



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

SECNAVINST 1531.1B
N131D
10 May 2000

SECNAV INSTRUCTION 1531.1B

From: Secretary of the Navy

Subj: U.S. NAVAL ACADEMY (USNA) MIDSHIPMEN DISENROLLMENT

Ref: (a) DoD Directive 1332.23 of 19 Feb 88 (Notal)
(b) Title 10, USC, Section 6959
(c) Title 10, USC, Section 2005
(d) Title 10, USC, Section 6963
(e) Title 10, USC, Section 6962
(f) Title 10, USC, Section 6961
(g) Title 10, USC, Section 651

Encl: (1) Academy Education Cost Basis Determination

1. Purpose. To prescribe regulations for disenrollment from the U.S. Naval Academy (USNA) per statutory requirements implemented by reference (a) for the Department of the Navy, and to revalidate policy and procedures for the USNA Midshipman Reevaluation/Reappointment (R&R) Program.

2. Cancellation. SECNAVINST 1531.1A. This is a complete revision and should be read in its entirety.

3. Applicability. This instruction applies to all USNA midshipmen on the date of this instruction and all individuals who sign the agreement to serve per reference (b) on or after the date of this instruction.

4. Background. References (a) and (b) clarify the Secretary of the Navy's (SECNAV) authority to require and enforce midshipmen service agreements. The R&R Program offers an alternative to final separation, whereby selected individuals may be readmitted to USNA after successful completion of a specified evaluation period in an enlisted status in the U.S. Naval Reserve (USNR) or U.S. Marine Corps Reserve (USMCR).

5. Policy. USNA midshipmen shall execute agreements to serve per reference (b). Midshipmen determined to have breached this agreement by SECNAV shall be ordered to active duty, unless SECNAV determines a midshipman unsuitable for active duty service. Per references (b) and (c), SECNAV shall retain authority to require midshipmen separated from USNA to reimburse the U.S. Government for the cost of advanced education received, in lieu of active duty service.

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6. Breach of Agreement. A midshipman shall be considered to have breached an agreement to serve if disenrolled from USNA under one or more of the following actions:

- a. Deficiency at any examination;
- b. Insufficient aptitude;
- c. Unsatisfactory conduct;
- d. Dismissal in the best interests of the Naval service;
- e. Resignation; or
- f. Failure to accept a commission.

7. Procedures for Determining a Breach of Agreement. The following procedures shall be used for determining whether such a breach has occurred:

a. Deficiency at any Examination. A midshipman, who is found to be academically deficient, including deficiency in physical education, may be disenrolled from USNA by the Academic Board per reference (d).

b. Insufficient Aptitude. Under reference (e), if an Academic Board unanimously determines that a midshipman possesses insufficient aptitude to become a commissioned officer in the Naval service, the Superintendent shall report the findings to SECNAV, providing the midshipman an opportunity to examine the report and attach a written statement. Based on the report and statement, SECNAV may disenroll the midshipman from USNA.

c. Unsatisfactory Conduct. Under reference (e), if the Superintendent determines that the conduct of the midshipman is unsatisfactory, he shall submit a written report to SECNAV, providing the midshipman with an opportunity to examine the report and attach a written statement. SECNAV may disenroll the midshipman from USNA. Per reference (c), the Superintendent shall ensure that each midshipman, who has been accused of misconduct that may result in disenrollment, is advised of the potential for reimbursement to the government for the cost of advanced education. Such advisement shall be in writing, acknowledged by the midshipman, and occur before the midshipman makes a decision on a course of action regarding personal involvement in administrative, non-judicial, and judicial action resulting from the alleged misconduct.

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d. Dismissal in the Best Interests of the Naval Service. Under reference (f), if the Superintendent, believes the continued presence of a midshipman at USNA is contrary to the best interest of the Naval service, he shall submit a written report, with full justification, to SECNAV. If SECNAV determines the Superintendent's belief is well-founded, he shall serve a copy of the report on the midshipman and prescribe a time which he considers reasonable, under the circumstances, for the midshipman to show cause in writing why he or she should not be dismissed from USNA. After consideration of any cause so shown, and with the written approval of the Secretary of Defense (SECDEF) acting for the President, SECNAV may disenroll the midshipman from USNA. The truth of any issue of fact reasonably raised by the report or response thereto, except as to the record of demerits, shall be determined by an appropriate investigation convened by SECNAV.

e. Resignation. Unqualified resignations shall be submitted to Chief of Naval Personnel (CHNAVPERS) for approval. Qualified resignations shall be submitted to SECNAV for approval. All resignations must be submitted via Superintendent, USNA, stating a specific reason for such action. Once submitted to the Superintendent, a resignation may not be withdrawn without approval of the Superintendent. Once approved by SECNAV/CHNAVPERS, a resignation may not be withdrawn unless SECNAV/CHNAVPERS considers the midshipman's retention to be in the best interests of the Naval service. Per reference (c), the Superintendent shall ensure that each midshipman, who submits a resignation or otherwise requests voluntary separation or release from the active duty obligation, is advised of the potential for reimbursement to the government for the cost of advanced education. Such advisement shall be in writing, acknowledged by the midshipman, and occur before the request is considered by the Superintendent.

f. Failure to Accept a Commission. If a midshipman fails to accept a commission offered, the Superintendent, USNA shall forward a written report to SECNAV, providing the midshipman with an opportunity to examine the written report and attach a written statement.

8. Active Duty Service Obligation. The service obligation for midshipmen who have breached the agreement to serve will be determined under this paragraph without regard to the requirement of reference (g). Midshipmen shall be transferred to the USNR or USMCR, in an appropriate enlisted grade or rating, as determined by SECNAV.

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a. Fourth and Third Class Midshipmen. Midshipmen who are disenrolled from USNA before starting the second class academic year will have no active duty obligation under reference (b).

b. Second and First Class Midshipmen. Except in those cases where a midshipman is physically disqualified, unfit or unsuited for enlisted military service, or is disenrolled for cause resulting from actions that occurred only before the start of the second class academic year, a midshipman who is disenrolled from USNA after starting the second class academic year, may be ordered to active duty as follows:

(1) Two years, when disenrolled before starting the first class academic year.

(2) Three years, when disenrolled after starting the first class academic year, but before completing the course of instruction.

c. Failure to Accept a Commission. A first class midshipman who completes the course of instruction and declines appointment as a commissioned officer may be ordered to active duty for four years.

9. Waivers. In each case of disenrollment, the Superintendent shall make one of the following recommendations: (1) that the midshipman be ordered to complete the required period of active enlisted service as determined by paragraph 8b above; (2) that the service obligation be waived; or (3) that the midshipman is voluntarily or because of misconduct unfit or unsuited for military service in an enlisted status. Waivers may be granted if the Superintendent determines one of the following: (1) that the midshipman is physically disqualified; (2) that waiver of active service is in the best interest of the Naval service, considering factors such as humanitarian reasons and military service needs; or (3) in cases of disenrollment for academic deficiency, the Academic Board has not recommended active enlisted service, having determined the academic deficiency occurred despite determined efforts by the midshipman.

10. Reimbursement for Cost of Education. Per reference (c), disenrolled first and second class midshipmen who are disenrolled voluntarily or because of misconduct and who are not ordered to active duty, shall be required to reimburse the government for the cost of their advanced education. Reimbursement shall be in an amount that bears the same ratio to the total cost of advanced education received as the unserved portion of active duty bears to the total period of active duty such person agreed to serve per reference (a). Enclosure (1) provides details on how annual education costs are to be determined.

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11. Reevaluation/Reappointment (R&R) Program. This program is tendered only in unusual circumstances to those midshipmen whose overall academic and military performance were significantly above average prior to the event leading to a recommendation for disenrollment.

a. Consideration. Under unusual circumstances, midshipmen being processed for disenrollment for unsatisfactory conduct under reference (e) will be considered for the R&R Program by the Superintendent. In unique circumstances, midshipmen who have violated the Honor Concept also may be considered eligible.

(1) Eligibility will be based on the candidate's overall record, including superior academic achievement, superior military and professional performance, proven leadership ability, and nature and seriousness of the offense(s) which precipitated processing for disenrollment in order to determine an individual's potential for future commissioned service.

(2) Midshipmen recommended for the R&R Program by the Superintendent will be advised in writing and must agree to participate in the program, subject to SECNAV approval. The Superintendent will forward a recommendation, with disenrollment proceedings, to SECNAV via the CHNAVPERS or the Commandant, USMC (MRRO-6), as appropriate.

b. Discharge and Transfer. Midshipmen who voluntarily agree to participate in this program, and whose participation is approved by SECNAV, will be disenrolled as midshipmen and either revert to their former enlisted status to complete an existing active duty obligation or be transferred to the USNR or USMCR.

(1) Participants will serve in the USNR unless they either entered USNA from the USMC or requested, and received approval for reevaluation in the USMC. Midshipmen with no prior enlisted service may request reevaluation in either the USNR or USMCR.

(2) Participants will be ordered to active duty in an enlisted status for: four years in the case of first class midshipmen who have completed all academic requirements for graduation; three years in the case of first class midshipmen who have not completed all academic requirements for graduation; and two years in the case of second class midshipmen.

(3) Midshipmen subject to a preexisting enlisted active duty obligation which is greater than the active duty period prescribed in paragraph 11b(2) will revert to their previous enlisted status to complete the period of enlistment.

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(4) USMC evaluatees who have not previously completed USMC recruit training will initially be ordered to a recruit depot.

(5) Fourth and third class midshipmen will be disenrolled from USNA and required to enlist in the USNR or USMCR in order to participate in the program.

c. Reevaluation. Participants shall be ordered to a Fleet unit or a unit designated by the Commandant, USMC for a specified period of not less than six months nor longer than one year.

(1) During the reevaluation period, the Superintendent shall contact the unit commander of program participants to advise them of specific program requirements and maintain active case files on all participants.

(2) Commanding officers will closely monitor participant performance and prepare periodic enlisted evaluations every 90 days during the reevaluation period.

d. Reappointment. Upon completion of the reevaluation period, participants may submit an application for readmission to USNA to SECNAV, via the unit commanding officer and the Superintendent.

(1) The commanding officer will forward completed enlisted evaluations to the Superintendent.

(2) Participants must have demonstrated the highest standards of character, patriotism, sense of duty, and personal conduct; have no record of conviction by court-martial or nonjudicial punishment and no record of civil conviction; and they must be recommended for readmission by the commanding officer.

(3) Upon application for readmission, the Superintendent will forward the entire case file and a recommendation to SECNAV for final decision.

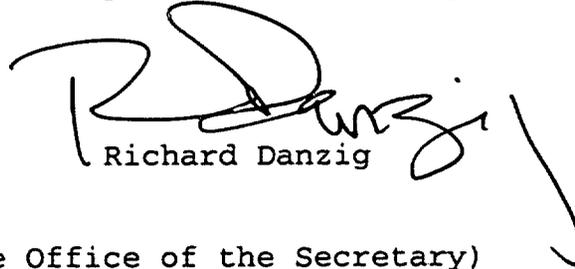
(4) For readmission, participants must meet all USNA eligibility requirements as of the time of readmission, and they must have demonstrated a potential for commissioned service.

(5) Participants will be readmitted to USNA to a class consistent with their academic qualifications at the time of readmission, or if they have completed all academic requirements for graduation, they will be graduated from USNA and commissioned.

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(6) Participants who fail to meet the standards for reappointment, will complete the period of active duty to which ordered under references (a) and (b). Former fourth and third class midshipmen will be discharged from the USNR or USMCR if enlisted for the sole purpose of participating in this program.

12. Reports. The reporting requirements contained in this instruction are exempt from reports controlled by SECNAVINST 5214.2B.



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ACADEMY EDUCATION COST BASIS DETERMINATION

Costs of education computation will be performed generally as follows:

1. Cost basis will be the annual service academy cost comparison (38 categories) and cost per graduate data developed by the Academy Comptroller.

2. Costs will be broken into three basic cost areas - tuition equivalent, room and board, and include only academic costs. Summer military training programs such as cruises, plebe indoctrination, and midshipmen embarkation costs will be excluded.

3. Tuition equivalent will include:

a. All academic costs (instructional activities), excluding military professional training that is not open or available to civilian students in undergraduate institutions with NROTC units;

b. Physical education and athletics;

c. Midshipmen activities;

d. Chaplain;*

e. Medical;*

f. Real property maintenance and utilities;*

g. Midshipmen support (audiovisual, computer, printing, etc.);*

h. Registrar/admission.*

*Share directly related to midshipmen utilization.

4. "Room" will consist of all operating and maintenance expenses of midshipmen dormitory, Bancroft Hall; however, the total costs will be deducted from educational expenses as allowance in kind (quarters in lieu of allowance) under title 37, U.S.C.

5. "Board" will include all costs of operation and maintenance of the midshipmen mess, excluding food costs and reimbursed costs.

6. The total "cost of education" for each individual will be determined by prorating the total costs (tuition, room and board) to authorized brigade strength.

Enclosure (1)