



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY
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WASHINGTON, DC 20350-1000

SECNAVINST 1920.7B
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SECNAV INSTRUCTION 1920.7B

From: Secretary of the Navy

Subj: CONTINUATION ON ACTIVE DUTY OF REGULAR COMMISSIONED OFFICERS AND RESERVE OFFICERS ON THE RESERVE ACTIVE STATUS LIST (RASL) IN THE NAVY AND MARINE CORPS

Ref: (a) 10 U.S.C.
(b) DOD Directive 1320.8 of 21 Oct 96
(c) SECNAVINST 1412.8 Series
(d) SECNAVINST 1412.9A
(e) SECNAVINST 1420.1 Series

1. Purpose. To establish policies and procedures under reference (a), per reference (b), governing the continuation of commissioned officers on the Active Duty List (ADL) and continuation of Reserve commissioned officers on the Reserve Active Status List (RASL) of the Navy and Marine Corps who are subject to involuntary retirement or discharge for years of service or failures of selection for promotion. This instruction is a complete revision and should be read in its entirety.

2. Cancellation. SECNAVINST 1920.7A.

3. Applicability. The provisions of this instruction are effective immediately and apply to all Regular and Reserve officers (except Regular limited duty officers (LDOs)) serving in a grade above lieutenant (junior grade) in the Navy or first lieutenant in the Marine Corps who are subject to involuntary retirement or discharge for years of service or failures of selection for promotion. The continuation on active duty of Regular LDOs and Regular warrant officers is governed by references (c) and (d). The continuation on active duty of Regular officers for disciplinary or medical reasons is governed by reference (a), sections 639, 640, 14518, and 14519.

4. Definitions. The following definitions, unless otherwise qualified, shall apply throughout this instruction:

a. Active Commissioned Service. Service on active duty as a commissioned officer in a grade above warrant officer, W1.

b. Continuation. The deferment of involuntary retirement or discharge for years of service or failures of selection for promotion of eligible Regular and Reserve officers serving in permanent grades above lieutenant (junior grade) in the Navy or first lieutenant in the Marine Corps.

c. Continuation Selection Board. A board of commissioned officers convened under reference (a), section 611(b), for Regular officers in one or more competitive categories who are subject to involuntary retirement or discharge for continuation on active duty pursuant to reference (a), section 637.

d. Commissioned Officer. An officer in any of the Military Services who holds a grade and office under a commission signed by the President, and who is appointed as a Regular or Reserve officer. It does not include a commissioned warrant officer or a retired commissioned officer.

e. Continuation Plan. The annual Officer Grade Continuation plan approved by the Secretary of the Navy (SECNAV) that issues continuation policy by grade and competitive category to meet service requirements.

5. Background. Reference (a), sections 611 and 637, authorize SECNAV, whenever the needs of the service require, to convene selection boards to recommend Regular commissioned officers from within one or more competitive categories for continuation on the ADL past their involuntary retirement or discharge date. Reference (a), section 14701 authorizes continuation of Reserve commissioned officers, whenever the needs of the service require, past their involuntary retirement or discharge date. Reference (b) sets forth the Department of Defense (DOD) policy guidelines governing the continuation of commissioned officers on the ADL, continuation of Reserve commissioned officers on the RASL, deferral of mandatory retirement for years of service of officers on the ADL, and the retention of Reserve chaplains and Reserve officers in medical specialties in an active status.

6. Policy

a. It is the policy of the Department of the Navy (DON) to selectively continue Regular and Reserve commissioned officers, who would otherwise be separated for statutory reasons, to meet the present and projected officer needs by grade, competitive

category, and skill needs authorized by the Chief of Naval Operations (CNO) and the Commandant of the Marine Corps (CMC) when those requirements cannot be met by in-zone promotion in the Regular Navy or Marine Corps, under the 5-year promotion plan approved by SECNAV.

b. Continuation of Reserve Officers in an Active Status. Reserve officers in a grade above lieutenant (junior grade) in the Navy or first lieutenant in the Marine Corps will be continued per the procedures prescribed by CNO and CMC.

7. Continuation on Active Duty

a. Grades O3 and O4

(1) Grade O3 Continuation. A continuation selection board may recommend for continuation on active duty Regular officers within one or more competitive categories who hold the permanent grade of lieutenant in the Navy or captain in the Marine Corps and are subject to involuntary discharge under reference (a), section 632(a), for two failures of selection for promotion to the next higher grade, as directed by SECNAV in the continuation plan.

(a) Minimum Continuation Period. A Regular officer serving in the permanent grade of lieutenant in the Navy or captain in the Marine Corps who would have been discharged may be continued on active duty for a period prescribed by SECNAV in the continuation plan, but not less than 2 years from the date on which such officer would have been required to be discharged under reference (a), section 632(a)(1). SECNAV may prescribe a lesser period of continuation if the officer is retirement eligible or within 2 years of qualifying for retirement on the date on which such officer should have been required to be discharged.

(b) Maximum Continuation Period. A Regular officer serving in the permanent grade of lieutenant in the Navy or captain in the Marine Corps who would have been discharged or retired may be continued on active duty for a period prescribed by SECNAV in the continuation plan. Such officer may not be continued on active duty beyond:

1. The last day of the month in which the officer completes 20 years of active commissioned service, unless the officer is promoted to the grade of major or lieutenant commander, respectively.

2. The first day of the month following the month in which a Regular officer becomes 62 years of age, whichever is earlier.

(2) Grade O4 Continuation. Regular officers within one or more competitive categories in the permanent grade of lieutenant commander in the Navy or major in the Marine Corps who are subject to discharge for failures of selection for promotion shall normally be selected for continuation by selection boards convened for that purpose if the officer will qualify for retirement within 6 years of the date of such continuation. SECNAV may, in unusual circumstances, discharge involuntarily such officers after notifying the Secretary of Defense (SECDEF) of the rationale for such action. The involuntary discharge shall not be used to circumvent legal proceedings, show cause procedures, or release an affected officer who is within 2 years of qualifying for retirement.

(a) Minimum Continuation Period. A Regular officer serving in the permanent grade of lieutenant commander or major shall be continued on active duty for a period of time prescribed by SECNAV in the continuation plan. A Regular officer on active duty who is within 6 years of qualifying for retirement under reference (a), section 6323, shall be continued on active duty at least until eligible for retirement under that statute per reference (b).

(b) Maximum Continuation Period. A Regular officer in the permanent grade of lieutenant commander or major who would have been discharged or retired may be continued on active duty for a period prescribed by SECNAV in the continuation plan. Such officer may not be continued on active duty beyond:

1. The last day of the month in which the officer completes 24 years of active commissioned service, unless the officer is promoted to the grade of commander or lieutenant colonel, respectively.

2. The first day of the month following the month in which the officer becomes 62 years of age, whichever is earlier.

(3) Declination of Continuation. A Regular officer serving in the permanent grade of lieutenant or lieutenant commander in the Navy or captain or major in the Marine Corps who is selected for continuation on active duty but declines to continue on active duty shall be discharged, retired, or retained on active duty, as appropriate, per reference (a), section 632. Separations of regular officers under this paragraph are involuntary separations for purposes of reference (a). Pursuant to section 1174 of reference (a), an officer who is subject to discharge by reason of having twice failed of selection for promotion to the next higher grade is not entitled to separation pay if that officer, after such second failure of selection for promotion, is selected for, and declines, continuation on active duty for a period that is equal to or more than the amount of service required to qualify the officer for retirement.

(4) Retirement or Discharge of Continued Officers. Each officer who is continued on the ADL under subparagraph 7a of this instruction who is not subsequently promoted or continued on the ADL, or is not on a list of officers recommended for continuation or for promotion to the next higher grade shall, unless sooner retired or discharged under another provision of law:

(a) Be discharged upon the expiration of the period of continued service.

(b) If a Regular officer and within 2 years of qualifying for retirement under reference (a), section 6323, shall, unless sooner retired or discharged under some other provision of law, be retained on active duty until qualified for retirement under that section and then be retired.

(c) If eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which the officer completes the period of continued service.

(5) Involuntary Retirement. Pursuant to reference (a), section 637, the retirement or discharge of a Regular officer serving in the permanent grade of lieutenant or lieutenant commander in the Navy or captain or major in the Marine Corps, upon completion of a period of continued service under this instruction, shall be considered to be an involuntary retirement or discharge.

b. Grades O5 or Above

(1) Grades O5 and O6 Continuation. Regular officers, who possess particular skills, in one or more competitive categories serving in the permanent grade of commander or captain in the Navy or lieutenant colonel or colonel in the Marine Corps who are subject to involuntary retirement for years of active commissioned service or commissioned service, as appropriate, and who are not on a list of officers recommended for promotion to the next higher grade may have their retirement deferred and be continued on active duty.

(2) Regular Grades O7 and Above Continuation. Except as otherwise discussed in paragraph 3, a Regular officer who is serving in the grade of rear admiral (lower half) or rear admiral in the Navy or brigadier general or major general in the Marine Corps and is subject to involuntary retirement for years of active commissioned service may, subject to the needs of the service, have their retirement deferred and be continued on active duty by SECNAV. A Regular officer who is serving in a grade above rear admiral in the Navy or major general in the Marine Corps and is subject to involuntary retirement for years of active commissioned service may have their retirement deferred and be continued on active duty by the President.

(3) Maximum Continuation Period

(a) Any deferral of retirement and continuation on active duty of a Regular officer serving in a grade above lieutenant commander in the Navy or major in the Marine Corps shall be for a period prescribed by SECNAV in the continuation plan. Such period shall be in accordance with reference (b) and may not exceed 5 years or extend beyond the date of a Regular officer's 62nd birthday, except as provided by reference (a), section 1251(b).

(b) Per reference (a), section 1251(b), the President may defer the retirement of a Regular officer serving in a position that carries a grade above major general or rear admiral provided such deferment does not extend beyond the first day of the month following the month in which the officer becomes 64 years of age, and not more than ten such deferments in the Army, Navy, Air Force, and Marine Corps are in effect at any one time.

(4) Declination of Continuation. A Regular officer serving in a permanent grade above lieutenant commander in the Navy or major in the Marine Corps who is selected for continuation on active duty under this instruction but declines to continue on active duty shall be discharged, retained, or retired per applicable provisions of law. The retirement or discharge shall be considered to be involuntary for purposes of any other provision of law or regulation.

8. Retention of Certain Professional Category Officers on the RASL. Subject to reference (a), section 14703, and notwithstanding any provision of reference (b) SECNAV may, with the officer's consent, retain in an active status any Reserve officer appointed in the Medical Corps, Dental Corps, Nurse Corps, or Chaplain Corps or appointed in the Medical Service Corps and designated to perform as a veterinarian, optometrist, podiatrist, an allied health officer, or biomedical sciences officer. An officer may not be retained in active status under this subsection later than the date on which the officer becomes 67 years of age.

9. Continuation Selection Boards. SECNAV will convene continuation selection boards to recommend Regular officers serving in a grade above lieutenant (junior grade) in the Navy or first lieutenant in the Marine Corps for continuation on active duty per the following guidance:

a. The provisions for promotion selection boards set forth in reference (e) regarding notice of convening, precept, membership, information furnished to the board, communication with selection boards and the proceedings are also applicable to continuation selection boards.

b. The results of continuation selection boards will be made known to affected officers sufficiently in advance of the

date of their involuntary retirement or discharge, normally at least 3 months, so as to allow those officers who are continued and those who are not continued a reasonable period of time for personal planning. An officer who is selected for continuation on active duty under this instruction shall be afforded an opportunity to accept or decline it.

c. The report of a continuation selection board shall be forwarded to SECNAV for approval, modification, or disapproval. Upon disapproval of the board report as to a particular officer selected for continuation, SECNAV may remove an officer's name from the board report. Once the board report has been approved by SECNAV, an officer selected for continuation shall be separated from active duty only per procedures prescribed in reference (a), chapter 60 or chapter 1411, unless the period of continuation for which an officer was selected has not yet commenced and action to remove the officer's name from the board report is to be completed prior to that date. The DCNO (N1/NT) or CMC, as appropriate, may forward requests for such action to SECNAV. An officer whose name is to be removed shall be notified at least 30 days prior to the date on which the period of continuation is to begin and afforded the opportunity to make a statement to SECNAV, via DCNO (N1/NT) or CMC, as appropriate. After consideration of the officer's statement, SECNAV may discharge, retire, or retain the officer on active duty. Officers who do not receive 30 days notice or who receive timely notice but are not discharged or retired prior to the commencement of the period of continuation for which selected may be separated under the show cause procedures of reference (a), chapter 60, or chapter 1411.

10. Action. The DCNO (N1/NT), under the direction of the CNO, and the CMC are assigned responsibility for their respective armed force for:

a. Administering the policies prescribed in this instruction and preparing continuation plans when the needs of the service require.

b. Preparing and submitting a continuation plan to SECNAV for any fiscal year in which the needs of the service require utilization of the provisions of this instruction.

c. Maintaining statistical data, by grade, of Regular officers continued and not continued on the ADL; by grade, of

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Reserve commissioned officers continued or not continued on the RASL; and the number of officers, by grade, whose retirements have been deferred.

d. Recommending policy changes to reference (b) to SECDEF via SECNAV and the Under Secretary of Defense for Personnel and Readiness.

11. Reports. The reports required by this instruction are exempt from reports control by SECNAVINST 5214.2B.

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