



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
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WASHINGTON DC 20350-1000

SECNAVINST 1412.6M
ASN (M&RA)
15 Apr 2019

SECNAV INSTRUCTION 1412.6M

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) DoD Instruction 1320.04 of 3 January 2014
(c) DoD Instruction 1320.10 of 6 February 2014
(d) DoD Instruction 1320.14 of 11 December 2014
(e) SECNAVINST 1920.6C
(f) DoD Instruction 1304.25 of 31 October 2013
(g) SECNAVINST 5200.35F
(h) SECNAVINST 1420.3
(i) SECNAV M-5214.1
(j) MCO P1400.31C w/Ch-1
(k) MILPERSMAN 1420-030

Encl: (1) Appointment, Withhold, and Delay Procedures

1. Purpose. To prescribe regulations and procedures for effecting permanent promotions to the grade of lieutenant (junior grade) in the Navy and to the grade of first lieutenant in the Marine Corps in accordance with references (a) through (d).

2. Cancellation. SECNAVINST 1412.6L.

3. Applicability

a. This instruction applies 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. Reference (a), sections 630 and 14503, and reference (c) and (e), govern the discharge of ensigns and second lieutenants who are found not qualified for promotion to the grade of O-2 pursuant to this instruction.

4. Background. Under reference (a), sections 624 and 14308 and reference (d), 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. Service in Grade. It is the Department of the Navy (DON) policy to promote Navy officers in the grade of ensign to the grade of lieutenant (junior grade) and Marine Corps officers in the grade of second lieutenant 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.

b. Frocking Not Authorized. Frocking is not authorized for officers being promoted to the grade of lieutenant (junior grade) or first lieutenant.

c. Six-Month Retention Period for Officers Found Not Qualified for Promotion. The continued military service of officers found not qualified for promotion to the grade of O-2 is inconsistent with mission requirements of the DON and with the productivity and efficiency of the officer corps. Per reference (a), sections 630 and 14503, ensigns and second lieutenants on the ADL and RASL who are found not qualified for promotion to the grade of O-2 must, unless sooner promoted, be discharged at the end of the 18-month period beginning on the date on which the officer is first found not qualified for promotion. However, the Department of Defense (DoD) policy in reference (c) recognizes that such officers are new to commissioned military service and should be afforded a reasonable opportunity to overcome their deficiencies before discharge action is taken. Accordingly, an officer found not qualified for promotion to the grade of O-2 will be retained for a minimum of six months after the date on which the promotion would have occurred, unless retention is inconsistent with good order and discipline. Enclosure (1) of this instruction contains procedural guidance applicable to officers found not qualified for promotion to the grade of O-2.

d. Military Service Obligation. Under DoD policy in reference (f), each person who enters military service by appointment as an officer incurs a military service obligation of eight years from that entry date in accordance with reference (a), section 651 and reference (f). Any part of this obligation that is not performed on active duty or active duty for training must be performed in a Reserve Component. Ensigns and second lieutenants who are found not qualified for promotion to the grade of O-2 are subject to DON policies on separation and completion of the military service obligation in reference (e).

6. Responsibilities

a. The Chief of Naval Operations (CNO) and the Commandant of the Marine Corps (CMC) are responsible for implementing the policies, standards and procedures established in this instruction, including establishing procedures to review and recommend appropriate action on all cases involving adverse or reportable information.

b. Commander, Navy Personnel Command (CNPC) and CMC (MM) will establish procedures for administering the appointment, promotion, delay of promotion, retention, or discharge of ensigns or second lieutenants in accordance with this instruction.

c. The Director, Naval Criminal Investigative Service (NCIS), will review the National Crime Information Center (NCIC) Interstate Identification Indices to the maximum extent practicable to identify adverse or reportable information on officers who are identified for promotion to the grade of O-2 under this instruction, and will release to the CNPC and CMC (MM) all available, relevant information necessary to process such promotion actions pursuant to applicable law and regulations. The timely processing of NCIC database reviews is essential to an effective and efficient DON Commissioned Officer Promotion Program, and such reviews will be completed within 14 calendar days of the request.

d. The Naval Inspector General (NAVIG) will review NAVIG investigative files to identify adverse or reportable information on officers who are identified for promotion to the grade of O-2 under this instruction, and will release to the CNPC and CMC (MM) all available, relevant information necessary

to process such promotion actions pursuant to applicable law and regulations. The timely processing of NAVIG database reviews is essential to an effective and efficient DON Commissioned Officer Promotion Program, and such reviews will be completed within 10 calendar days of the request.

e. Commanders and commanding officers (COs) will comply with the procedural guidelines in enclosure (1) of this instruction applicable to subordinate ensigns or second lieutenants under their command, including actions to delay a subordinate officer's promotion to the grade of O-2 when required. Commanders and COs whose subordinate ensigns or second lieutenants are in a withhold or delay status will expeditiously respond to all requests from CNPC or CMC (MM) to process actions covered by enclosure (1) of this instruction.

7. Internal Controls. In accordance with reference (g), the establishment and use of internal controls and accounting procedures are mandated to ensure: effectiveness and efficiency of operations; reliability of financial reporting; and compliance with applicable laws and regulations. Additionally, as part of the annual Manager's Internal Control Program (MICP) report, the Navy and Marine Corps will provide the Assistant Secretary of the Navy (Manpower and Reserve Affairs) with copies of the sections of their reports that are relevant to this program. The reports will include summary descriptions of internal controls used, their sufficiency, and any identified weaknesses or deficiencies.

8. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned according to the records disposition schedules found on the Directives and Records Management Division (DRMD) portal page:
<https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/SitePages/Home.aspx>.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local Records Manager or the DRMD program office.

9. Reports and Forms

a. Reports. The reporting requirement contained in enclosure (1), paragraph 3d is exempt from information collection control,, per reference (i), Part IV, paragraph 7p.

b. Forms. NAVPERS 1421/7 (Rev 10-2013), Delivery of Temporary or Permanent Appointment may be obtained online at the Navy Personnel Command's website,
<https://www.public.navy.mil/bupers-npc/reference/forms/NAVPERS/Pages/default.aspx>.



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APPOINTMENT, WITHHOLD, AND DELAY PROCEDURES

1. Appointment Authority. The Secretary of Defense (SECDEF), pursuant to a delegation of authority from the President, appoints Navy and Marine Corps officers to the grade of lieutenant (junior grade) or first lieutenant pursuant to reference (a), section 624 or 12203, and based on the recommendations of the SECNAV. Accordingly, the SECNAV must submit to the SECDEF an appointment package containing the names of ensigns or second lieutenants who are recommended for promotion to the grade of O-2. Appointment packages will be submitted in accordance with the guidance in reference (b) and this enclosure.

2. Procedures for identifying officers qualified for promotion to the grade of O-2

a. Service in grade. All qualified ensigns and second lieutenants will be promoted to the grade of O-2 upon completion of 24 months' service in the grade of O-1. For example, an ensign whose date of appointment is October 1, 2018, will complete 24 months' service in grade on September 30, 2020, and will be eligible for promotion to the grade of O-2 on the following day, October 1, 2020.

b. Record Screening. The CNPC and CMC (MM) will screen the official service records of ensigns and second lieutenants to determine those officers who are fully qualified for promotion to the grade of O-2. The names of officers who are identified for promotion will be placed on an O-2 appointment scroll. The names of officers who are found not qualified for promotion will be placed on a separate list maintained by each service, and CNPC and CMC (MM) will process these officers using the procedures in paragraph 5 of this enclosure.

c. Fully Qualified Standard. Each officer recommended for promotion must be fully qualified; that is, each officer's qualifications and performance of duty must clearly demonstrate that the officer would be capable of performing the duties normally associated with the grade of O-2. When screening the official service records of ensigns and second lieutenants, the CNPC or CMC (MM) will consider the following criteria.

(1) Physical Qualifications. An ensign or second lieutenant must be physically qualified to perform the duties of an officer in the grade of O-2. The CNO and CMC, in consultation with the Surgeon General of the Navy, will establish the physical qualifications for the promotion of officers in the Navy and Marine Corps, respectively. Governing regulations are contained in references (j) and (k).

(2) Mental, Moral, and Professional Qualifications. An ensign or second lieutenant must be mentally, morally, and professionally qualified for promotion to the grade of O-2. An officer's overall professional performance, skills, abilities, and personal traits, as reflected in his or her official service record, will be considered in making this determination.

(3) Adverse or Reportable Information. Any adverse or reportable information, as defined in reference (b), that pertains to the officer and is entered into the officer's official service record must be considered in determining the officer's qualifications and fitness for promotion.

d. Adverse and Reportable Information Screening; Withhold Action

(1) In accordance with reference (b), upon completion of the record screening process in paragraph 2b of this enclosure, CNPC or CMC (MM) will screen the name of each officer who was placed on the O-2 appointment list through existing databases (Naval Inspector General, Equal Opportunity, and Equal Employment Opportunity) to identify any adverse or reportable information pertaining to the officer that was not entered into the official service record. The National Crime Information Center Interstate Identification Indices will also be screened to the maximum extent practicable as authorized by applicable law and regulations.

(2) If the screening identifies adverse or reportable information pertaining to an officer, then the officer's name and a summary of the adverse or reportable information will be included in the memorandum forwarding the appointment package to the SECNAV.

(3) The CNO, CMC, or designee will review the summary of the adverse or reportable information and recommend to the

SECNAV whether, in light of the adverse or reportable information, the officer remains qualified for promotion or whether further review of the adverse or reportable information is required such that the officer's name should be withheld from the O-2 appointment scroll. Per the DoD policy in reference (b), an officer's name should be withheld from the appointment scroll if:

(a) sworn charges against the officer have been received by an officer exercising general court-martial jurisdiction over the officer and such charges have not been disposed of;

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

(c) the Show Cause Authority has directed the officer to show cause for retention in the naval service before a board of inquiry under reference (e);

(d) a criminal proceeding in a federal or state court is pending against the officer; or

(e) there is cause to believe that the officer is not mentally, physically, morally, or professionally qualified for promotion to the grade of O-2 because of the adverse or reportable information.

(4) If the CNO, CMC, or designee recommends a withhold action, then the officer's name will be removed from the O-2 appointment scroll, pending the final review and decision of the SECNAV.

e. Appointment Package. The CNO, CMC, or designee will submit an appointment package to SECNAV or designee containing the names of officers who are recommended for promotion to the grade of O-2. The appointment package will be submitted to SECNAV no later than 90 calendar days before the earliest projected date of promotion. In accordance with reference (b), the CNO, CMC, or designee will include the following items to support the SECNAV's submission to the SECDEF:

(1) An O-2 appointment scroll for the SECDEF's signature in the format specified in reference (b), enclosure 9.

(2) A draft of the SECNAV's forwarding memorandum to the SECDEF. The memorandum will specify: the name of the process that selected the officers; the total number of officers included on the scroll(s); the total number of officers withheld from the scroll(s) and the general reasons for the withhold action; the first projected date of promotion; and a statement that the officers are qualified for promotion and a statement recommending approval of the appointments.

(3) A scroll summary.

f. SECNAV Action on the Appointment Package. The SECNAV or designee will review the appointment package and the recommendation(s) of the CNO, CMC, or designee to withhold one or more officers from the appointment scroll because of adverse or reportable information as summarized in the forwarding memorandum. If, on the basis of the adverse or reportable information, the SECNAV or designee approves or directs the withhold of an officer's name from the appointment scroll, then such action will constitute a determination that the officer is not qualified for promotion to the grade of O-2 and the officer's individual case will be processed in accordance with the procedures in paragraph 5 of this enclosure. The SECNAV or designee will forward the appointment package to the SECDEF via the Under Secretary of the Defense for Personnel and Readiness (USD (P&R)) for final review and signature.

g. Public Announcement. In accordance with reference (b), the CNO, CMC, or designee may publicly announce, via naval message or correspondence, the officers recommended for promotion to the grade of O-2 only after USD (P&R) or other appropriate authority forwards the appointment scroll to the SECDEF for signature.

h. SECDEF Signature. The SECDEF, acting for the President, exercises delegated authority to sign the O-2 appointment scroll. Only after SECDEF's signature on the appointment scroll may an officer's promotion to the grade of O-2 be legally effected by delivering the appointment to the officer on or before the projected date of promotion, unless the officer's

promotion is sooner delayed in accordance with paragraph 3 of this enclosure.

3. Promotion Delay. After the SECDEF signs the O-2 appointment scroll, an ensign or second lieutenant who is awaiting the effective date of promotion to the grade of O-2 may exhibit conduct or substandard performance that provides a basis to question the officer's fitness and qualifications for promotion. In such event, the parent commander or commanding officer (CO) is authorized to make an initial determination that the officer is not qualified for promotion to the grade of O-2 and delay the officer's promotion in accordance with the following procedures.

a. Reasons for Delay. An officer's promotion to the grade of O-2 may be delayed because of conduct or substandard performance that provides the commander/CO with a basis to question the officer's fitness and qualifications for promotion. Reasons for delay include those set forth in paragraphs 2d(3)(a) through 2d(3)(e) of this enclosure.

b. Time Limitations. A delay action may occur at any time before the officer's effective date of promotion to the grade of O-2.

c. Authority to Delay. A commander or CO has the authority to delay the promotion of any ensign or second lieutenant under his or her command. CNPC or CMC (MM) will review the delay action and either approve or terminate the delay as outlined in paragraph 3f of this enclosure.

d. Written Notice. The commander/CO will provide the officer with a written notice that explains the reason(s) for the delay. Where it is impracticable to give such written notice before the effective date of the promotion, written notice shall be given as soon as practicable thereafter. The officer will be afforded an opportunity to make a written statement to CNPC or CMC (MM) via the commander/CO, who may make further comment on the officer's statement if desired. If the officer does not desire to make a statement, then he or she shall so state in writing.

e. Report of Delay. The commander/CO will report the delay action to Navy Personnel Command (NAVPERSCOM) (PERS-833), copy to PERS-806, or by letter to CMC (MMPR-1) and CMC (JPL), as

appropriate. This report will include the circumstances for the delay, the date the officer was first found not qualified for promotion, all correspondence pertinent to the decision to delay, the written notice to the officer, the officer's written statement in response to the delay or declination to make such statement, and any recommendations from the commander/CO. This report will be made as soon as practicable, but no later than 15 calendar days after the date on which the commander/CO first determined that the officer was not qualified for promotion.

f. Review of the Report of Delay. CNPC or CMC will review the report of delay and make a final determination regarding the command's initial finding that the officer is not qualified for promotion be either approving or terminating the delay. This review should be completed 15 calendar days following receipt of the report of delay.

(1) If the delay is terminated, then CNPC or CMC (MM) will notify the parent commander/CO that the officer remains qualified for promotion to the grade of O-2. The commander/CO will then comply with the procedures in paragraph 4 of this enclosure regarding delivery of the appointment to the officer.

(2) If the delay is approved, then such action will constitute a determination that the officer is not qualified for promotion to the grade of O-2. CNPC or CMC (MM) will follow the procedures outlined in paragraphs 5 and 6 of this enclosure regarding officers who are found not qualified for promotion.

4. Delivery, Acceptance, and Declination of Appointment.

Following the SECDEF's signature on the O-2 appointment scroll, the final step in the O-2 promotion process is the delivery of the appointment to an eligible and qualified officer whose name is on the SECDEF-signed scroll and the officer's acceptance or declination of the appointment, unless the officer's promotion is sooner delayed in accordance with paragraph 3 of this enclosure.

a. Documentation. The CNPC and CMC (MM) will ensure that any written documents pertaining to the appointment reference the following authorities:

(1) For ADL officers, citation to reference (a), section 624, and this instruction.

(2) For RASL officers, citation to reference (a), section 12203, and this instruction.

b. Navy. NAVPERSCOM will provide the parent commander/CO with the written documents required to effect the promotion of ensigns who are eligible and qualified for promotion to the grade of O-2 under this instruction. The commander/CO will deliver the written notice to an ensign under his or her command upon the effective date of promotion as calculated by NPC under paragraph 2a of this enclosure. The officer will indicate acceptance or declination of the appointment by endorsing the written notice. The command will return the written notice with the officer's endorsement to NAVPERSCOM. If the ensign declines the appointment, the command will follow the procedure in paragraph 4d of this enclosure.

c. Marine Corps. The CMC will authorize commanders and COs by message to effect the promotion of second lieutenants who are eligible and qualified for promotion to the grade of O-2 under this instruction. Headquarters, Marine Corps, will mail certificates of promotion to the command as soon as practicable. If the second lieutenant declines the appointment, the command will follow the procedure in paragraph 4d of this enclosure.

d. Declination of Appointment

(1) An ensign or second lieutenant who declines an appointment to the grade of O-2 must so state by written endorsement on the appointment documents provided by the command. The commander/CO shall forward the original copy of the officer's declination to NAVPERSOM (PERS-806) or CMC (MMPR) for processing. If an officer refuses to decline the appointment in writing, then the commander/CO will record the officer's declination in a memorandum to NAVPERSCOM (PERS-806) or CMC (MMPR).

(2) The appointment to the grade of O-2 terminates upon the officer's declination. The officer will be subject to involuntary separation using the notification procedure in reference (e) and may be required to complete the eight-year military service obligation and/or other obligated service in the Navy or Marine Corps Reserves in accordance with reference (e). If the officer is a limited duty officer serving in a temporary appointment in the grade of O-1, then the officer may

revert to his or her permanent enlisted or warrant officer status in accordance with reference (e).

e. Temporary Additional Duty (TEMADD). If an officer who is eligible and qualified for promotion to the grade of O-2 is assigned away from his or her command temporarily, then the CO of the TEMADD activity may deliver the officer's appointment with the concurrence of the parent commander/CO. To avoid delay, the parent commander/CO may provide advance concurrence.

5. Officers found not qualified for promotion

a. Under this instruction, there are three personnel actions by which an ensign or second lieutenant can be found not qualified for promotion to the grade of O-2:

(1) Record Screening. The CNPC or CMC (MM) may find the officer not qualified for promotion during the record screening process conducted pursuant to paragraph 2b of this enclosure;

(2) Withhold. The SECNAV may approve or direct an action to withhold the officer's name from the O-2 appointment scroll under paragraph 2d of this enclosure; or

(3) Promotion Delay. The CNPC or CMC may approve a promotion delay action under paragraph 3 of this enclosure.

b. A determination that an ensign or second lieutenant is not qualified for promotion to the grade of O-2 triggers a notice requirement to the officer, the six-month minimum retention period under reference (c), and, if the officer remains not qualified for promotion upon the expiration of the six-month retention period, an involuntary separation under reference (e) and the 18-month statutory period for mandatory discharge under reference (a), section 630 or 14503. Figure 1 summarizes these requirements.

Figure 1

Required Actions - Officers Not Qualified for Promotion to the Grade of O-2				
Personnel Action	Notice to Officer	Six-Month Retention Period	Involuntary Separation Date	18-month Statutory Discharge
Record Screening	Sent upon completion of record screening	Starts on effective date of promotion (had the officer been qualified). Ends six months after effective date of promotion.	No later than the first day of the seventh month after the six-month retention period ends and the officer remains not qualified for promotion.	No later than 18 months after completion of record screening
Withhold Action	Sent after SECNAV forwards the appointment scroll to SECDEF			No later than 18 months after SECNAV forwards scroll to SECDEF
Promotion Delay Action	Sent upon CNPC or CMC approval of the delay			No later than 18 months after CNPC or CMC approve the delay

c. Written Notice. CNPC or CMC (MM) will provide the officer with written notice of being found not qualified for promotion and the reasons for the finding. The notice will inform the officer of his or her retention under reference (c) for a minimum of six-months after the date on which the promotion would have occurred had the officer been found qualified for promotion, and that the officer will be subject to involuntary separation under reference (e) if the officer is not qualified for promotion at the expiration of the six-month retention period. As depicted in Figure 1, the notice will be sent when the personnel action (record screening, withhold, or promotion delay) which found the officer not qualified for promotion is final and complete.

d. Discharge if retention is inconsistent with good order and discipline. If CNPC or CMC (MM) determines that the officer's retention is inconsistent with good order and discipline, then the Show Cause Authority may process the officer for separation for cause pursuant to reference (e).

e. Six-month Retention Period

(1) In accordance with reference (c), the officer will

be retained for a period of six-months after the date on which the promotion to the grade of O-2 would have occurred had the officer been qualified for promotion. Accordingly, the six-month retention period will start on the date that would have been the officer's effective date of promotion to the grade of O-2, which in most cases will be when the officer reaches 24 months' service in grade. The retention period will expire six months after this start date.

(2) CNPC and CMC (MM) will prescribe procedures to calculate and record the start and end dates for the six-month retention period in the case of an individual officer found not qualified for promotion to the grade of O-2.

(3) The parent commander/CO is responsible for monitoring the conduct and performance of any subordinate ensign or second lieutenant who is found not qualified for promotion both before and during the six-month retention period.

f. Command recommendation: not qualified for promotion. If, on the date when the six-month retention period expires, the officer remains not qualified for promotion to the grade of O-2, then the commander/CO will send a written letter to CNPC or CMC (MM), via the individual officer, with a copy to NAVPERSCOM (PERS-806) and (PERS-833) or CMC (MMPR). The letter will explain why the officer remains not qualified for promotion and provide any relevant information or documents supporting the command's recommendation. The individual officer will receive five calendar days to submit a written statement in response to the letter from the commander/CO. An election not to submit a statement must be made in writing. Upon receipt, CNPC or CMC (MM) will take action on the officer's promotion in accordance with paragraph 6 on this enclosure.

g. Command recommendation: qualified for promotion. At any time before the expiration of the six-month retention period, the commander/CO may determine that the officer is qualified for promotion to the grade of O-2. In such a case, the commander/CO will send a written letter to CNPC or CMC (MM), via the individual officer, with a copy to NAVPERSCOM (PERS-806) and (PERS-833) or CMC (MMPR), explaining why the officer is qualified for promotion, stating the date when the officer became qualified for promotion, and providing any other relevant information or documents supporting the command's

recommendation. The individual officer will receive five calendar days to submit a written statement in response to the letter from the commander/CO. An election not to submit a statement must be made in writing. Upon receipt, CNPC or CMC (MM) will take action on the officer's promotion in accordance with paragraph 6 of this enclosure. The following additional guidelines are provided to assist the commander/CO with making a determination that an officer is qualified for promotion.

(1) When an officer was found not qualified for promotion because of a pending or ongoing court-martial, investigation, board of inquiry, or other criminal proceeding, the officer may later become qualified for promotion before the expiration of the retention period if the proceeding or investigation does not result in any adverse information against the officer. Examples include: when the criminal charges against the officer are withdrawn or dismissed; the officer is acquitted at a court-martial or criminal proceeding in federal or state court; the investigation does not substantiate any adverse finding against the officer; the board of inquiry finds that the basis for separation is not met (e.g., no substandard performance or misconduct); or no disciplinary action is taken against the officer.

(2) When an officer was initially found not qualified for promotion because of substandard performance or the failure to maintain physical or professional qualifications, the officer may achieve the requisite level of performance or qualifications before the expiration of the retention period, allowing the commander/CO to find the officer qualified for promotion to the grade of O-2 on a specified date. In such a case, the commander/CO will ensure that relevant entries are made to update the officer's official service record (e.g., fitness report entries, physical fitness test results, etc.) and then submit the letter to CNPC or CMC (MM) as outlined above. Failure to make the relevant record entries may unnecessarily delay action on promotion.

6. Action on Command Recommendation. Not later than 21 calendar days after receiving the command recommendation submitted pursuant to paragraphs 5f or 5g of this enclosure, CNPC or CMC (MM) will review and take action on the officer's promotion. CNPC or CMC (MM) will review all relevant information and documents provided by the commander/CO and the

officer's statement if submitted. CNPC or CMC (MM) will make a determination that the officer is either not qualified for promotion or qualified for promotion, and then execute the following actions depending on the determination made.

a. Not Qualified for Promotion. If CNPC or CMC (MM) find that the officer is not qualified for promotion, then a written notice will be sent to the officer via the commander/CO that explains the basis for the determination. A copy of the notice will be entered into the officer's official service record.

(1) If the officer remains within the six-month retention period, then the commander/CO will continue to monitor the officer's conduct and performance and resubmit a recommendation at the expiration of the period in accordance with paragraphs 5f or 5g of this enclosure, as applicable.

(2) If the officer completed the six-month retention period, then CNPC or CMC (MM) will initiate involuntary separation processing in accordance with reference (e). Officers subject to involuntary separation on this basis will be discharged not later than the first day of the seventh calendar month beginning after the month in which CNPC or CMC (MM) found the officer not qualified for promotion.

b. Qualified for Promotion. When CNPC or CMC (MM) determine that an officer is qualified for promotion, there are two possible follow-on actions required: an individual appointment package routed to the SECDEF or a termination of delay conducted by CNPC for an ensign or CMC for a second lieutenant. Procedural guidance for each action is set forth below.

(1) Individual Appointment. If the officer was initially found not qualified for promotion by the record screening or withhold action under paragraphs 2b or 2d of this enclosure, then an individual appointment package must be routed to the SECDEF via the Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) (DCNO (N1)) or CMC, and the SECNAV. In accordance with reference (b), CNPC or CMC (MM) will include the following items in the appointment package:

(a) An O-2 appointment scroll for the SECDEF's

signature in the format specified in reference (b), enclosure 9.

(b) A draft of the SECNAV's forwarding memorandum to the SECDEF. The memorandum will specify: the process that selected the officer; the grade and name of the officer listed on the scroll; the projected date of promotion; a statement that the officer is qualified for promotion; and a statement recommending approval of the appointment. Paragraph 6a(3) of this enclosure contains amplifying guidance on the projected date of promotion.

(2) Termination of Delay. If the officer was initially found not qualified for promotion because of promotion delay action under paragraph 3 of this enclosure, then CNPC may terminate the delay in the case of an ensign and CMC may terminate the delay in the case of a second lieutenant. For Marine Corps cases, CMC (MM) will forward a memorandum to the CMC that will specify the name of the process that selected the officer; the date when the SECDEF signed the O-2 appointment scroll containing the officer's name; the general reasons why the officer's promotion was delayed; a statement explaining why the officer is qualified for promotion; and the projected date of promotion. Paragraph 6a(3) of this enclosure contains amplifying guidance on the projected date of promotion.

(3) Projected Date of Promotion. The projected date of promotion for an officer found qualified under this paragraph will depend on the facts and circumstances of the officer's cases. The following guidelines apply to this determination.

(a) An officer should receive the original projected date of promotion if found qualified before that date. For example, in January 2018, an ensign was found not qualified for promotion by the record screening process for failing the physical fitness test. If the ensign had been physically qualified during the record screening process, then the projected date of promotion would have been June 1, 2018, the date when the ensign would surpass 24 months' service in grade. On May 1, 2018, the ensign passed the physical fitness test and remained qualified for promotion in all other respects. In accordance with paragraph 6a(1) of this enclosure, an individual appointment package must route to the SECDEF. DCNO (N1) may recommend the original projected date of promotion of June 1, 2018, because the ensign became qualified before that date on

May 1, 2018.

(b) An officer whose promotion is delayed beyond the original projected date of promotion and enters the six-month retention period should receive the original projected date of promotion if it is later determined that the officer was qualified for promotion on that date. For example, in January 2018, a second lieutenant was found qualified for promotion by the record screening process and assigned a projected date of promotion of June 1, 2018, the date when the officer would surpass 24 months' service in grade. On May 1, 2018, the officer's promotion was delayed because an administrative investigation was convened to investigate a military equal opportunity complaint against the officer. On June 1, 2018, the six-month retention period started. On September 1, 2018, the convening authority approved the investigation report, which did not substantiate any misconduct against the officer. The matter was closed and the officer remained qualified for promotion in all respects. In accordance with paragraph 6a(2) of this enclosure, a termination of delay package must route to CMC. The CMC (MM) may recommend that the officer receive the original projected date of promotion of June 1, 2018, because the officer was qualified for promotion on that date.

(c) An officer who was unqualified for promotion at the original projected date of promotion (i.e., start date of the six-month retention period) and for any period of time thereafter may receive an adjusted date of promotion based on the date when the officer was found qualified for promotion during the retention period. Upon approval, the appropriate adjustment will be made to the officer's date of rank, effective date of pay and allowances, and position on the ADL or RASL. For example, on January 1, 2018, an ensign was found qualified for promotion by the record screening process and assigned a projected date of promotion of June 1, 2018. On May 1, 2018, the officer's promotion was delayed because the officer was not physically qualified for promotion on the basis of failing the physical fitness test. On June 1, 2018, the six-month retention period started and the officer remained physically unqualified. On August 1, 2019, the ensign passed the physical fitness test and was qualified for promotion in all respects. In accordance with paragraph 6a(2) of this enclosure, CNPC may terminate the delay and adjust the date of promotion to August 1, 2018, the date when the officer achieved the physical qualification

standards for promotion.

7. Posthumous Promotions. Section 1521 of reference (a) and reference (f) establish provisions to issue posthumous promotions. The following criteria apply:

a. Commissioned Officers. Commissioned officers may be appointed, by SECNAV, 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; or,

(2) The officer was officially recommended for appointment or promotion to a commissioned grade but was not able to accept the appointment due to death.

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 promoted from the date the CNO or CMC, as appropriate, recommends approval of the appointment to the date of death.

c. A posthumous promotion issued in accordance with reference (a) and this instruction shall require certification by SECNAV that, at the time of death of the member, the member was qualified for appointment to that higher grade.

d. Chief of Naval Personnel or CMC, as appropriate, shall determine whether the officer has adverse or reportable information as defined by reference (f) and inform SECNAV prior to SECNAV issuing a posthumous promotion.

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