
Naval Discharge Review Board

[Naval Discharge Review Board \(NDRB\)](#) is designated to make final determinations as to whether discharges of former members of the Navy and Marine Corps were proper, just, and equitable under reasonable standards of naval law and discipline and to make changes, if warranted.

Navy Civilian Appeals (Disciplinary)

Depending on the nature of the issue, several appeal processes are available to appeal an outcome of an investigation.

Nepotism

Report allegations to the chain of command or the local [Command Inspector General](#).

Non-Judicial Punishment (NJP)

Contact the Legal Officer or Staff Judge Advocate for advice.

Ombudsman

Information and Referral Specialists who help command family members gain the assistance they need.

Office of Special Counsel

The office responsible for safeguarding the Merit System by protecting federal employees and applicants from prohibited personnel practices (PPPs), especially reprisal for whistleblowing and violations that fall under the Hatch Act.

[Click here to file a complaint with the Office of Special Counsel.](#)

Paternity

Discuss issues involving paternity with your legal assistance officer.

Payroll (military members)

Contact your command payroll office.

How do I resolve pay issues?

Members should resolve their pay issues with their personnel/disbursing offices, and then follow the chain of command. If you are unable to resolve the problem through proper channels, you may consider contacting either office listed below.

Where can I find more information about which office I should contact to resolve issues?

[Defense Finance and Accounting Service \(DFAS\) Website](#)

The website includes information on Survivor Benefits, travel and transportation pay, garnishment, leave, etc.

Payroll (civilian)

How do I resolve pay issues?

Contact the employee in your office assigned to address pay issues to obtain information and Points of Contact at the servicing pay office.

Where can I find more information about which office I should contact to resolve issues?

[Office of Personnel Management](#)

[The Employee Benefits Information System \(EBIS\)](#) is the primary source for individual employee benefits transaction processing and

information. Benefits Line at 1-888-329-2917

[Human Resource Service Center](#) for a wealth of information on pay, benefits, retirement and more.

[Department of the Navy Office of Civilian Human Resources](#) for a wealth of information on pay, benefits, retirement and more.

Performance Evaluation (military)

All allegations of improper fitness report procedures must be petitioned through a Performance Evaluation Review board directly or to the [Board for Correction of Naval Records](#).

Performance Evaluation (civilian)

Submit disagreements concerning performance evaluations to your immediate supervisor, second level supervisor, or the Human Resource Office that services your organization.

What are the regulations/statutes applicable to trying to address a Navy civilian employee's poor performance?

[5 U.S.C. Chapter 43 § 4303, Actions Based on Performance-Based Actions](#)

[5 CFR Part 432 Performance-Based Reduction in Grade and Removal Actions](#)

[5 CFR Part 752, Adverse Actions](#)

5 U.S.C. Chapter 43 § 4302, Establishment of Performance Appraisal

What resources are available to supervisors to address and employee's performance-based problems or poor performance?

The [Office of Personnel Management](#) provides guidance to Federal agencies and employees to address and resolve poor performance. OPM also reviews decision of the Merit Systems Protection Board and arbitrates decisions to ensure the laws and regulations are properly applied.

Can a Navy civilian employee appeal the Merit System Protection Board's decision to take an adverse action or remove them from Federal service?

Yes. Federal employees have a variety of appeal and grievance rights. For more information, review the [Office of Personnel Management](#) website below.

Who do I contact if I want to complain about a Navy civilian employee's poor performance?

Bring the matter to the attention of the employee's immediate or second-level supervisor.

Personnel Assignments

Contact your local [Command Inspector General](#).

Personal Property Complaints

Report complaints concerning household good shipments to the Personal Property Hotline, 1-800-444-7789.

To which office do I submit complaints?

Report complaints concerning household good shipments to the Personal Property Hotline, 1-800-444-7789.

To which office do I file a claim for damage or loss of a household good shipment?

Claims for damage to or loss of household goods should be submitted to the [Naval Legal Service Office \(NLSO\)](#) nearest you.

Websites:

[Naval Supply Systems Smart Web Move](#)

New Guidance on filing household goods claims.

Many may not be aware that there is a new policy of household goods claims. One used to have to file with their private insurer (Like USAA) before they could collect from the government for damage to HH goods. This is no longer the case. You no longer have to file with your private insurance company for damage to personal property while it was shipped or stored at Gov't expense.

This does not prevent you from filing with your insurer - you just don't have to. In deciding whether to file with your insurance company, consider:

1. A claim may count against you when renewing your policy and a company may deny your renewal.

2. Private insurer will likely pay full replacement value rather than fair market value (which is what the Gov't pays), which means more money.
3. Gov't has limits on total amount it can pay (40K) and amount paid for certain types of property, for example no more than 3K for any one furniture item, 4k for computer.
4. Private insurer may pay you for items that Gov't will not pay you for at all, i.e. items used in private business.

Political Activities, Improper (military)

Report violations to the local [Command Inspector General](#).

What are the applicable regulations/statutes that pertain to political activities of members of the Armed Forces?

DoD Guidance: [DoD DIR 1344.10](#) reprinted in the Joint Ethics Regulation, DoD 5500.7-R, Chapter 6)

DoD Directive 1344.10, Political Activities by Members of the Armed Forces on Active Duty, June 15, 1990 (change 2 is dated February 17, 2000).

DoD Directive 1334.1, Wearing of the Uniform, August 11, 1969, paragraphs 3.1 & 3.1.2 (wearing of the uniform prohibited during or in connection with the furtherance of political activities).

Political activities of uniformed members of the Armed Forces are governed by [DoD DIR 1344.10](#) reprinted in the Joint Ethics Regulation, DoD 5500.7-R, Chapter 6, DODD 1344.10, as implemented by the Military Departments.

DODD 1344.10 does not restrict participation in local nonpartisan political campaigns, initiatives, or referendums provided the member:

- does not participate while in uniform;
- does not use government facilities or resources;
- avoids activities that interfere with his or her official duties, are likely to discredit the Armed Forces, or imply that DOD has taken an official position on, or is otherwise involved in, the local campaign or issue.

May military members campaign for, or hold, elective civil office in the federal or state government, territory, the District of Columbia, or any political subdivision?

Generally, no. See [10 U.S.C. 973](#)

What political activities are members of the Armed Forces permitted to do?

Members of the Armed Forces on active duty may:

- Register, vote, and express their personal opinions on political candidates and issues, but not as representatives of the Armed Forces;
- Encourage other military members to vote, without attempting to influence or interfere with the outcome of an election;
- Contribute money to political organizations, parties, or committees favoring a particular candidate or slate of candidates, subject to the restrictions discussed in above;
- Attend partisan and nonpartisan political meetings or rallies as spectators, when not in uniform.
- Join a political club and attend its meetings, when not in uniform.
- Serve as a nonpartisan election official, if such service:
 - is not performed in uniform;
 - does not interfere with military duties; and
 - is approved by the installation commander;
- Sign a petition for legislative action or to place a candidate's name on the ballot, but only in the soldier's personal capacity;
- Write a letter to the editor expressing personal views on public issues or political candidates;
- Display a political bumper sticker on the member's private vehicle.

In what political activities are members of the Armed Forces prohibited from participating?

Members of the Armed Forces on active duty may not:

- Use their official authority or influence to interfere with an election or affect its course or outcome;
- Solicit votes for a particular candidate or issue;
- Require or solicit political contributions;
- Participate in partisan political management, campaigns, or conventions;
- Engage in fund-raising activities for partisan political causes on military reservations or in Federal offices or facilities;
- Attend partisan political events as an official representative of the Armed Forces; or,
- Campaign for, or hold, elective civil office, except as discussed above.

Political Activities, Improper (civilian)

Report violations to the [Office of Special Counsel \(OSC\)](#).

What are the applicable regulations?

Statutes:

1. 2 USC 441a (limitations on the amount of political contributions).
2. 5 USC 3303 (rules on the role of political recommendations in Federal personnel actions).
3. The Hatch Act, 5 USC 7321-7326 (restrictions on political activity by Federal civilian employees).
4. 10 USC 973 (no military officer may campaign for or hold civil office).
5. 18 USC 210 (no offering anything of value in consideration for the use or promise of use of influence to procure appointive office).
6. 18 USC 211 (no soliciting or accepting anything of value to obtain public office for another).
7. 18 USC 592 (no assembling troops at polls).
8. 18 USC 593 (no election interference by armed forces).
9. 18 USC 594 (no intimidating, threatening, or coercing voters in Federal elections).
10. 18 USC 595 (no use of official authority to interfere with a Federal election)
11. 18 USC 596 (no polling of armed forces).
12. 18 USC 597 (no paying or receiving of pay to vote or withhold vote).
13. 18 USC 600 (no promising employment, compensation, or benefits from Federal funds in exchange for political activity).
14. 18 USC 601 (no deprivation or threat of deprivation of employment in exchange for political contributions).
15. 18 USC 602 (no solicitation of fellow Federal employees for campaign contributions).
16. 18 USC 603 (no contributing to any other Federal employee who is the contributor's employer or employing authority).
17. 18 USC 604 (no soliciting or receiving political contributions from persons on Federal relief or work relief).
18. 18 USC 605 (no disclosing or receiving lists or names of persons on relief for political purposes).
19. 18 USC 606 (no intimidating employees to give or withhold a political contribution).
20. 18 USC 607 (no solicitation or receipt of contributions in any room occupied in discharge of official duties, or in any navy yard, fort, or arsenal).

21. 18 USC 608 (no interference with rights under Uniformed and Overseas Citizens Absentee Voting Act).
22. 18 USC 609 (no use of military authority to influence votes of other military members).
23. 18 USC 610 (no coercing Federal employees to engage in, or not to engage in, any political activity).
24. 18 USC 1913 (restrictions on use of public funds for lobbying).

Federal regulations:

1. 5 CFR Part 734 (regulations implementing the Hatch Act).
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Which political activities are permissible and which are not?

The Deputy Secretary of Defense issued an eight-page memo entitled "[Civilian Employees' Participation in Political Activities](#)" It is posted on the website of the DoD Standards of Conduct Office (a public website). Here is a link to the document.

Which agency has jurisdiction over enforcement of these regulations?

[Office of Special Counsel \(OSC\)](#) has exclusive authority to investigate alleged Hatch Act violations by federal civilian employees, prosecute alleged violations before the U.S. Merit Systems Protection Board (MSPB), and render advisory opinions regarding applicability of 5 CFR. Part 734. See 5 CFR. '734.102(a).

The MSPB has exclusive authority to determine whether Hatch Act has been violated by federal civilian employees. See 5 CFR. 734.102(b).

Where can I find more information about political activities of DoD civilians?

[Navy's Ethics website "Ethics Compass"](#)

[Office of Special Counsel website](#)

[SOCO Advisory 04-02](#) and [SOCO Advisory 04-07](#)

Topics include updated guidance on civilian employees' participation in political activities

Pornography Viewing on a Government Computer, Adult

Viewing adult pornography on government computers is considered misuse of government property. Report violations to the command first then the local [Command Inspector General](#) if no action is taken.

Pornography Viewing on a Government Computer, Child

Viewing child pornography on government computers is criminal misconduct and should be reported to the Naval Criminal Investigative Service.

Post-Government Employment

See [Retirement of Uniformed Members of the Armed Services](#).

Pregnancy (military members)

Navy Policy found in [SECNAVINST 1000.10, Department of the Navy Policy on Pregnancy](#).

Prisoners, Treatment/Release of

What are the applicable regulations?

[U.S. Naval Regulations Article 1102, 1104, and 1105](#)

[SECNAVINST 1640.9B, Confinement, Release, Transfer of Prisoners](#)

Which office has responsibility for the oversight of the Navy's correctional program?

Navy Personnel Command (PERS-68)
5720 Integrity Drive
Millington TN 38055-8400

Fed-Ex/UPS:

Navy Personnel Command (PERS-68)
Lassen Bldg 457, Room 64
7736 Kitty Hawk

Millington TN 38055-8400

Telephone - (901) 874-4444, DSN 882-4444

Fax - (901) 874-2626

Which office should I contact if I have questions regarding the treatment or release of a prisoner?

Contact PERS-68 or the legal office or Staff Judge Advocate with questions or concerns.

Privacy Act Violations

Submit questions or complaints to the [SECNAV/ CNO Privacy Act](#) office by email.

What is the Privacy Act?

Privacy Act of 1974, 5 U.S.C. Sect. 552a: Provides guidelines for the disclosure of information about clients by (a) limiting access to personal information contained in record systems and (b) mandating certain management safeguards for such records.

What is the Navy's implementing instruction?

[SECNAVINST 5211.5D, 1992, DoN Privacy Act \(PA\) Program: Implements the Privacy Act in the Navy.](#)

What are the penalties if a Department of the Navy employee is found guilty of willfully disclosing information protection under the Privacy Act?

Any member/employee of the Department of the Navy may be found guilty of a misdemeanor and fined up to \$5,000 for willfully disclosing information protected by the Privacy Act to any unauthorized person or agency.

How can I obtain more information about the Privacy Act?

[Department of Defense](#)

[Secretary of the Navy](#)

[Privacy Act Guide](#) for release of information prepared by the U.S. Marine Corps

<mailto:privacy@mail.navy.mil>

Procurement Fraud Issues

Report allegations of procurement fraud to your local Command Inspector General, NCIS, DoD Hotline, DCIS, or the Naval Inspector General.

What is procurement fraud?

Procurement fraud includes, but is not limited to, cost/labor mischarging, defective pricing, defective parts, price fixing and bid rigging, and product substitution.

What are some of the areas addressed in procurement and fraud remedies cases?

1. Cost/labor mischarging. Schemes by contractors on cost-type contracts to fraudulently inflate the cost of labor or materials.

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2. Defective pricing. Occurs when a contractor does not submit or disclose to the government cost or pricing data that is accurate, complete, and current prior to reaching a price agreement.

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[Defense Contract Audit Manual \(DCAM\), 7640.1; Contract Audit Manual, Vol. 2; JAN 2002 Chapter 14, 14-000 -- Other Contract Audit Assignments.](#)

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14-100 -- Section 1, Post Award Audits of Contractor Cost or Pricing Data Defective Pricing occurs when a contractor does not submit or disclose to the government cost or pricing data that is accurate, complete, and current prior to reaching a price agreement.

An audit may determine if a negotiated contract price was increased by a significant amount because the contractor did not submit or disclose accurate, complete, and current cost or pricing data. To show that defective pricing exists, the audit must establish each of the following five points:

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(1) The information in question fits the definition of cost or pricing data.

(2) Accurate, complete, and current data existed and were reasonably available to the contractor before the agreement on price.

(3) Accurate, complete, and current data were not submitted or disclosed to the contracting officer or one of the authorized representatives of the contracting officer and that these individuals did not have actual knowledge of such data or its significance to the proposal.

(4) The government relied on the defective data in negotiating with the contractor.

(5) The government's reliance on the defective data caused an increase in the contract price.

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3. Defective parts. A defect in design, specification, material, manufacturing and workmanship, which may cause death, injury or severe occupational illness; would cause loss of major or minor capabilities of the using organization or which would result in a production line stoppage.

4. Price fixing and bid rigging. Bid rigging is any activity to suppress and eliminate competition on contracts funded by the United States that reasonably restricts trade and commerce in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

The Sherman Act, Enacted in 1890, prohibits any agreement among competitors to fix prices, rig bids, or engage in other anticompetitive activity. Bid-rigging and price-fixing conspiracies prohibited by the Sherman Act are subject to a five-year statute of limitations.

The competitive process works when competitors set prices honestly and independently. When competitors collude, prices are inflated and the customer is cheated. Increased costs are passed on to the public.

Price fixing and bid-rigging is an agreement where, in response to a call or request for bids or tenders, one or more bidders agree not to submit a bid, or two or more bidders agree to submit bids that have been prearranged among themselves.

Price fixing and bid-rigging is an agreement where, in response to a call or request for bids or tenders, one or more bidders agree not to submit a bid, or two or more bidders agree to submit bids that have been prearranged among themselves. They usually fall into one or more of the following categories:

- **Bid Suppression:** One or more competitors who otherwise would be expected to bid, or who have previously bid, agree to refrain from bidding or withdraw a previously submitted bid so that the designated winning competitor's bid will be accepted.
- **Complementary Bidding:** Complementary bidding (also known as "cover" or "courtesy" bidding) occurs when some competitors agree to submit bids that either are too high to be accepted or contain special terms that will not be acceptable to the buyer. Such bids are not intended to secure the buyer's acceptance, but are merely designed to give the appearance of genuine competitive bidding. Complementary bidding schemes are the most frequently occurring forms of bid rigging, and they defraud purchasers by creating the appearance of competition to conceal secretly inflated prices.
- **Bid Rotation:** In bid rotation schemes, all conspirators submit bids but take turns being the low bidder. The terms of the rotation may vary; for example, competitors may take turns on contracts according to the size of the contract, allocating equal amounts to each conspirator or allocating volumes that correspond to the size of each conspirator company. A strict bid rotation pattern defies the law of chance and suggests collusion is taking place.
- **Subcontracting:** Subcontracting arrangements are often part of a bid-rigging scheme. Competitors who agree not to bid or to submit a losing bid frequently receive subcontracts or supply contracts in exchange from the successful low bidder. In some schemes, a low bidder will agree to withdraw its bid in favor of the next low bidder in exchange for a lucrative subcontract that divides the illegally obtained higher price between them. Almost all forms of bid-rigging schemes have one thing in common: an agreement among some or all of the bidders, which predetermines the winning bidder and limits or eliminates competition.

5. Market Division: Market division or allocation schemes are agreements in which competitors divide markets among themselves. In such schemes, competing firms allocate specific customers or types of customers, products, or territories among themselves. For example, one competitor will be allowed to sell to, or bid on contracts let by, certain customers or

types of customers. In return, he or she will not sell to, or bid on contracts let by, customers allocated to the other competitors. In other schemes, competitors agree to sell only to customers in certain geographic areas and refuse to sell to, or quote intentionally high prices to, customers in geographic areas allocated to conspirator companies.

6. Product substitution: The introduction of counterfeit and/or substandard material and other forms of unauthorized product substitution into the procurement system. An area of increased emphasis is readiness enhancement through vigorous detection and investigation of defective or substituted products that involve military readiness.

7. Spare parts overpricing. Navy IG will either accept a complaint of overpriced spare parts or we will refer you to the appropriate Defense Logistics Agency (DLA) supply center, dependent on the spare part in question. At a minimum, we will need the National Stock Numbers (NSN) in order to assist you with overpricing problems. The DLA uses codes established in the Defense Logistics Management Standards (DLMS). Each item in the Federal Supply System is assigned to a specific Source of Supply (SOS) for management. Federal Stock Codes (FSC) indicate that either DLA or GSA has been designated as the integrated material manager at the wholesale level for one or more consumable items of supply in the FSC. The SOS must be determined for individual NSN to obtain information on that specific item.

What other statutes, rules, or regulations may apply to a Procurement Fraud case?

False Claims (criminal)	18 U.S.C. § 287
False Claims Act (civil)	31 U.S.C. § 3729
Fraudulent Claims (Contract Disputes Act)	41 U.S.C. § 601
Program Civil Fraud Remedies (cases less than \$150,000)	31 U.S.C. § 3801
Major Fraud Act (cases over \$1M)	18 U.S.C. § 1031
Fraud and False Statements (criminal)	18 U.S.C. § 1001
Truth in Negotiations Act	
Bribery of Public Officials (criminal)	18 U.S.C. 201
Conspiracy to Commit Offense or Defraud United States	18 U.S.C. § 371
Anti-Kickback Act of 1986	41 U.S.C. §§ 51-54
Sherman Anti-Trust Act (prohibits collusive bidding)	15 U.S.C. § 1
The Anti-Deficiency Act	31 U.S.C. § 1341 et. seq.

Wire Fraud	18 U.S.C. § 1343
Employee Benefit Plans	18 U.S.C. § 664
Procurement	41 U.S.C. § 423
Buy American Act	
Program 8A	
Small Disadvantaged Business	
Total Small Business Set Aside	
Federal Acquisition Regulations (FARS) and Defense Federal Acquisition Regulations (DFARS)	

To whom do I report procurement fraud?

Report to the Naval Criminal Investigative Service (NCIS) or the Defense Criminal Investigative Service (DCIS). These agencies will forward non-criminal allegations to the Naval Inspector General for investigation.

Fraud hotline #: 1-800-424-9098

[Defense Criminal Investigative Service \(DCIS\)](#)

[Naval Criminal Investigative Service \(NCIS\)](#)

Prohibited Personnel Practices (civilian)

Appropriated Fund employees who wish to report Prohibited Personnel Practices should contact the [Merit System Protection Board \(MSPB\)](#) or the [Office of Special Counsel \(OSC\)](#).

What are the twelve prohibited personnel practices?

Twelve prohibited personnel practices, including reprisal for whistleblowing, are defined by law at [§ 2302\(b\) of Title 5](#) of the United States Code (U.S.C.). A personnel action (such as an appointment, promotion, reassignment, or suspension) may need to be involved for a prohibited personnel practice to occur. Generally stated, § 2302(b) provides that a federal employee authorized to take, direct others to take, recommend or approve any personnel action may *not*:

(1) discriminate against an employee or applicant based on race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation;

- (2) solicit or consider employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics;
 - (3) coerce the political activity of any person;
 - (4) deceive or willfully obstruct anyone from competing for employment;
 - (5) influence anyone to withdraw from competition for any position so as to improve or injure the employment prospects of any other person;
 - (6) give an unauthorized preference or advantage to anyone so as to improve or injure the employment prospects of any particular employee or applicant;
 - (7) engage in nepotism (*i.e.*, hire, promote, or advocate the hiring or promotion of relatives);
 - (8) engage in reprisal for whistleblowing – *i.e.*, take, fail to take, or threaten to take or fail to take a personnel action with respect to any employee or applicant because of any disclosure of information by the employee or applicant that he or she reasonably believes evidences a violation of a law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety (if such disclosure is not barred by law and such information is not specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs – if so restricted by law or Executive Order, the disclosure is only protected if made to the Special Counsel, the Inspector General, or comparable agency official);
 - (9) take, fail to take, or threaten to take or fail to take a personnel action against an employee or applicant for exercising an appeal, complaint, or grievance right; testifying for or assisting another in exercising such a right; cooperating with or disclosing information to the Special Counsel or to an Inspector General; or refusing to obey an order that would require the individual to violate a law;
 - (10) discriminate based on personal conduct which is not adverse to the on-the-job performance of an employee, applicant, or others; or
 - (11) take or fail to take, recommend, or approve a personnel action if taking or failing to take such an action would violate a veterans' preference requirement; and
 - (12) take or fail to take a personnel action, if taking or failing to take action would violate any law, rule or regulation implementing or directly concerning merit system principles at [5 U.S.C. § 2301](#).
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Where can I find more information about prohibited personnel practices and how to file a complaint?

[Office of Special Counsel](#)

Public Office for Private Gain

Report minor incidents to the chain of command.

Report more serious offenses to the local [Command Inspector General](#).

Reenlistment Codes (military)

You must submit a request to change any of your military records, including reenlistment codes, by writing to the [Board for Correction of Naval Records](#).

What are the applicable instructions?

[SECNAVINST 5420.193](#), Board for Correction of Naval Records

What are Reenlistment Codes?

These codes are entered on military discharge documents and characterize a Navy/Marine Corps member's future eligibility to enlist or reenlist after discharge or separation from the military service.

RE-1- Eligible for reenlistment.

RE-1A- Eligible for reenlistment.

RE-2- Ineligible for reenlistment. Recommended for reenlistment but ineligible because of status: Fleet Reservist Retired (except for transfer to TDRL), Commissioned Officer. Warrant Officer, Midshipman, Cadet.

RE-3A- Failure to meet area aptitude prerequisites. Fully qualified for enlistment, provided mental criteria of table 2-1 are met. Alien.

RE-3B- Restricted assignment. Parenthood. Pregnancy.

RE-3C- Reenlistment authorized by CMC only. Ineligible for enlistment, unless waiver is granted. Conscientious Objector.

RE-3D- Failure to meet disciplinary standards. Ineligible for enlistment, unless waiver is granted. Demonstrated dependency or hardship not meeting criteria specified in BUPERSMAN Article C-10308.

RE-3E- Failure to meet education prerequisites. Fully qualified for enlistment provided education criteria is met. Erroneous induction.

RE-3F- Erroneous enlistment.

RE-3G- Condition (not physical disability) interfering with performance of duty.

RE-3H- Hardship

RE-3K- Disenrolled from Naval Academy, not considered qualified for enlisted status.

RE-3M- Marriage.

RE-3N- Importance to national health, safety or interest.

RE-3P- Physical disability (includes discharge and transfer to TDRL). Obesity. Motion sickness. Disqualified for officer candidate training.

RE-3R- Rank reappointment restriction. Ineligible for reenlist unless waived

RE-3R- Professional growth criteria. Ineligible for reenlist unless waived

RE-3S- Sole surviving son.

RE-3T- Overweight

RE-3U- Minority

RE-4- Not recommended for reenlistment

Are Administrative Separation Codes and Reenlistment Codes the same?

No. Administrative Separation Codes are used to represent the reason the service member is leaving the military service, i.e., 213, Discharge for retirement as an officer. For more information about discharge or separation from Naval service, see [Administrative Separations](#), on this website.

The reenlistment codes represent an enlisted member's ability to return to military service, i.e., RE-1, fully qualified for reenlistment versus RE-4, ineligible for reenlistment.

How do I change a reenlistment code?

You must first submit your request to change a reenlistment code to BUPERS (PERS-254).

Following a response from BUPERS and depending on how long you have been discharged from the Naval service, submit a request to change the RE code by writing to the [Board for Correction of Naval Records](#).

Recruiter Misconduct

Contact the [Marine Corps Recruiting Command Inspector General](#) to report recruiter misconduct.

Reprisal (DoD Contractors)

File all reprisal complaints with the [Department of the Defense Inspector General](#).

What are the applicable regulations/statutes?

[10 U.S.C. § 2409, Contractor employees: protection from reprisal for disclosure of certain information](#)

What employees are covered?

Contractor personnel who report suspected violations of law or regulations relating to defense contracts. DoN IG and other DoN offices have authority to receive these disclosures and to protect contractor personnel under the statutes.

An employee of a defense contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a Member of Congress or an authorized official of the Department of Defense or the Department of Justice information relating to a substantial violation of law related to a defense contract (including the competition for or negotiation of a defense contract).

What agency is responsible for the investigation?

DoD IG has the responsibility for investigating allegations submitted by DoD contractors for reprisal. DoN IG organizations are not authorized to investigate such allegations.

How do I file a complaint?

DoD contractors may file a hotline complaint with DoD by calling 1-800-424-9098 or in writing at the address below.

A DoD contractor who believes he/she has been subjected to reprisal may submit a complaint to the Inspector General of the Department of Defense. The Inspector General shall investigate all non-frivolous complaints and, upon completion of the investigation, submit a report of the findings of the investigation to the person, the contractor concerned, and the Secretary of Defense.

Where can I obtain more information about the Whistleblower complaint?

[Department of the Defense Inspector General](#)

Reprisal (Military Whistleblowers Protection)

File complaints with one of the following:

[Department of the Defense Inspector General](#) or the [Inspector General of the Marine Corps](#)

What is Military Whistleblower protection?

The Military Whistleblower Protection Act, Title 10 U.S.C. 1034, as amended, prohibits interference with a military member's right to make protected communications to members of Congress; Inspectors General; members of DoD audit, inspection, investigation or law enforcement organizations; and other persons or organizations (including the chain of command) designated by regulation or administrative procedures. A protected communication is any lawful communication to a Member of Congress or an IG, as well as any communication made to a person or organization designated under competent regulations to receive such communications, which a member of the Armed Services reasonably believes reports a violation of law or regulation (including sexual harassment, unlawful discrimination, mismanagement, a gross waste of funds or other resources, abuse of authority, or a substantial or specific danger to public health or safety).

What is Reprisal?

When a responsible management official takes (or threatens to take) an adverse personnel action or withholds a favorable personnel action or withholds a favorable personnel action from a service member because he/she made or was thought to have made a protected communication.

What are the four questions that an investigator must examine before conducting a reprisal complaint?

- Protected Communication?
 - Adverse Personnel Action
 - Management Knowledge
 - Reprisal or Independent Basis for Action
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What is a protected communication?

Any lawful communication made to:

- Members of Congress
- Inspectors General

These communications do not have to disclose information concerning wrongdoing.

What is a personnel action?

- A personnel action is any action taken on a member of the Armed Forces that affects or has the potential to affect that service member's current position or career.

- Examples of personnel actions include:
 - Performance evaluations;
 - Transfer or reassignment;
 - Changes to duties or responsibilities;
 - Disciplinary or other corrective actions;
 - Denial of reenlistment or separation;
 - Decisions concerning awards, promotions or training;
 - Decisions concerning pay or benefits; or,
 - Referrals for mental health evaluation.
 - Additional examples of personnel actions are revocation of:
 - Access to classified material;
 - Authorization to carry weapons;
 - Flying status; or,
 - Personnel Reliability Program certification (Key: Was the action discretionary?)
-
-

What employees are covered?

Members of the Armed Forces of the United States.

Is there a time limit within which a service member must file a complaint?

60 days after the date on which the member becomes aware of the personnel action that is the subject of the allegation.

What are the applicable statutes/regulations/instructions that apply to Military Whistleblower protection?

[10 U.S.C. § 1034, Military Whistleblower Act](#)

[DoDD 7050.6, Military Whistleblower Act](#)

[SECNAVINST 5370.7C, Military Whistleblower Protection](#)

[SECNAVINST 5370.8, Military Reprisal Investigations](#)

To whom do I report a complaint if someone has taken an adverse personnel action against me as a result of making a protected communication?

Report violations of the Military Whistleblower Protection Act to the [Department of the Defense Inspector General](#):

Department of Defense
Office of the Inspector General
400 Army Navy Drive
Arlington, VA 22202-470

Call Toll Free 1-800-424-9098

Hearing impaired:
[GSA Federal Relay Service](#)
Com: 1-800-877-8339
Fax: 703-604-8567, DSN 664-8567

or, contact the [Naval Inspector General](#)

Office of the Naval Inspector General
1254 Ninth Street SE
Building 172
Washington Navy Yard DC 20374-5006

Call Toll Free 1-800-522-3451

Reprisal (Civilian Employees Whistleblower Protections)

File complaints with the Office of Special Counsel, Toll Free 1-800- 872-9855

What regulations/ statutes apply to Whistleblower Protection for appropriated fund employees?

Civil Service Reform Act (CSRA) as codified in 5 U.S.C. §§ 1213, 1214, 1221, Provisions relating to disclosures of violations of law, gross mismanagement, and certain other matters

Who is covered?

Civilian government employees except for non-career SES, Schedule C employees, certain intelligence agencies such as FBI and CIA, and non-appropriated fund employees.

Which agency is responsible for conducting an investigation?

The statute gives the Office of Special Counsel (OSC) special authority to investigate allegations of reprisal made by civilian government employees and to ensure that the DoN takes appropriate corrective action, if substantiated.

The Whistleblower Protection Act of 1989 (Public Law No. 101-12) authorizes an appeal to the Merit Systems Protection Board (MSPB) if you allege that you were subject to an agency action that was taken or threatened because of certain legal disclosures of information, commonly known as whistleblowing. Unless the matter is directly appealable to the Board under law, rule, or regulation, you must first file a complaint with the Office of Special Counsel and exhaust the procedures of that office.

Also see Title 5 of the U.S. Code, section 1221, and the Board's regulations at Title 5 of the Code of Federal Regulations, Part 1209.

With whom does an appropriated fund employee file a complaint of reprisal?

The complainant has the option of filing a reprisal complaint with the Navy first but should be aware the Navy IG has limited authority. If the complainant decides to file a complaint with OSC after we have initiated an investigation, the Navy would terminate its investigation. To avoid undermining OSC investigation and duplication of effort, the Navy will not conduct a concurrent investigation.

OSC regulations describing how to file a complaint of reprisal appear at 5 CFR. 1800.

How do I get more information about filing a complaint of reprisal?

[Office of Special Counsel \(OSC\)](#)

Attn: Disclosure Unit

1730 M Street N.W. Suite 201

Washington DC 20036-4505

Call:

(800) 572-2249 or (202) 653-9125

Reprisal (NAF Employees Whistleblower Protection)

File complaints directly with [Department of the Defense Inspector General](#).

What is Reprisal?

When a responsible management official takes (or threatens to take) an adverse personnel action or withholds a favorable personnel action because he/she made or was thought to have made a protected communication.

What are the applicable regulations/statutes?

If the complaint is submitted to DoD IG: DoD Directive 1401.3, "Reprisal Protection of Nonappropriated Fund Instrumentality Employees/Applicants," revised on October 16, 201, provides that DoD Component Inspectors General may accept reprisal allegations from nonappropriated fund employees.

If the complaint is submitted to the Office of Special Counsel: 5 U.S.C. 1213, Provisions relating to disclosures of violations of law, gross mismanagement, and certain other matters. <http://www4.law.cornell.edu/uscode/5/1213.html>

What are the four questions that an investigator must examine before conducting a reprisal complaint?

- What was the protected communication?
 - What was the adverse personnel action?
 - Did management have knowledge that a protected communication was made?
 - Did management take reprisal as an independent basis for action
-
-

What is a protected communication? (Definition taken from DoD IG website)

A disclosure of information by an employee or applicant that the employee or applicant believes evidences a violation of any law or regulation; or mismanagement, a gross waste or abuse of authority, or a substantial and specific danger to public health or safety; if such disclosure is not specifically prohibited by law and if the information is not specifically required by or pu executive order to be kept secret in the interest of national defense or the conduct of foreign

A disclosure by such an employee or applicant to any civilian employee or member of the Armed Forces designated by law or the Secretary of Defense to receive disclosures described above information which the employee or applicant reasonably believes evidences a violation of or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a subsequent specific danger to public health and safety.

What is a personnel action?

The term "personnel action", with respect to a non-appropriated fund instrumentality employee (or an applicant for a position as such an employee), means -

- (A) an appointment;

- (B) a promotion;
 - (C) a disciplinary or corrective action;
 - (D) a detail, transfer, or reassignment;
 - (E) a reinstatement, restoration, or reemployment;
 - (F) a decision concerning pay, benefits, or awards, or concerning education or training if the education or training may reasonably be expected to lead to an appointment, promotion, or other action described in this paragraph; and
 - (G) any other significant change in duties or responsibilities that is inconsistent with the employee's salary or grade level.
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What are management officials?

Any civilian employee or member of the armed forces who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or fail to take a personnel action with respect to any non-appropriated fund instrumentality employee (or any applicant for a position as such an employee) as a reprisal for -

- A disclosure of information by such an employee or applicant which the employee or applicant reasonably believes evidences -
-
-

What is a protected communication?

- A violation of any law, rule, or regulation; or
- Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; if such disclosure is not specifically prohibited by law and if the information is not specifically required by or pursuant to executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or
- A disclosure by such an employee or applicant to any civilian employee or member of the armed forces designated by law or by the Secretary of Defense to receive disclosures described in clause (1), of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation; or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

This section does not apply to an employee in a position excluded from the coverage of this section by the President based upon a determination by the President that the exclusion is necessary and warranted by conditions of good administration.

The Secretary of Defense shall be responsible for the prevention of actions prohibited by subsection (b) and for the correction of any such actions that are taken. The authority of the Secretary to correct such actions may not be delegated to the Secretary of a military department or to the Assistant Secretary of Defense for Manpower and Logistics.

The Secretary of Defense, after consultation with the Director of the Office of Personnel Management and the Special Counsel of the Merit Systems Protection Board, shall prescribe regulations to carry out this section. Such regulations shall include provisions to protect the confidentiality of employees and applicants making disclosures described in clauses (1) and (2) of subsection (b) and to permit the reporting of alleged violations of subsection (b) directly to the Inspector General of the Department of Defense

What employees are covered?

Non-appropriated fund employee means a civilian employee who is paid from non-appropriated funds of Army and Air Force Exchange Service, Navy Exchange Service Command, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the armed forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces. Such term includes a civilian employee of a support organization within the Department of Defense or a military department, such as the Defense Finance and Accounting Service, who is paid from non-appropriated funds on account of the nature of the employee's duties.

Is there a time limit within which a non-appropriated fund employee must file a Whistleblower Complaint?

60 days after the date on which the member becomes aware of the personnel action that is the subject of the allegation.

To whom does a non-appropriated fund employee report a Whistleblower complaint?

A non-appropriated fund employee has the option of making a "whistleblower disclosure" to the Office of Special Counsel, Department of the Defense IG, or Department of the Navy IG.

Where can I obtain more information about "Whistleblower Protection".

[Office of Special Counsel Website](#)

[OSC Contact Information](#)

Request Mast (military members)

Submit your request through the chain of command to the Commanding Officer.

What are the applicable statutes/regulations?

The right of all Navy and Marine Corps members to directly communicate grievances to, or seek assistance from, their Commanding Officers is established in U.S. Navy Regulations (Articles 0820c and 1151.1) and the Marine Corps Manual (par 805). This right is exercised through the formal process of Request Mast.

What is Request Mast?

Request Mast includes both the right of the member to personally talk to the commander, normally in person, and the requirement that the commander consider the matter and personally respond to the member requesting mast. Request Mast provides a member the opportunity to communicate not only with his or her immediate commanding officer, but also with any superior commander in the chain of command up to and including the member's immediate commanding officer. Request Mast also provides commanders with firsthand knowledge of the morale and general welfare of the command.

Who can request mast?

All Navy and Marine Corps members should first make every effort to address the offending behavior directly with the party responsible, verbally or in writing. You can also discuss the matter with your immediate supervisor and request assistance. If you are unable to resolve the issue informally, you have the right to Request Mast.

Can a commanding officer deny a Request Mast application?

A commanding officer may deny a Request Mast application if there is another specific avenue of redress available to the member. The commanding officer should explain to the member why he/she denied the Request Mast application and, if appropriate, explain the procedure the member should follow to resolve the issue. The commanding officer may also require the member to go through the Chain of Command prior to approving Mast.

What are some issues that are not appropriate for Request Mast?

Generally, a military member can speak to the Commanding Officer about any subject; however, the member can not use request mast for the following reasons:

Request Mast should not be used as a means of attacking the proceedings, punishment, or findings and sentence resulting from a disciplinary action brought under the Uniform Code of Military Justice (UCMJ).

Request Mast may not be used to harass, avoid duty, or intentionally interfere with the commander's ability to carry out the functions and mission of the command.

Request Mast cannot be used if the member is being processed for involuntary separation or if the subject of the complaint is an ongoing Article 138, UCMJ, or Article 1150, Navy Regulations.

How do I submit a Request Mast application?

Complete the Request Mast Application form (NAVMC 11296) and submit it through the chain of command to the Commanding Officer. Ask your legal office for assistance in obtaining a copy of the form.

Who should I contact to obtain more information about Request Mast procedures?

Your legal officer or command Staff Judge Advocate.

Request for Records

To whom do I submit a request a copy of a record other than my own?

Generally, to request a copy of a record (other than your own), you must submit a Freedom of Information Act (FOIA) request to the custodian of the record. [See discussion of the FOIA on this website.](#)

To which agency do I submit a request a copy of my military record?

Review the information on the [National Archives Website](#) to find out how to request a copy of a military personnel, health, and medical records of discharged and deceased veterans of all services.

- An individual's complete service record is available to the former service member or, if deceased, to his/her next of kin (parents, spouse or children). Limited information such as dates of service, awards, and training is available to anyone; however, the general public may not obtain information which would invade an individual's privacy; for example, medical records, Social Security number, or present address.

- To request a copy of your military service record you must submit the request in writing, signed and dated, to the National Personnel Records Center, Military Personnel Records, 9700 Page Avenue, St. Louis, MO 63132-5100. You may not submit a request via email due to the Privacy Act (5 U.S.C. 552a). The National Personnel Records Center receives approximately 5,000 requests each day and currently has a backlog of 180,000 requests.

- Your request will be processed much more quickly if you use the Standard Form 180 to submit your request. (Access the [Standard Form 180.](#))

- You can send the form either by mail or by fax to 314-801-9195. Processing time for most requests is currently 12 weeks but may take much longer if the record is older or requires extensive research.

- Veterans or next-of-kin of a deceased veteran may use http://www.archives.gov/research_room/vetrecs/ to order a copy of the military records.

How do I request a copy of my DD214 (Report of Separation from active Duty or Certificate for Release or Discharge from Active Duty)

You may request a copy of your DD214 from the National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132, Attention: Navy.

- DD214s were not issued until after January 1950, therefore, military members who separated or retired prior to that date were issued a NAVPERS 553, which could be used for applying for any veteran benefits. If you require documentation of service prior to January 1950, please request the NAVPERS 553 instead of the DD214.

How do dependents request a copy of their medical record of treatment received as an inpatient at a military treatment facility?

The National Personnel Records Center (NPRC), St. Louis, Missouri, stores records of inpatient, outpatient, dental and mental health records created at medical treatment facilities of the U.S. Navy. Generally, these records are sent to NPRC 2-3 years after inactivity and are retained for 50 years. If possible, contact the last medical treatment facility to determine if records have been retired to NPRC before sending a request.

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To obtain a copy of your medical records, send your request to:

National Personnel Records Center (NPRC)
Dependent Medical Record Section
9700 Page Avenue
St. Louis, MO 63132-5100

How do Navy and Marine Corps members obtain a copy of their medical record of treatment received as an inpatient at a military treatment facility?

Inpatient medical records are created when a military member is actually hospitalized while in the service. An overnight stay or admission generally makes a patient an inpatient. Inpatient records are filed at NPRC by the name of the hospital in which the member was treated. As such, NPRC needs the name of the hospital, month of treatment (if known) and year of treatment, as well as the member's name and social security/service number to locate the record.

Reserve Assignment Matters

Address the issue with your chain of command.

If you have questions regarding reserve assignment matters, to include fit for duty determinations, contact the Commander, Naval Reserve Force, 1-866-237-2298 (Toll-Free).

For more information, see the Mobilization/Demobilization Guidance on the [BUPERS Website](#)

Demobilization of Reservists w/Medical Condition:

[SECNAVINST 1770.3C, Management and Disposition of Incapacitation and Incapacitation Benefits for Members of Navy and Marine Corps Components](#)

[NAVADMIN 124/03 Demobilization of Reservists Recalled in Support of Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom.](#)

Retired Military (Federal Employment)

For assistance with military retired affairs, to include disability, death gratuities, survival benefit plans, you may contact **Shift Colors** by calling (901) 874-3154

What regulations/statutes apply to post Armed Service retirement employment in the Federal government?
[Department of Defense Directive 1402.1, Section D.2\(b\), Employment of Retired Members of Uniformed Services](#)

[5 U.S.C. § 3326, 180 Day Waiver](#)

DASD (CPP) Memo of 31 Aug 01, Delegation of Authority of 180 day Waiver

(On August 31, 2000, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) approved an Interim Change to the DoD 180-day waiver policy found in Department of Defense Directive (DODD) 1402.1, Employment of Retired Members of the Armed Forces. The change allows Component Secretaries to delegate the authority to waive the 180-day waiting period to appoint retired military members to certain GS positions at grades GS-8 and above.)

[18 U.S.C. § 208, Acts Affecting a Personal Interest](#)

[5 U.S.C. § 5534\(a\) Dual Employment and Pay during Terminal Leave from the Uniformed Services](#)

[BUPERSINST 12300.1, Employment of Retired Military Personnel of the Armed Forces](#)

Does a retired member of the Armed Forces have a right to seek and be considered for federal civilian employment?

Yes. DoD Directive 1402.1, Section D.2(b) states: "Retired members of the Armed Forces have a right to seek and be considered for federal civilian employment. Such consideration shall be extended equitably and in compliance with the merit systems principle of open competition to avoid both the practice and appearance of preferential treatment".

What activities should a service member avoid if seeking a position in the Federal government post-retirement?

A service member cannot be involved in recommending a position for which they will compete or be selected. Nor can the military incumbent of the position immediately preceding retirement, be part of the process group that designed the position for civilian incumbency.

Can an employing agency hold a position open awaiting the retirement of a service member?

DoD 1402.1 also states: Positions may not be held open pending the retirement of a member of the Armed Forces in order to provide that person with a preferential opportunity to apply for or be appointed to the position.

Where can I find more information about post-government employment?

[SOCO Advisory 04-05](#): Updated Handouts on Post-Government Service (recent changes in 18 U.S.C. 207) under "Publications and Handouts" in the ethics resource library.

[SOCO Advisory 04-04](#): Guides for 2004 Post Government Service Employment Restrictions for Military and Civilian Personnel