



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

W/CN1 26 MAR 87  
SECNAVINST 1412.8  
OP-132E3 13034  
26 February 1982

SECNAV INSTRUCTION 1412.8

Subj: Regulations to govern the promotion and continuation of Limited Duty Officers (LDOs) and Chief Warrant Officers (CWOs) serving on active duty in the U.S. Navy

Ref: (a) SECNAVINST 1412.6J  
(b) SECNAVINST 1420.1  
(c) SECNAVINST 1920.6  
(d) Defense Officer Personnel Management Act, Pub. L. No. 96-513, 94 Stat. 2835 (1980), as amended  
(e) SECNAVINST 1920.6A

Encl: (1) Regulations to govern the promotion of LDOs on active duty in the Regular Navy or Naval Reserve and CWOs on active duty in the Regular Navy or Naval Reserve pursuant to 10 USC 557-564, 598, 602, 611-645, and 5596  
(2) Regulations to govern the continuation of temporary and permanent LDOs and permanent CWOs on active duty in the Regular Navy pursuant to 10 USC 1305, 5596 and 6383

1. Purpose. To prescribe regulations to govern the promotion and continuation of LDOs on active duty in the Regular Navy or Naval Reserve and CWOs on active duty in the Regular Navy or Naval Reserve.

2. Applicability. Provisions of this instruction are applicable to the Navy effective immediately and apply to:

a. The promotion of permanent and temporary LDOs serving on the active-duty list of the Regular Navy to higher grades, except that the promotion of LDO ensigns serving on the active-duty list of the Regular Navy to the grade of lieutenant (junior grade) is governed by reference (a);

b. The promotion of permanent and temporary CWOs serving on active duty in the Regular Navy or Naval Reserve to higher warrant officer grades; and

c. The continuation on active duty of eligible temporary and permanent LDOs and permanent CWOs serving on active duty in the Regular Navy.

SECNAVINST 1412.8

26 FEB 1982

3. Background. The promotion of permanent LDOs to higher permanent grades is governed by 10 USC 611-645. The promotion of permanent CWOs to higher permanent grades is governed by 10 USC 557-564 and 598. The promotion of temporary LDOs to higher temporary grades is governed by 10 USC 5596 which states that such promotions shall be governed by such regulations as the Secretary of the Navy may prescribe. The promotion of permanent and temporary CWOs on active duty to higher warrant officer grades by temporary appointment is governed by 10 USC 602 which states that such temporary appointments shall be given under such regulations as the Secretary of the Navy may prescribe. The continuation on active duty of eligible temporary and permanent LDOs in the Regular Navy and permanent CWOs in the Regular Navy is governed by 10 USC 5596, 6383, and 10 USC 1305 respectively.

4. Cancellation. Regulations of the Secretary of the Navy for the promotion of warrant officers of the Naval Reserve in accordance with 10 USC 598 and 5787c of 14 May 1973 are canceled.

5. Policy

a. Promotion of LDOs and CWOs. In accordance with the provisions set forth in this instruction, it is the policy of the Secretary of the Navy to provide for the fair and equitable promotion to the next higher grade of permanent and temporary LDOs and CWOs to meet Navy requirements.

b. Continuation of LDOs and CWOs. When the needs of the Navy require, the Secretary of the Navy may, in accordance with references (b) and (c) and this instruction, defer the involuntary retirement of eligible temporary and permanent LDOs and eligible permanent CWOs who are subject to involuntary retirement for years of service or failures of selection for promotion, as appropriate, for longer periods of active service consistent with the guidance in references (b) and (c).

6. Action. The Chief of Naval Personnel, under the Chief of Naval Operations, will submit annual promotion plans, selection board precepts, and such Secretarial letters of guidance and instruction as he may deem necessary, as prescribed in reference (b), and implement enclosures (1) and (2).

7. Reports. The reports contained in this instruction are exempt from reports control by DODD 5000.19 of 12 March 1976.

  
John Lehman  
Secretary of the Navy

Distribution:  
SNDL A3 (Chief of Naval Operations)

Copy to: (See page 3)

SECNAVINST 1412.8

26 FEB 1982

Copy to:  
SNDL A1 (Immediate Office of the Secretary) (less ASSTSECNAVRES)  
A2A (Department of the Navy Staff Offices) (JAG and CHINFO  
only)  
A5 (BUREAUS)  
FR1 (Chief of Naval Reserve)

Stocked:  
CO, NAVPUBFORMCEN  
5801 Tabor Ave.  
Phila, PA 19120 (100)

SECNAVINST 1412.8

26 FEB 1982

REGULATIONS TO GOVERN THE PROMOTION OF LDOs ON  
ACTIVE DUTY IN THE REGULAR NAVY OR NAVAL RESERVE  
AND CWOs ON ACTIVE DUTY IN THE REGULAR NAVY OR  
NAVAL RESERVE PURSUANT TO 10 USC 557-564, 598,  
602, 611-645, and 5596

Enclosure (1)

26 FEB. 1982

SECTION I (GENERAL)I-1. General

a. This enclosure outlines the statutory requirements for the promotion of permanent regular LDOs to higher permanent grades as set forth in 10 USC 611-645. This enclosure also prescribes regulations for the promotion of temporary LDOs to higher temporary grades pursuant to 10 USC 5596.

b. This enclosure outlines the statutory requirements for the promotion of permanent regular warrant officers to higher permanent regular warrant officer grades in accordance with 10 USC 557-564. This enclosure also prescribes regulations for (1) the promotion of permanent reserve CWOs serving on active duty to higher permanent reserve warrant officer grades pursuant to 10 USC 598 and (2) the promotion of permanent and temporary CWOs serving on active duty to higher temporary warrant officer grades pursuant to 10 USC 602.

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

a. "Permanent Limited Duty Officer (LDO)." An officer on the active-duty list who is designated for limited duty in a line technical field or designated for limited duty within a staff corps, as indicated by the designator, and who is serving under a permanent LDO appointment in a grade above chief warrant officer, W-4.

b.. "Temporary Limited Duty Officer (LDO)." A regular officer on the active-duty list who is designated for limited duty in a line technical field or designated for limited duty within a staff corps, as indicated by the designator, and who is serving under a temporary LDO appointment in a grade above chief warrant officer, W-4, under 10 USC 5596, with a permanent enlisted or warrant officer status.

c. "Permanent Chief Warrant Officer." An officer who is serving on active duty under a permanent appointment pursuant to 10 USC 555-564 and 597-598 in the grade of chief warrant officer, W-2, W-3, or W-4, in the Regular Navy or Naval Reserve.

d. "Temporary Chief Warrant Officer." An officer serving on active duty whose permanent status is enlisted and who is serving under a temporary appointment pursuant to 10 USC 5596 in a grade of chief warrant officer W-2, W-3, or W-4, in the Regular Navy.

Enclosure (1)

26 FEB 1982

e. "Promotion Selection Board." A board convened under the authority of 10 USC 558, 598, 602, 611(a), 5596, as applicable, and this enclosure to recommend officers for promotion to a higher temporary and/or permanent officer grade.

## SECTION II (PROMOTION OF LDOs)

II-1. Promotion of Permanent and Temporary LDOs. Promotion selection boards are convened to recommend permanent and/or temporary LDOs for promotion to the grades of lieutenant through commander. The Secretary of the Navy shall prescribe the selection opportunities and the promotion zones for LDO promotion selection boards in the annual promotion plans. Permanent LDOs and temporary LDOs serving in the same grade and competitive category who have the requisite service in grade shall be considered for promotion by the same promotion selection board. The report of an LDO promotion selection board must contain, where applicable: (1) a separate list in order of seniority of permanent LDOs recommended for promotion to the next higher permanent grade; and (2) a separate list of temporary LDOs in order of seniority recommended for promotion to the next higher temporary grade.

## SECTION III (PROMOTION OF CWOs)

### III-1. Promotion of CWOs

a. Whenever the needs of the service require, the Secretary of the Navy may convene promotion selection boards to consider permanent CWOs for promotion to the next higher permanent warrant officer grade or permanent and temporary CWOs for promotion to the next higher temporary warrant officer grade. The Secretary of the Navy shall prescribe the number of chief warrant officers who may be selected for temporary or permanent promotion, as appropriate, 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 as required by 10 USC 560(c). The selection percentages shall be established by the Secretary of the Navy in the annual promotion plans.

b. Each chief warrant officer, W-2, and each chief warrant officer, 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 the officer will complete the prescribed years of service. The requisite years of service for

16 SEP 1986

temporary appointment to a higher warrant officer grade shall be prescribed by the Secretary of the Navy in the annual promotion plans. The requisite years of service for permanent appointment to the grade of chief warrant officer, W-3, or chief warrant officer, W-4, is six years in the next lower permanent warrant officer grade.

c. In the case of a promotion selection board for the temporary promotion of CWOs, the Secretary shall further prescribe the number of chief warrant officers, W-2, and chief warrant officers, W-3, who may be selected by a CWO promotion selection board from below the promotion zone for promotion by temporary appointment to the next higher grade. The number so prescribed shall not exceed 10 percent of the total number of officers that the selection board is authorized to recommend for promotion from above and in the promotion zones unless the number is less than one in which case the number is one. The requisite years of service for consideration for promotion from below the promotion zone shall be prescribed by the Secretary of the Navy in the annual promotion plans. Accelerated promotion to permanent chief warrant officer, W-3, and chief warrant officer, W-4, is not authorized. (R)

d. For purposes of permanent promotion to a higher permanent warrant officer grade, an officer's service in grade shall be computed from the date of eligibility for permanent appointment to the present permanent warrant officer grade. For purposes of temporary promotion to a higher temporary warrant officer grade, an officer's service in grade shall be computed from the date of eligibility for temporary promotion to the present temporary warrant officer grade.

e. A temporary LDO whose permanent status is that of a warrant officer in the Regular Navy shall be eligible for consideration by both (1) a CWO promotion selection board for promotion to the next higher Regular warrant officer grade under this instruction and (2) an LDO promotion selection board for promotion to the next higher temporary grade (above CWO4) under this instruction.

#### SECTION IV (PROMOTION SELECTION BOARDS)

IV-1 Promotion Selection Boards. The Secretary of the Navy shall, whenever the needs of the service require, but at least once a year, convene selection boards to recommend permanent and temporary LDOs on the active-duty list of the Navy and permanent and/or temporary CWOs serving on active duty for promotion to the next higher grade.

26 FEB 1987

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

<u>DESIGNATORS</u>	<u>COMPETITIVE CATEGORIES</u>
61XX/62XX/63XX/64XX	Limited Duty Officer (Line)
651X/652X	Limited Duty Officer (Supply and Mess Management)
653X	Limited Duty Officer (Civil Engineer Corps)
7XXX	Chief Warrant Officer

b. Eligibility for Consideration

(1) Deferral of eligibility. With respect to a Reserve CWO or LDO who enters on active duty, that officer may, if eligible for consideration by a promotion selection board as an in zone or above zone eligible within one year of such entry on active duty, request or consent to a deferral of the officer's consideration for promotion by such board, with the approval of the Chief of Naval Personnel. The deferral shall be for a period approved by the Chief of Naval Personnel and consented to by the officer concerned, but in no event shall such deferral extend for a period greater than one year from the date the officer entered on active duty and was subject to placement on the active-duty list (LDO) or lineal list (CWO). An officer who is eligible for deferral, but who declines it or fails to specifically request it, shall be considered for promotion by the regularly scheduled promotion selection board. Deferred eligibility is intended to provide officers who would otherwise have been in zone or above zone with the opportunity for a reasonable period of time within which to obtain active-duty experience and qualifications and for significant evaluation prior to first consideration before an active-duty promotion selection board. Those officers who have deferred eligibility approved will be considered by the next regularly scheduled promotion selection board to consider their grade and competitive category for promotion. These officers will be considered in the appropriate zone that they would have been considered in, but for the fact, that their eligibility was deferred. Those personnel coming on active duty from the Inactive Status List (ISL) are ineligible for consideration for one year from the date of their return to an active status.

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

(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 selection boards as officers above the zone not previously considered.

c. Notice of Convening. Notice of convening of a promotion selection board shall be issued by the Secretary of the Navy at least 30 days before a selection board is convened. The notice shall include (1) the names, dates of rank, and active-duty list numbers (LDO) or lineal numbers (CWO) of the junior and senior officers in the promotion zone as of the date of notification; (2) the name, date of rank, and active duty list number (LDO) or lineal number (CWO) of the junior officer eligible 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.

26 FEB 1982

d. Precept. 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 Chief of Naval Personnel for Secretarial signature prior to the convening of a promotion selection board. The precept shall require that:

(1) An LDO promotion selection board certify that the board has carefully considered the record of each officer whose record was furnished to it 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 the best qualified for promotion, to meet the needs of the Navy, from among those officers whose names were furnished to the board.

(2) The CWO 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 best qualified for promotion. Subsequent to making its selection for promotion, each CWO 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 selection shall conduct itself in accordance with the regulations of the Secretary of the Navy governing the procedures to be followed by naval examining boards.

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

(1) Serving in the grade of lieutenant commander or above in the Navy for LDO promotion selection boards and serving in the permanent grade of commander or above in the Navy for CWO promotion selection boards;

(2) On the active-duty list of the Navy; and

(3) Serving in a grade higher than the officers under consideration. Each LDO promotion selection board shall have included in its membership at least one member on the active-duty list of the Navy appointed from each competitive category of officers to be considered. However, when there are no LDOs of a competitive category on the active-duty list in the grade higher

than the grade of officers to be considered by the board and eligible to serve on the board, one or more LDOs from the competitive category shall be included on the board who hold higher grades than the grades of the officers under consideration and who are retired officers, Reserve officers on active duty, but not on the active-duty list of the Navy, or active members of the Ready Reserve, so long as such officers are eligible to serve on the board. On an LDO or CWO promotion selection board, one qualified available Reserve officer serving on active duty in the Navy, in addition to five or more Regular officers, will be appointed as a board member except when otherwise approved by the Secretary of the Navy. In addition, at least one LDO who was a former CWO will be appointed as a board member on a CWO promotion selection board. Five (5) members shall constitute a quorum for a CWO 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, consistent with reference (d) and this instruction, may be prescribed by the Chief of Naval Personnel. Guidance on selection board representation is not to be used to sponsor any single interest, but is to be used to enhance the knowledge, experience, and understanding of the total board membership.

f. Oath. Each member of a promotion selection board shall swear, or affirm, to perform the 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 Navy.

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

(1) The Secretary of the Navy will specify in the annual promotion plan the maximum number of officers in each competitive category that the board may recommend for promotion.

(2) The Chief of Naval Personnel shall provide the names of all officers in each competitive category that 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.

(3) The Chief of Naval Personnel shall supply the pertinent records of each officer to be considered by the board. Such records shall include all documents, including evaluations, that are essential for a fair and substantially accurate and complete portrayal of the officer's career.

(4) For LDO promotion selection boards only, the Secretary of the Navy shall provide in the board precept or in the annual promotion plan information on the needs of the Navy for officers possessing particular skills within each competitive category.

26 FEB 1982

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

h. Communication with Promotion Selection Boards. Only an LDO or CWO who is eligible for consideration by a promotion selection board convened under this instruction may send a written communication to the selection board. Such communication must arrive at the Commander, Naval Military Personnel Command 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 motives of any other officer. The written communication may call the attention of the board to any matter considered by the officer to be important in that officer's case. The promotion selection board shall give consideration to any such timely written communication received.

i. Proceedings, Recommendations, Reports, and Action on Reports of Promotion Selection Boards

(1) 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.

(2) 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.

(3) 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.

(4) 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

26 FEB 1982

Navy in accordance with the provisions of this instruction for the original submission of promotion selection board reports to the Secretary of the Navy.

(5) After final review of that portion of the report of a promotion selection board for the promotion of permanent LDOs, the Secretary of the Navy shall submit the report, with recommendations thereon, to the Secretary of Defense for transmittal to the President for his approval, modification, or disapproval. That portion of the report of a promotion selection board recommending temporary LDOs for promotion to a higher grade and the report of a promotion selection board convened for the purpose of recommending permanent CWOs for promotion to a higher permanent warrant officer grade or permanent and temporary CWOs for promotion to a higher temporary warrant officer grade will be reviewed and approved or disapproved in whole or in part by the Secretary of the Navy. In the case of an officer listed in the report of the promotion selection board as recommended for promotion, the President (in the case of the promotion of a permanent limited duty officer to a higher permanent grade) or the Secretary of the Navy (in all other cases), in reviewing and, where appropriate, approving the report of the board, may if deemed appropriate, when there are unresolved allegations concerning the selected officer's qualifications for promotion withhold approval of that portion of the report pertaining to the individual officer's selection, neither approving it nor disapproving it, pending resolution of the allegations.

(6) The report of a promotion selection board for the promotion of LDOs shall include the name of any permanent 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 retention on active duty, under reference (e), because of the officer's sub-standard performance of duty, misconduct, moral or professional dereliction, or because the officer's retention is not clearly consistent with the interests of national security. The Secretary of the Navy may submit to a board convened under reference (e) the name of any permanent LDO so named in the report of a promotion selection board as having a record which indicates that the officer should be required to show cause for retention on active duty.

(7) The CWO promotion selection board shall report the names of those CWOs considered by it for promotion whose records and reports establish, in its opinion, their unfitness or unsatisfactory performance in their permanent regular grades. Reference (e) delineates the procedures for effecting the retirement, enlistment or separation pursuant to 10 USC 1165 or 1166 of CWOs so reported by a CWO promotion selection board.

26 FEB 1982

(8) The name of a permanent LDO or CWO 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 temporary or permanent CWO recommended for promotion to a higher grade by a promotion selection board may be removed from the report of the selection board by the Secretary of the Navy. The Chief of Naval Personnel, as appropriate, may forward requests for such action to the Secretary of the Navy for review and final action, except that in the case of permanent LDOs, the Secretary of the Navy shall forward a recommendation for such action to the President via the Secretary of Defense.

(9) Upon approval by the President or Secretary of the Navy, as appropriate, of a 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 LDOs and Regular CWOs 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.

j. Failure of Selection for Promotion

(1) LDOs/CWOs who are in or above the promotion zone established for the officer's grade and competitive category and are considered but not selected for promotion by a promotion selection board are considered to have failed of selection for promotion. Officers who fail of selection for promotion to the next higher grade remain eligible for consideration by subsequent promotion selection boards for promotion to that grade so long as such officers remain on active duty (CWOs) or on the active-duty list (LDOs) other than in a retired status and are not promoted.

(2) A warrant officer 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 the officer had twice failed of selection for promotion.

(3) 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 CWO3, CWO4, O-3, O-4, and O-5 will be made available upon the officer's request. Requests for counseling should be forwarded to the Naval Military Personnel Command (NMPC-4). Counseling shall consist of reviewing the officer's record and indicating factors that may account for the officer's not being competitive. Counseling will be provided by an officer who is experienced in personnel matters and is senior to and, wherever practicable, in the same competitive category as 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. Additionally, the counselor, to the maximum extent practicable, should not be required to serve as a member of the next promotion selection board which considers the record of an officer which the counselor reviewed.

k. Delay of Promotion of LDOs. The promotion of an LDO who has been selected for appointment to the next higher grade shall be delayed under 10 USC 624(d), as prescribed in reference (b).

#### SECTION V (PROMOTIONS)

V-1. Promotion of Selectees. The names of CWOs 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 LDOs 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.

#### V-2. LDOs

a. LDOs on a promotion list will be appointed in the next higher grade as additional officers are needed in each competitive category and grade. Promotions shall be made in the order in which the name of officers appear on the promotion list and after officers previously selected for promotion in that competitive category have been promoted. Permanent LDOs shall be appointed to the next higher permanent grade in accordance with 10 USC 624(c). Temporary LDOs shall be appointed to the next higher temporary grade by the Secretary of the Navy in accordance with 10 USC 5596(d).

26 FEB 1982

b. An LDO whose name is removed from a promotion list continues to be eligible for consideration for promotion. If the officer is recommended for promotion by the next selection board convened for the officer's grade and competitive category and the officer is promoted, the officer may receive 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 the officer would have had if the officer's name had not been so removed. If such an LDO is not recommended for promotion by the next selection board convened for the officer's grade and competitive category, or if the officer's name is again removed from the list of officers recommended for promotion, the officer shall be considered for all purposes to have twice failed of selection for promotion.

V-3. CWOs

a. A CWO on the promotion list who has not previously failed of selection to the grade for which selected, and also is qualified under section IV-1d(2), shall be temporarily or permanently appointed, under 10 USC 563, 598 or 602, as appropriate, to the grade for which selected on the day after the date on which the officer completes the required service.

b. A CWO on the promotion list who has previously failed of selection to the grade for which selected and who is qualified under section IV-1d(2) shall be temporarily or permanently appointed, under 10 USC 563, 598 or 602, as appropriate, to the grade for which selected on the earlier of the following dates:

(1) One year after the date upon which the officer's promotion would have been effective if the officer had been selected by the last promotion selection board which failed to select the officer.

(2) The earliest date upon which any CWO who did not fail of selection, and whose name follows the officers on the promotion list approved by the Secretary of the Navy, is promoted to the grade.

c. A CWO whose name was placed on the promotion list as a result of the officer's selection from below the promotion zone for temporary appointment who is qualified under section IV-1d(2) shall be temporarily appointed under 10 USC 602 to the grade for which selected on the later of the following dates:

(1) The day after the date on which the officer completes the required service.

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

d. A CWO whose name is removed from a promotion list continues to be eligible for consideration for promotion. If such a CWO is selected for promotion by the next selection board, and if the officer's name appears in a report of CWOs approved for promotion by the Secretary of the Navy, the officer's name shall be replaced without prejudice on the list from which it was removed, and, when promoted, the officer's date of appointment will be the same as if the officer's name had not been removed from the promotion list. However, if such a CWO is not selected for promotion by the next selection board, or if the officer is so selected but the Secretary of the Navy again removes the officer's name from the promotion list, the officer shall be treated for all purposes as if the officer had twiced failed of selection for promotion.

V-4. 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 10 USC 563, 598, 602, 624, or 5596, as applicable, and this instruction 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.

SECNAVINST 1412. 8

26 FEB 1982

REGULATIONS TO GOVERN THE CONTINUATION OF TEMPORARY AND  
PERMANENT LDOs AND PERMANENT CWOs ON ACTIVE DUTY IN THE  
REGULAR NAVY PURSUANT TO 10 USC 1305, 5596 AND 6383

Enclosure (2)

SECTION I (GENERAL)

I-1. General. This enclosure governs the continuation on active duty of eligible temporary and permanent Regular LDOs and eligible permanent Regular CWOs who are subject to involuntary retirement/reversion under 10 USC 1305, 5596, or 6383.

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

a. "Permanent Limited Duty Officer (LDO)". A Regular officer on the active-duty list who is designated for limited duty in a line technical field or designated for limited duty within a staff corps as indicated by the designator and who is serving under a permanent LDO appointment in a grade above chief warrant officer, W-4.

b. "Temporary Limited Duty Officer (LDO)." A Regular officer on the active-duty list who is designated for limited duty in a line technical field or designated for limited duty within a staff corps, as indicated by the designator, and who is serving under a temporary LDO appointment in a grade above chief warrant officer, W-4, under 10 USC 5596, with a permanent enlisted or warrant officer status.

c. "Permanent Chief Warrant Officer." A Regular officer who is serving on active duty under a permanent appointment pursuant to 10 USC 555-564 in the grade of chief warrant officer, W-2, W-3, or W-4.

d. "Continuation." The deferment of involuntary retirement or reversion for years of service or failure of selection for promotion for eligible temporary and permanent Regular LDOs and eligible permanent CWOs in order to permit these officers to continue on active duty in the Regular Navy.

e. "Continuation Selection Board." A board convened under 10 USC 1305, 5596, or 6383 and this enclosure to recommend officers, who are subject to involuntary retirement or reversion, for deferral of such retirement or reversion and continuation on active duty. A special continuation board may be convened to consider officers not considered by or not properly considered by a regularly scheduled continuation board.

26 FEB 1982

SECTION II (CONTINUATION OF LDOs/CWOs)

II-1. Continuation of Permanent LDOs

a. Under 10 USC 6383(a), a permanent LDO who holds the grade of commander or lieutenant commander in the Regular Navy is subject to involuntary retirement on the last day of the month following the month in which the officer completes 30 years of active naval service other than active duty for training. In addition, under 10 USC 6383(b), a permanent LDO who holds the grade of lieutenant commander in the Regular Navy 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 commander for the second time.

b. A permanent LDO serving in the grade of lieutenant commander or commander who is subject to involuntary retirement may, subject to the needs of the service, be continued on active duty under 10 USC 6383(i), if the officer is selected by a continuation selection board.

c. A permanent LDO whose retirement is deferred under 10 USC 6383(i) 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 lieutenant commander, or 28 years of active commissioned service, if in the grade of commander, or beyond age 62, whichever is earlier. Consistent with these limitations, each continuation board convened under this instruction will be provided guidance concerning the period of continuation which the board may recommend for each officer except that five years shall be the maximum period of continuation approved by any one selection board for any one officer.

d. A permanent LDO who is selected for deferment of involuntary retirement shall be notified of selection and afforded an opportunity to accept or decline it. If the permanent LDO declines to continue on active duty, the officer shall be retired in accordance with 10 USC 6383(a) - (c). The results of continuation boards will be made known sufficiently in advance of involuntary separation or retirement, normally at least three months, so as to allow officers who are continued and those who are not continued 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

26 FEB 1982

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 the period of continued service.

## II-2. Continuation of Temporary LDOs

a. Under 10 USC 5596, the appointments of temporary LDOs are, except as otherwise provided in section II-2b-c, normally terminated on the earlier of the following: (1) the last day of the month following the month in which the officer completes 30 years of active naval service, other than active duty for training or (2) a date requested by the officer and approved by the Secretary of the Navy, but not later than the first day of the seventh month beginning after the month in which the Secretary approves the report of the promotion selection board in which the officer is considered as having failed of selection for promotion to the next higher temporary grade for the second time. A temporary LDO with a permanent regular warrant officer status whose LDO appointment is so terminated will be afforded the option of voluntary retirement in lieu of reversion to permanent warrant officer status. An officer who reverts to a permanent warrant officer status may be subject to involuntary retirement or discharge as a warrant officer under applicable statutes. A temporary LDO with a permanent regular enlisted status whose appointment is so terminated will be afforded the option of voluntary retirement in lieu of reversion to permanent enlisted status and, where applicable, honorable discharge by reason of expiration of enlistment.

b. A temporary LDO in the grade of lieutenant who completes 30 years of active naval service, other than active duty for training, who has yet to be considered for promotion to the grade of lieutenant commander by a promotion selection board may, subject to the needs of the service, be continued on active duty, if the officer is selected by a continuation selection board, for a sufficient period of time to permit consideration by at least two promotion selection boards for promotion to the grade of lieutenant commander. A temporary LDO who is selected for deferment of involuntary retirement shall be notified of selection and afforded an opportunity to accept or decline it. If the LDO declines to continue on active duty, the officer shall be retired or reverted. The results of continuation boards shall be made known sufficiently in advance of involuntary retirement so as to allow those temporary LDO lieutenants 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,

SECNAVINST 1412.8  
26 FEB 1982

unless otherwise retired, he 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 the period of continued service.

c. A temporary LDO who is not retirement eligible under 10 USC 6323, has twice failed of selection for promotion to the next higher grade, and is subject to termination of the temporary appointment may either be retained on active duty in the officer's present grade if within two years of retirement eligibility under 10 USC 6323 as of 30 June of the fiscal year in which the second failure of selection occurs or may be reverted to permanent status if not within two years of attaining retirement eligibility.

### II-3. Continuation of Permanent CWOs

a. Under 10 USC 1305(a) a permanent regular warrant officer who has at least 30 years of active service that could be credited under section 511 of the Career Compensation Act of 1949, as amended, shall be retired 60 days after the officer completes that service, except that under 10 USC 1305(c), the Secretary may defer the retirement of any permanent regular CWO upon the recommendation of a continuation selection board and with the consent of the warrant officer, but not later than 60 days after the officer becomes 62 years of age.

b. Continuation selection boards for CWOs shall be convened whenever the needs of the Navy require by the Secretary of the Navy to consider officers for deferment of their involuntary retirement for 30 years of active service under 10 USC 1305(a). No officer may be deferred for a period of more than 5 years by any one selection board.

c. A permanent CWO who is selected for deferment of involuntary retirement shall be notified of selection and afforded an opportunity to accept or decline it. If the permanent CWO declines to continue on active duty, the officer shall be retired in accordance with 10 USC 1305(a). The results of continuation selection boards shall be made known sufficiently in advance of involuntary separation or retirement, normally at least three months, so as to allow officers who are continued and those who are not continued a reasonable period of time for personal planning.

26 FEB 1982

#### II-4. Continuation Selection Board Procedures

a. Continuation Board Membership. Each board shall consist of at least five officers each of whom is:

- (1) Serving in the grade of commander or above in the Navy;
- (2) On the active-duty list of the Navy; and
- (3) Serving in a grade higher than that of the officers under consideration.

Each CWO continuation selection board shall include one member of the board who is an LDO who previously served as a chief warrant officer, W-2, W-3, or W-4. Each LDO continuation selection board shall have included in its membership, in addition to the five members referred to above, at least one officer serving in the grade of commander on the active-duty list of the Navy as an LDO from each competitive category of officers to be considered by the selection board. However, when there are no LDOs of a competitive category on the active-duty list in a grade higher than the grade of officers to be considered by the board and eligible to serve on the board, one or more LDOs from that competitive category shall be included on the board who hold higher grades than the grades of the officers under consideration and who are retired officers, Reserve officers on active duty but not on the active-duty list, or active members of the Ready Reserve, so long as such officers are eligible to serve on the board.

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 commander. Other policies relating to board membership, consistent with reference (b) and this instruction, may be prescribed by the Chief of Naval Personnel. Guidance on selection board representation is not to be used to sponsor any single interest, but is to be used to enhance the knowledge, experience, and understanding of the total board membership.

b. Oath. Each member of the board shall swear, or affirm, to perform the 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 Navy.

c. Information to be provided to Continuation Selection Boards. A continuation selection board shall be provided the following information at the time it is convened:

- (1) The Chief of Naval Personnel shall provide 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.

26 FEB 1982

(2) The Secretary of the Navy shall specify the minimum and/or maximum periods of deferral of retirement that the board may recommend.

(3) The Secretary of the Navy shall specify the maximum number of officers in each competitive category that the board may recommend for continuation.

(4) The Secretary of the Navy shall provide information as to the needs of the Navy for officers possessing particular skills.

(5) The Secretary of the Navy shall furnish such other information and guidelines as may be necessary to enable the board to properly perform its functions. Such information shall, as appropriate, be contained in the board's precept or in Secretarial letters of guidance or instruction.

d. Board Reports. Board reports shall be forwarded to the Secretary of the Navy for approval or disapproval in whole or in part. 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 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 Navy.

### SECTION III

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

III-1. Continuation on Active Duty to Complete Disciplinary Action. When any action has been commenced against an LDO or CWO with a view to trying such officer by courts-martial and such officer is to be separated or retired in accordance with reference (e) or this instruction, 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 Chief of Naval Personnel, for review and action, where appropriate, by the Secretary of the Navy.

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

a. The Secretary of the Navy may defer the retirement or separation under reference (e) or Title 10, USC (NOTAL) 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 reference (d) or Title 10, USC (NOTAL). Requests for deferral under this authority shall be forwarded to the Chief of Naval Personnel, for review and action, and where appropriate, by the Secretary of the Navy.

b. The Secretary of the Navy may defer, for not more than four months, the retirement under 10 USC 1263(a) or 1305(a) of any permanent warrant officer if, because of unavoidable circumstances, evaluation of the officer's physical condition and determination of entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date when the officer would otherwise be required to retire under that statute. Requests for deferral under this authority shall be forwarded to the Chief of Naval Personnel for review and action, where appropriate, by the Secretary of the Navy.