade. A promotion selection board shall be convened by written order (precept) signed by the Secretary of the Navy. The precept shall include the instructions of the Secretary of the Navy governing the conduct of the board and shall appoint the President and members of the board. The precept shall be addressed to the President of the Board, who also serves as a member of the board. A proposed precept shall be prepared by the Commandant of the Marine Corps for Secretarial signature prior to the convening of a promotion selection board. (A)

b. Promotion selection board membership requirements are outlined in SECNAVINST 1401.3. (R)

c. All members of a promotion selection board shall swear or affirm that they will perform their duties as members of the board without prejudice or partiality and having in view both the special fitness of officers and the efficiency of the Marine Corps.

d. A board convened under this enclosure shall submit a written report of the results of its deliberations to the Secretary of the Navy via, first, the Commandant of the Marine Corps and, second, the Judge Advocate General. The names of warrant officers selected for promotion shall be arranged in the board's report in order of seniority in permanent grade. All acting members and recorders of the board shall sign the report and shall certify that the board has carefully considered the case of each warrant officer whose name was furnished to the board and that a majority of the members of the board who acted

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in arriving at the recommendations are of the opinion that the warrant officers selected for promotion are fully qualified and best qualified for promotion. The Secretary may approve or disapprove the report of the board. In the case of an officer listed in the report of the promotion selection board as recommended for promotion, the Secretary of the Navy in reviewing and where appropriate approving the report of the board may, if the Secretary deems it appropriate when there are unresolved allegations concerning the selected officer's qualifications for promotion, withhold approval of the officer's selection, neither approving it nor disapproving it, pending resolution of the allegations.

e. A promotion selection board convened under this enclosure shall report the names of those WO's whose records and/or reports establish, in its opinion, their unfitness or unsatisfactory performance in their permanent Reserve warrant officer grades or that their retention is clearly inconsistent with the interests of national security. Reference (c) delineates the procedures for the administrative separation of WO's so reported by a promotion selection board.

f. Except as authorized by the Secretary of the Navy, no member or recorder of a promotion selection board shall disclose the proceedings or recommendations of a promotion selection board.

A) 6. Notice of Convening. Notice of convening of a promotion selection board shall be issued at least 30 days before a selection board is convened. The notice shall include the names and dates of rank of the junior and senior officers on the lineal list in the promotion zone as of the date of notification, the name and date of rank of the junior officer eligible on the lineal list (if below zone eligibility is authorized) as of the date of notification, and the board's convening date. The notice shall also inform eligible officers of their right to communicate with the President of the promotion selection board.

7. Communication with the promotion selection board. A warrant officer who is eligible for consideration by a promotion selection board convened under this enclosure may send a written communication to the promotion selection board. Such communication must arrive at Headquarters Marine Corps (MMPR) not later than the convening date of the board. The officer's written communication may include as attachments correspondence from an individual concerning the eligible officer. The officer's written communication may also include endorsements on that eligible officers written communication. The communication

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shall not criticize or reflect upon the character, conduct or motive of any other officer. The written communication may call the attention of the board to any matter concerning the officer that he/she considers important to his or her case. The promotion selection board shall give consideration to any such timely written communication received.

8. Selection Procedure. By authority delegated by the Secretary of the Navy, the Commandant of the Marine Corps shall furnish each selection board convened under this enclosure with a list of the names of all warrant officers, in order of seniority, in their respective grade and competitive category, who are eligible to be considered for promotion to the next higher permanent warrant officer grade and with the records of the warrant officers so eligible. Such records shall, at a minimum, include all documents, including evaluations, that are essential for a fair and substantially accurate and complete portrayal of the officer's career. (R)

9. Numbers that may be selected for promotion

a. The Secretary of the Navy shall prescribe the number of warrant officers who may be recommended for permanent promotion to chief warrant officer, W-3, chief warrant officer, W-4, or chief warrant officer, W-5 for the Active Reserve competitive category. The board is not required to select to the numbers provided. (A)

b. The Secretary of the Navy shall specify the percentage of warrant officers for each grade the board may recommend from the list of eligible warrant officers for the "Other than Active Reserve" competitive category. The Commandant of the Marine Corps will provide the maximum number of officers that may be recommended after the "Other than Active Reserve" board convenes and after a final number of eligible warrant officers is determined as to the date the board convenes. The board is not required to select to the numbers provided. (A)

c. The selection numbers for the Active Reserve competitive category and the selection percentages for the "Other than Active Reserve" competitive category shall be established by the Secretary of the Navy in the annual Reserve warrant officer promotion plan.

d. The Secretary of the Navy may prescribe the number of chief warrant officers, W-2, chief warrant officers, W-3, and chief warrant officers, W-4, who may be recommended for promotion from among officers being considered from below the promotion (R)

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zone. The number so prescribed may not exceed 10 percent of the total number of officers that the promotion selection board is authorized to recommend for promotion. If the number so determined is less than one, the promotion selection board may recommend one such officer.

R) 10. Eligibility for promotion

a. Warrant officer, W-1, will have a minimum time in grade (TIG) of 18 months prior to promotion to chief warrant officer, W-2. Chief warrant officer, W-2, chief warrant officer, W-3, chief warrant officer, W-4, will have a minimum TIG of 2 years prior to consideration for selection to the next higher grade.

A) b. The Secretary of the Navy may preclude from consideration for promotion a warrant officer with an established separation date from the reserve active status list within 90 days after the board convenes. Modifications to established separation dates made on or after the date the board convenes will not change the eligibility status of such officers for consideration by the board.

11. Effect of transfer to inactive status. Warrant officers selected for promotion under this enclosure, and who, at the time they would otherwise be promoted, are ineligible for promotion because they no longer meet the active-status requirements for promotion prescribed in paragraph 3, above, shall be treated as if they have not been considered for promotion. If they later return to an active status, their names shall not be placed on a list for promotion to the next higher grade until they are again considered and selected for promotion under this enclosure.

12. Promotion List: Date of Rank

a. Warrant officers who are selected for promotion in the report of a promotion selection board convened under this enclosure are considered approved for promotion if their name appears in a report of warrant officers approved for promotion by the Secretary of the Navy. The name of each warrant officer so approved for promotion shall be placed on a promotion list for warrant officers of the permanent warrant officer grade concerned, in order of seniority.

A) b. A warrant officer on the promotion list shall be permanently appointed to the grade for which selected when a vacancy occurs in that grade and competitive category.

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13. Removal from Promotion List

a. The Secretary of the Navy may remove the name of any Reserve warrant officer from a promotion list.

b. A Reserve warrant officer whose name is removed from a promotion list continues to be eligible for consideration for future promotion. However, removal from a list will be treated as a failure of selection. (A)

14. Failure of Selection

a. Except as provided in paragraph 13b, each warrant officer who was considered by a promotion selection board, but who was not selected for promotion, or if selected, was removed from the promotion list by the Secretary of the Navy, is considered as having failed of selection. (R)

b. A warrant officer who was eligible but was not selected for promotion from among officers who were considered below the promotion zone is not considered to have failed of selection.

c. Reserve warrant officers who twice fail of selection to the next higher permanent warrant officer grade may be subject to administrative separation under the provisions of reference (c).

15. Continuation

a. Involuntary Retirement for Length of Service. Under reference (c) a permanent Reserve warrant officer who has at least 30 years of active service or has completed at least 30 years of service computed under section 12732 of reference (a), shall be transferred to the Retired Reserve or the Retired List, as appropriate, not later than 6 months after the individual completes that service. However, the Commandant of the Marine Corps, acting for the Secretary of the Navy, may authorize the continuation of Reserve warrant officers beyond that time to meet requirements identified for his grade and competitive category. No Reserve warrant officer may be retained in an active status beyond 60 years of age, except as provided under the provisions of reference (c). (R)

b. Involuntary Discharge for Failures of Selection (A)

(1) Active Reserve Competitive Category. An Active Reserve warrant officer who twice failed of selection to the next higher grade in the Active Reserve competitive category may be continued in an active status following release from active duty until the warrant officer has been considered twice, above zone,

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for promotion by an "Other than Active Reserve" competitive category board. If a warrant officer, who, on the day prescribed for removal from the Active Reserve competitive category (1st day of the 7th month after the date on which the Secretary approves the report of the selection board) is deemed fully qualified by the board, and possesses at least 16 but less than 18 years of active federal service, may be continued until retirement eligible.

(2) "Other than Active Reserve" Competitive Category. An "Other than Active Reserve" warrant officer who twice failed of selection to the next higher grade in the "Other than Active Reserve" competitive category, has at least 16 but less than 18 years of satisfactory service on the day prescribed for removal from an active status and is deemed fully qualified by the board, may be continued until retirement eligible.