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

SECNAVINST 1412.6L
N132F/PERS-49
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SECNAV INSTRUCTION 1412.6L

From: Secretary of the Navy

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

Ref: (a) 10 U.S.C.
(b) DODD 1320.10 of 9 Jul 96
(c) SECNAVINST 1920.6B
(d) DODI 1320.4 of 14 Mar 95
(e) SECNAVINST 1427.1C
(f) MCO P1400.31B
(g) MILPERSMAN 1420-030

1. Purpose. To prescribe regulations and procedures for effecting permanent and temporary promotions to the grade of lieutenant (junior grade) in the Navy and for effecting permanent promotion to the grade of first lieutenant in the Marine Corps. This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. SECNAVINST 1412.6K and SECNAVINST 1421.4D.

3. Applicability

a. Pursuant to references (a) through (c), the provisions of this instruction are applicable to all ensigns on the Active Duty List (ADL) and Reserve Active Status List (RASL) of the Navy and all second lieutenants on the ADL and RASL of the Marine Corps.

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

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

5. Policy

a. It is the Department of the Navy (DON) policy to promote officers in the grade of ensign to the grade of lieutenant (junior grade) and officers in the grade of second lieutenant in the Marine Corps, to the grade of first lieutenant as soon as qualified, but not earlier than the date of completion of 24 months service in grade. Service in grade is computed from the officer's date of rank as an ensign or second lieutenant. Frocking is not authorized for officers being promoted to the grade of lieutenant (junior grade) or first lieutenant.

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

c. Officers not qualified for promotion shall be separated per reference (c).

6. Appointment and Procedures

a. The President, or designee, shall appoint each officer of the Regular Navy or Navy Reserve, or Regular Marine Corps or Marine Corps Reserve, on the ADL or RASL serving under a permanent appointment in the grade of ensign or second lieutenant to the grade of lieutenant (junior grade) or first lieutenant pursuant to reference (a), sections 624 and 12203. Actions to appoint these officers shall be submitted pursuant to the guidance in reference (d). The Chief of Naval Operations (CNO) and the Commandant of the Marine Corps (CMC) shall establish procedures to review and recommend appropriate action on all cases involving adverse information or alleged adverse information. Those officers who have engaged in misconduct that casts substantial doubt on their fitness for promotion shall be excluded from the appointment scroll. Officers excluded from the scroll may be forwarded for promotion consideration after being given the opportunity to comment.

b. Pursuant to reference (a), section 5596, each limited duty officer (LDO) of the Regular Navy on the ADL serving under a temporary appointment in the grade of ensign shall be appointed to the grade of lieutenant (junior grade) upon completion of 24 months of service in grade. Pursuant to reference (a), section 12203, Reserve LDOs on the RASL will be appointed to the grade of

alone be considered grounds for delay of promotion.

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

a. Delay for Administrative or Legal Reasons. An officer's promotion can be delayed if:

(1) Sworn charges against the officer have been received by an officer exercising general courts-martial jurisdiction over the officer and such charges have not been disposed of;

(2) An investigation is being conducted to determine whether disciplinary action of any kind should be brought against the officer;

(3) A board of inquiry (BOI) has been convened under reference (c) to determine if officers should be required to show cause for retention due to misconduct, moral, or professional dereliction, substandard performance, or because their retention is not in the best interest of national security; or

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

If no disciplinary action is taken against the officer, if the charges against the officer are withdrawn or dismissed, if the officer is not ordered removed from active duty by SECNAV under reference (c), or if the officer is acquitted, as the case may be, then, unless action has been taken to delay the appointment under paragraph 8b, the officer shall be promoted with the same date of rank, same effective date for pay and allowances of the grade to which promoted, and the same position on the ADL or RASL as the officer would have had if no delay had intervened.

b. Delay for Physical, Mental, Moral, or Professional Reasons. An officer's promotion may be delayed in any case when there is cause to believe the officer is mentally, physically, morally, or professionally unqualified to perform duties of that grade. If the officer is subsequently found qualified for promotion to such grade, the officer shall, upon such promotion, have the same date of rank, same effective date for pay and allowances in the higher grade to which appointed, and the same seniority position as if no delay had occurred, unless the Chief of Naval Operations (Manpower, Personnel, Training and Education) (CNO (N1/NT)) or CMC determines the officer was unqualified for

promotion for any part of the delay. If CNO (N1/NT) or CMC makes such a determination, they can adjust the officer's date of rank, effective date of pay and allowances, and position on the ADL or RASL.

c. Written Notice. Promotion of officers may not be delayed under the provisions of this instruction unless the officers have been given written notice of the grounds for the delay. Where it is impracticable to give such written notice before the effective date of the appointment, written notice shall be given as soon as practicable. Officers whose promotions have been delayed shall be afforded an opportunity to make a written statement to Commander, Navy Personnel Command (COMNAVPERSCOM) or CMC via their CO. The CO may make further comment on the officer's statement if desired. If the officers do not desire to make a statement, they shall so state in writing. Correspondence initiated under this instruction will be forwarded with the report required in paragraph 10e to NAVPERSCOM (PERS-483), copy to NAVPERSCOM (PERS-4802), or CMC (MMPR), as appropriate.

d. Review of Promotion Delay Recommendations. A promotion delay initiated by a CO is reviewed by COMNAVPERSCOM or CMC. COMNAVPERSCOM or CMC will make a final determination regarding the CO's initial finding that the officer is unqualified for promotion and approve/disapprove the delay of promotion. If the delay is:

(1) Terminated by COMNAVPERSCOM or CMC.

(2) The CO later determines the officer is qualified for promotion and obtains approval from COMNAVPERSCOM or CMC to rescind the delay, the officer shall be promoted with the same date of rank, the same effective date for pay and allowances in the higher grade to which appointed, and the same seniority position as if no delay had occurred, unless CNO (N1/NT) or CMC determines the officer was unqualified for promotion for any part of the delay. If CNO (N1/NT) or CMC makes such a determination, they can adjust the officer's date of rank, effective date of pay and allowances, and position on the ADL or RASL.

e. Period of Delay Prior to Retention or Discharge

(1) An officer whose promotion is delayed shall not be discharged or released for a minimum of 6 months after the date on which the original promotion would have occurred, unless retention is inconsistent with good order and discipline. If COMNAVPERSCOM or CMC determines the officer is still unqualified

for promotion at the completion of the 6-month period prescribed, the officer may be discharged by SECNAV.

(2) As prescribed by reference (b), officers (other than LDOs serving under a temporary appointment) who are unqualified for promotion to the grade of lieutenant (junior grade) or first lieutenant at the end of the 6-month period described in paragraph 8e(1) may be retained on active duty by COMNAVPERSCOM or CMC, acting for SECNAV, when it is determined to be in the best interests of the service. However, such officers shall be discharged not later than the end of the 18-month period beginning on the date on which the officers are first found unqualified for promotion by their CO unless that officer has been promoted.

(3) LDOs in the Navy who are serving in the grade of ensign under a temporary appointment and are found not qualified for promotion to the grade of lieutenant (junior grade) after any applicable period of delay shall have such appointment terminated. Upon termination of the temporary appointment, the members will revert to their permanent enlisted or warrant officer status.

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

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

b. Service in a competitive category, designator, occupational field, military occupational specialty or other authorized officer classification in which COMNAVPERSCOM or CMC determines that significant personnel shortages result in necessity for retention.

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

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

e. Official notification of orders, or executed orders when the officer has not served the required period of time at the new duty station, as prescribed by COMNAVPERSCOM or CMC.

f. Lateral transfer between competitive categories or designators.

g. Entrance into a program.

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

10. Action

a. Navy. COs will effect the permanent or temporary promotion, as applicable, of qualified officers under their command by notification in writing using NAVPERS 1421/7 (Rev. 05-05), Delivery of Temporary/Permanent Appointment, citing this instruction and reference (a), section 624, for ADL line and staff corps officers, or reference (a), section 5596, for ADL LDOs. For all RASL officers, cite this instruction and reference (a), section 12203. The appointee shall indicate by endorsement thereon that they accept or decline the appointment. Commands preparing NAVPERS 1421/7 must change the words "temporary appointment" to read "permanent appointment" in the case of line and staff corps officers (other than LDOs). Following receipt of NAVPERS 1421/7 by NAVPERSCOM (PERS-4802), commissions will be prepared and forwarded to officers as soon as possible.

b. Marine Corps. CMC will authorize COs by message to effect the promotion of qualified second lieutenants on the ADL or RASL when they are eligible for promotion to the grade of first lieutenant under this instruction. Certificates of promotion will be mailed by Headquarters Marine Corps as soon as practicable.

c. Declination of Appointments. Should an officer eligible for promotion under the provisions of this instruction elect to decline appointment, the officer shall so state by special endorsement, in which case such appointment terminates. The CO shall forward the original of the officer's declination to NAVPERSCOM (PERS-4802) or CMC (MMPR) for processing.

d. Temporary Additional Duty (TEMADD). Should officers be assigned away from their command temporarily, the CO of the TEMADD activity may effect the promotion of those officers with the concurrence of the parent CO. To avoid delay, parent COs may provide concurrence in advance.

e. Report of Delay of an Appointment. Any action taken by the CO to delay an appointment under this instruction shall be reported to NAVPERSCOM (PERS-483), copy to (PERS-4802), or by letter to CMC (MMPR), as appropriate. This report will include the circumstances, all correspondence pertinent to the decision to delay to include the officer's written statement in response as provided in paragraph 8c, the date the officer was first found not qualified, and any recommendations in the case. This report shall be made as soon as practicable, but no later than 15 days after the date on which the promotion would have occurred.

(1) The CO will advise NAVPERSCOM (PERS-483), copy to (PERS-4802), or CMC (MMPR), as appropriate, when an officer whose appointment has been delayed is later considered to be qualified for, and recommended for, promotion.

(2) If the officer remains unqualified or has not been promoted at the completion of the 6-month period described in paragraph 8e, the CO will advise NAVPERSCOM (PERS-483) or the CMC (MMPR), as appropriate, and make recommendations with regard to promotion, continued delay of promotion, retention on active duty, or discharge.

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

f. Recommendations and Administration. NAVPERSCOM or CMC (MM), as appropriate, shall:

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

(2) Establish internal procedures for administering the appointment, promotion, delay of promotion, retention, or discharge of ensigns or second lieutenants as appropriate, per this instruction.

11. Posthumous Promotions. Section 1521 of reference (a), establishes provisions to issue posthumous commissions. The following criteria apply:

a. Commissioned Officers. Commissioned officers may be appointed, by the President (or designee), to the next higher grade if:

(1) The officer had been appointed to a commissioned grade but was not able to accept the appointment due to death in the line of duty.

(2) The officer was officially recommended for appointment or promotion to a commissioned grade and approved by SECNAV but was not able to accept the appointment due to death in the line of duty.

b. The officer's name shall be carried on the records of the Navy or Marine Corps as if the officer had served in the grade in which posthumously commissioned from the date CNO or CMC, as appropriate, recommends approval of the appointment to the date of death.

c. No beneficiary is entitled to any bonus, gratuity, pay, or allowances by virtue of a posthumous promotion.

12. Report and Form

a. Report symbol BUPERS 1412-1 has been assigned to the reporting requirements contained in paragraph 10e and is approved per SECNAVINST 5214.2B.

b. NAVPERS 1421/7 (Rev 05-05), Delivery of Temporary or Permanent Appointment, S/N 0106-LF-127-6300, may be obtained using requisitioning procedures contained in Navy Forms Online at http://forms.daps.dla.mil.

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