

MILPERSMAN 1920-030

INVOLUNTARY SEPARATION PAY (NON-DISABILITY) - DEFINITIONS AND POLICY

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References	(a) BUPERSINST 1900.8B (b) 10 U.S.C. 1174 (c) DOD 7000.14-R, DOD Financial Management Regulation, Volume 7A, Military Pay Policy and Procedures Active Duty and Reserve Pay (d) OPNAVINST 1900.4
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1. **Introduction.** Per references (a) through (d) and MILPERSMAN 1160-030 and 1160-120, this article contains the definitions of the key terms/phrases and a broad statement of policy and its intent pertaining to involuntary, non-disability separation pay. The terms/phrases defined are as follows:

- a. Retention eligible.
- b. Involuntary separation.
- c. Not accepted for an additional tour for which one volunteered.
- d. Voluntary separation.
- e. Advancement eligible.

2. **Definition: Retention Eligible.** Meeting all the minimum standards for military service. For the purpose of entitlement to separation pay, servicemembers separated through no fault of their own because of specific limitations are considered to be retention eligible.

a. **Example 1:** Force reduction in end-strength requirements.

b. **Example 2:** Legal restrictions on the number of officers in a particular paygrade.

3. **Definition: Involuntary Separation**

a. Discharge or release from active duty at the initiation of the Government and through no fault of the servicemember: Includes all forms of separation from an active duty status under conditions wherein the individual is released from active duty at any time prior to the completion of a stipulated period of active service or tour of active duty. Separation from active duty is considered involuntary when the servicemember is denied any opportunity to remain on active duty.

b. The following circumstances could cause a retention eligible servicemember to be involuntarily separated from active duty:

(1) An advancement eligible enlisted servicemember separated for high year tenure (HYT).

(2) Separations under a force reduction program.

(3) Officers separated because of failure of selection (FOS) for promotion.

4. **Definition: Not Accepted for an Additional Tour of Active Duty for which One Volunteered.** Refers to a member of the Navy Reserve who, prior to completing a tour of active duty or a stipulated period of active service or upon notification of the Navy's intent to separate from active duty, volunteers to remain on active duty for an additional period but is not accepted. See MILPERSMAN 1920-050.

5. **Definition: Voluntary Separation**

a. Discharge or release from active duty initiated or caused by the servicemember. The following are examples of voluntary separations:

(1) **Example 1:** Servicemember declines training to qualify for a new skill or rating as a precondition of reenlistment.

(2) **Example 2:** Servicemember requests a "convenience of the government" separation.

(3) **Example 3:** Servicemember declines or does not request reenlistment or extension and is subsequently separated.

(4) **Example 4:** Servicemember declines orders and is subsequently separated.

b. Note that servicemembers who initiate or cause their own voluntary separation are not entitled to any separation pay. If the separation was initiated by the member, commanding officers (COs) shall ensure that the DD Form 214 (Rev. 2/00), Certificate of Release or Discharge from Active Duty, separation code reflects a "voluntary" separation, per reference (a).

c. Servicemembers who have been reduced in rate (RIR) are entitled to remain on active duty until their normal expiration of active obligated service (EAOS). If they submit a request to Navy Personnel Command (NAVPERSCOM), Enlisted Performance and Separations Section (PERS-832) via their CO to separate prior to their EAOS and subsequently receive approval, they still retain entitlement to involuntary separation pay, providing they exceed HYT limits for the new paygrade.

6. Definition: Advancement Eligible

a. Meeting the minimum qualifications for assuming the duties and responsibilities of the next higher paygrade, although neither advanced nor frocked. For the purpose of entitlement to full separation pay, an enlisted servicemember is advancement eligible if they meet the following criteria as of the separation date:

(1) **Criterion 1:** Must have CO's recommendation for advancement and retention.

(2) **Criterion 2:** Must have taken and passed the most recent advancement examination before separation (see (a) and (b) below for exceptions):

(a) For example, if HYT is in August, servicemember must have taken and passed the March examination. Servicemember's CO may waive this requirement if circumstances beyond the servicemember's control prevented participation in the "most recent" examination. In this case, the prior advancement examination must have been taken and passed.

(b) If a servicemember's separation date will be prior to the publication of advancement examination results, the CO may use the immediate previous examination result for the purpose of determining entitlement to separation pay.

b. Note that servicemembers are no longer required to submit a request for waiver of HYT policy as a precondition to entitlement to full separation pay. A CO's recommendation for advancement and retention, and passing the most recent advancement examination before discharge, are sufficient indications of the servicemember's resolve to remain on active duty.

7. Separation Pay Policy

a. Separation pay is intended to assist members, who are involuntarily separated, in returning to civilian life. It was designed to encourage the pursuit of a military career through the assurance that those unable to remain on active duty until eligible for retired or retainer pay can count on compensation to ease their reentry into civilian life.

b. Separation pay will be paid to members "involuntarily separated" from active service and to those "not accepted for an additional tour of active duty for which they volunteered," as provided in this article. Although it is important to ensure that eligible members are paid, it is equally important to ensure that ineligible personnel are not paid in error: Erroneous payments result in debt and subsequent mandatory recoupment, and compound the trauma associated with separation from active duty. Therefore, personnel who are responsible for processing involuntary separations must be very familiar with this policy and apply it properly in each case.