



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

APR 24 2020

MEMORANDUM FOR SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
SECRETARY OF THE AIR FORCE

SUBJECT: Certification of Honorable Service for Purposes of Naturalization

This updates the memorandum, "Certification of Honorable Service for Members of the Selected Reserve of the Ready Reserve and Members of the Active Components of the Military or Naval Forces for Purposes of Naturalization," dated October 13, 2017 (attached). Conforming changes to Department of Defense Instruction 5500.14 will incorporate this updated guidance.

Recently, section 526 of the National Defense Authorization Act for Fiscal Year 2020 directed the Department to establish processing time requirements for the review and return of requests by Service members for a certification of honorable service, in support of applications for naturalization under 8 U.S.C. § 1440. Upon receipt from a qualified applicant of United States Citizenship and Immigration Services Form N-426, "Request for Certification of Military or Naval Service," the certifying official will process it with priority and return it to the Service member concerned within 30-days of submission.

My point of contact is Ms. Stephanie Miller, Director of Accessions Policy, who can be reached at (703) 697-8444 or stephanie.p.miller.civ@mail.mil.

Matthew P. Donovan

Attachment:
As stated

cc:
Chairman of the Joint Chiefs of Staff
Under Secretary of Defense for Intelligence and Security
Chief of the National Guard Bureau
Commandant of the Coast Guard
Assistant Secretary of the Army
for Manpower and Reserve Affairs
Assistant Secretary of the Navy
for Manpower and Reserve Affairs
Assistant Secretary of the Air Force
for Manpower and Reserve Affairs



PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4600

OCT 13 2017

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
COMMANDANT OF THE COAST GUARD

SUBJECT: Certification of Honorable Service for Members of the Selected Reserve of the Ready Reserve and Members of the Active Components of the Military or Naval Forces for Purposes of Naturalization

This memorandum provides formal guidance regarding the certification of honorable service of members of the Selected Reserve of the Ready Reserve and members of the active components of the military or naval forces of the United States for the purpose of supporting Service Member applications for naturalization under section 1440 of Title 8, U.S. Code.

This guidance is effective immediately.

Background:

Federal law affords certain Service Members a statutory exception to certain naturalization requirements otherwise applicable to them, providing a much-expedited path to U.S. citizenship. To qualify for this exception, a Service Member must serve honorably during a period that the President designates, by Executive Order, as one in which the Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force. By Executive Order 13269, dated July 3, 2002, the President designated the period of the war against terrorists of global reach, beginning September 11, 2001, as such a period. Accordingly, military service during this period may permit certain Service Members to avail themselves of a statutory exception. Once the Department of Defense certifies a member's service as honorable, the U.S. Citizenship and Immigration Services (USCIS) completes the citizenship process.

USCIS Form N-400, *Application for Naturalization*, initiates the naturalization process. USCIS Form N-426, Request for Certification of Military or Naval Service, is a necessary and indispensable part of the military naturalization application process. The USCIS Form N-426 records the determination of the Military Department as to whether a Service Member has served honorably. An individual seeking citizenship based on military service must submit a completed *original* USCIS Form N-426. Subject to, and in accordance with, the provisions in this memorandum, the Military Department concerned will determine whether a Service Member is serving or has served honorably, and as applicable, whether separation from such service was under honorable conditions. The Secretary of the Military Department concerned will make the certification. The Secretary may delegate this certification authority, in writing or by regulation, to a commissioned officer serving in the pay grade of O-6 or higher. None of the standards set forth herein as applicable to certifications of honorable service create or imply the creation of a residency or physical presence requirement for the purpose of naturalization pursuant to 8 U.S. Code § 1440.

SECTION I

Standards and Procedures Applicable to Cases in which the Date of the Member's Enlistment or Accession was On or After the Date of this Memorandum.

Upon receipt of a Service Member's "request for certification of honorable service" (N-426), the Secretary of the Military Department concerned may certify such service as honorable only if all of the following criteria are met:

1. **Legal and Disciplinary Matters:** The Service Member is not the subject of pending disciplinary action or pending adverse administrative action or proceeding, and is not the subject of a law enforcement or command investigation; **AND**
2. **Background Investigation and Suitability Vetting:** The Service Member has completed applicable screening and suitability requirements, as follows:
 - a. Persons enlisted or accessed under the Military Accessions Vital to the National Interest (MAVNI) Pilot Program are the subject of a completed National Intelligence Agency Check (NIAC); Tier 3 or Tier 5 Background Investigation, as applicable; counterintelligence-focused security review; counterintelligence interview; and a Military Service Suitability Determination (MSSD), favorably adjudicated in accordance with Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)) memorandum of September 30, 2016, *Military Accessions Vital to the National Interest Pilot Program Extension*, and OUSD(P&R) memorandum of October 13, 2017, *Military Accessions Vital to the National Interest Pilot Program*; **OR**
 - b. Persons accessed under 10 U.S. Code §§ 504(b)(1)(B)¹ and (b)(1)(C)² who have met prescribed screening requirements set forth in Department of Defense Instruction 1304.26, "Qualification Standards for Enlistment, Appointment and Induction," and other applicable DoD or Military Department policy, and are the subject of a favorably adjudicated MSSD; **AND**
3. **Military Training and Required Service:** The Service Member has served in a capacity, for a period of time, and in a manner that permits an informed determination as to whether the member served honorably, as set forth below.
 - a. ***For Service Members in an Active Component:***
 - * Successfully completed the basic training requirements of the armed force of which he/she is a member; **AND**
 - Completed at least 180 consecutive days of active duty service, inclusive of the successful completion of basic training; **AND**
 - The characterization of the member's service is honorable, as determined by the Secretary of the Military Department concerned.

¹ An alien lawfully admitted for permanent residence.

² Persons described in the Compact of Free Association between the Federated States of Micronesia and the United States; the Compact of Free Association between the Republic of the Marshall Islands and the United States; and the Compact of Free Association between Palau and the United States.

b. For Service Members in the Selected Reserve of the Ready Reserve:

- Successfully completed the basic training requirements of the armed force of which he/she is a member; **AND**
- Completed at least one year of satisfactory service towards non-regular retirement in accordance with Department of Defense Instruction 1215.07, "Service Credit for Non-Regular Retirement," as a member of the Selected Reserve, inclusive of the member's successful completion of basic training; **AND**
- The characterization of the member's service is honorable, as determined by the Secretary of the Military Department concerned.

c. For Service Members in an Active Component, or in the Selected Reserve of the Ready Reserve, who have served in an active duty status in a hazardous duty area:

- Successfully completed the basic training requirements of the armed force of which he/she is a member; **AND**
- Satisfactorily served at least one day of active duty service in a location designated as a combat zone, a qualified hazardous duty area, or an area where service in the area has been designated to be in direct support of a combat zone, and which also qualifies the member for hostile fire or imminent danger pay under sections 310 or 351(a)(1) or (3) of Title 37, U.S. Code; **AND**
- The characterization of the member's service is honorable, as determined by the Secretary of the Military Department concerned.

SECTION II.

Standards and Procedures Applicable to Cases in which the Date of the Member's Enlistment or Accession in either the Active or Reserve Component was Prior to the Date of this Memorandum.

The Military Department concerned may certify such a Service Member's service as honorable for purposes of supporting the member's naturalization application only if all of the following criteria are met:

1. Legal and Disciplinary Matters: The Service Member is not the subject of pending disciplinary action or pending adverse administrative action or proceeding, and is not the subject of a law enforcement or command, investigation; **AND**
2. Background Investigation and Suitability Vetting: The Service Member has completed all applicable screening and suitability requirements as set forth in Section 1, paragraph 2 above; **AND**
3. Military Training and Required Service: The Service Member has served in a capacity, for a period of time, and in a manner that permits an informed determination that the member has served honorably as a member of the Selected Reserve of the Ready Reserve or member of an active component of a military or naval force of the United States, as determined by the Secretary of the Military Department concerned.

SECTION III.

Decertification and Recertification.

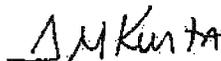
The Military Department concerned will recall and de-certify the Form N-426 for a Service Member described below:

1. The Service Member's accession was prior to the date of this memorandum; **AND**
2. The Service Member has submitted to the USCIS a complete application for naturalization that includes both a Form N-400 and a Form N-426, certifying the member's honorable service for purposes of naturalization, signed by a representative of the Military Department concerned, and USCIS has not adjudicated such application or, if USCIS has granted such application, the member has not yet naturalized; **AND**
3. The Service Member has *not* completed all applicable screening and suitability requirements as set forth in Section 1, paragraph 2 above.

The Military Department concerned will subsequently certify a new Form N-426 and advise the USCIS within five business days of the date on which the affected Service Member is determined to meet the criteria set forth in Section I, paragraph 2, above. The Service Member is responsible for submitting the new Form N-426 to USCIS in support of his/her application for naturalization.

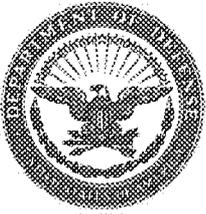
SECTION IV.

Exceptions or Clarifications. Exceptions to, or clarifications of, the standards, policies, or procedures set forth in this memorandum, may be requested from the OUSD(P&R). A written response to a request for exception or clarification must be received in advance of any action by or for the requester that is not clearly in accord with the standards, policies, and procedures set forth herein.



A. M. Kurta
Performing the Duties of the Under Secretary of
Defense for Personnel and Readiness

cc:
Chairman of the Joint Chiefs of Staff
Under Secretary of Defense for Intelligence
Under Secretary of Defense for Personnel and Readiness
Chief of the National Guard Bureau
Assistant Secretary of the Army for
Manpower and Reserve Affairs
Assistant Secretary of the Navy for
Manpower and Reserve Affairs
Assistant Secretary of the Air Force for
Manpower and Reserve Affairs



OFFICE OF THE UNDER SECRETARY OF DEFENSE
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WASHINGTON, D.C. 20301-4000

OCT 13 2017

PERSONNEL AND
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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
COMMANDANT OF THE COAST GUARD

SUBJECT: Certification of Honorable Service for Members of the Selected Reserve of the Ready Reserve and Members of the Active Components of the Military or Naval Forces for Purposes of Naturalization

This memorandum provides formal guidance regarding the certification of honorable service of members of the Selected Reserve of the Ready Reserve and members of the active components of the military or naval forces of the United States for the purpose of supporting Service Member applications for naturalization under section 1440 of Title 8, U.S. Code.

This guidance is effective immediately.

Background:

Federal law affords certain Service Members a statutory exception to certain naturalization requirements otherwise applicable to them, providing a much-expedited path to U.S. citizenship. To qualify for this exception, a Service Member must serve honorably during a period that the President designates, by Executive Order, as one in which the Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force. By Executive Order 13269, dated July 3, 2002, the President designated the period of the war against terrorists of global reach, beginning September 11, 2001, as such a period. Accordingly, military service during this period may permit certain Service Members to avail themselves of a statutory exception. Once the Department of Defense certifies a member's service as honorable, the U.S. Citizenship and Immigration Services (USCIS) completes the citizenship process.

USCIS Form N-400, *Application for Naturalization*, initiates the naturalization process. USCIS Form N-426, Request for Certification of Military or Naval Service, is a necessary and indispensable part of the military naturalization application process. The USCIS Form N-426 records the determination of the Military Department as to whether a Service Member has served honorably. An individual seeking citizenship based on military service must submit a completed *original* USCIS Form N-426. Subject to, and in accordance with, the provisions in this memorandum, the Military Department concerned will determine whether a Service Member is serving or has served honorably, and as applicable, whether separation from such service was under honorable conditions. The Secretary of the Military Department concerned will make the certification. The Secretary may delegate this certification authority, in writing or by regulation, to a commissioned officer serving in the pay grade of O-6 or higher. None of the standards set forth herein as applicable to certifications of honorable service create or imply the creation of a residency or physical presence requirement for the purpose of naturalization pursuant to 8 U.S. Code § 1440.

SECTION I

Standards and Procedures Applicable to Cases in which the Date of the Member's Enlistment or Accession was On or After the Date of this Memorandum.

Upon receipt of a Service Member's "request for certification of honorable service" (N-426), the Secretary of the Military Department concerned may certify such service as honorable only if all of the following criteria are met:

1. Legal and Disciplinary Matters: The Service Member is not the subject of pending disciplinary action or pending adverse administrative action or proceeding, and is not the subject of a law enforcement or command investigation; **AND**
2. Background Investigation and Suitability Vetting: The Service Member has completed applicable screening and suitability requirements, as follows:
 - a. Persons enlisted or accessed under the Military Accessions Vital to the National Interest (MAVNI) Pilot Program are the subject of a completed National Intelligence Agency Check (NIAC); Tier 3 or Tier 5 Background Investigation, as applicable; counterintelligence-focused security review; counterintelligence interview; and a Military Service Suitability Determination (MSSD), favorably adjudicated in accordance with Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)) memorandum of September 30, 2016, *Military Accessions Vital to the National Interest Pilot Program Extension*, and OUSD(P&R) memorandum of October 13, 2017, *Military Accessions Vital to the National Interest Pilot Program*; **OR**
 - b. Persons accessed under 10 U.S. Code §§ 504(b)(1)(B)¹ and (b)(1)(C)² who have met prescribed screening requirements set forth in Department of Defense Instruction 1304.26, "Qualification Standards for Enlistment, Appointment and Induction," and other applicable DoD or Military Department policy, and are the subject of a favorably adjudicated MSSD; **AND**
3. Military Training and Required Service: The Service Member has served in a capacity, for a period of time, and in a manner that permits an informed determination as to whether the member served honorably, as set forth below.
 - a. *For Service Members in an Active Component*:
 - Successfully completed the basic training requirements of the armed force of which he/she is a member; **AND**
 - Completed at least 180 consecutive days of active duty service, inclusive of the successful completion of basic training; **AND**
 - The characterization of the member's service is honorable, as determined by the Secretary of the Military Department concerned.

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b. For Service Members in the Selected Reserve of the Ready Reserve:

- Successfully completed the basic training requirements of the armed force of which he/she is a member; **AND**
- Completed at least one year of satisfactory service towards non-regular retirement in accordance with Department of Defense Instruction 1215.07, "Service Credit for Non-Regular Retirement," as a member of the Selected Reserve, inclusive of the member's successful completion of basic training; **AND**
- The characterization of the member's service is honorable, as determined by the Secretary of the Military Department concerned.

c. For Service Members in an Active Component, or in the Selected Reserve of the Ready Reserve, who have served in an active duty status in a hazardous duty area:

- Successfully completed the basic training requirements of the armed force of which he/she is a member; **AND**
- Satisfactorily served at least one day of active duty service in a location designated as a combat zone, a qualified hazardous duty area, or an area where service in the area has been designated to be in direct support of a combat zone, and which also qualifies the member for hostile fire or imminent danger pay under sections 310 or 351(a)(1) or (3) of Title 37, U.S. Code; **AND**
- The characterization of the member's service is honorable, as determined by the Secretary of the Military Department concerned.

SECTION II.

Standards and Procedures Applicable to Cases in which the Date of the Member's Enlistment or Accession in either the Active or Reserve Component was Prior to the Date of this Memorandum.

The Military Department concerned may certify such a Service Member's service as honorable for purposes of supporting the member's naturalization application only if all of the following criteria are met:

1. Legal and Disciplinary Matters: The Service Member is not the subject of pending disciplinary action or pending adverse administrative action or proceeding, and is not the subject of a law enforcement or command, investigation; **AND**
2. Background Investigation and Suitability Vetting: The Service Member has completed all applicable screening and suitability requirements as set forth in Section 1, paragraph 2 above; **AND**
3. Military Training and Required Service: The Service Member has served in a capacity, for a period of time, and in a manner that permits an informed determination that the member has served honorably as a member of the Selected Reserve of the Ready Reserve or member of an active component of a military or naval force of the United States, as determined by the Secretary of the Military Department concerned.

SECTION III.

Decertification and Recertification.

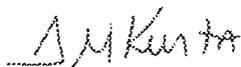
The Military Department concerned will recall and de-certify the Form N-426 for a Service Member described below:

1. The Service Member's accession was prior to the date of this memorandum; **AND**
2. The Service Member has submitted to the USCIS a complete application for naturalization that includes both a Form N-400 and a Form N-426, certifying the member's honorable service for purposes of naturalization, signed by a representative of the Military Department concerned, and USCIS has not adjudicated such application or, if USCIS has granted such application, the member has not yet naturalized; **AND**
3. The Service Member has *not* completed all applicable screening and suitability requirements as set forth in Section I, paragraph 2 above.

The Military Department concerned will subsequently certify a new Form N-426 and advise the USCIS within five business days of the date on which the affected Service Member is determined to meet the criteria set forth in Section I, paragraph 2, above. The Service Member is responsible for submitting the new Form N-426 to USCIS in support of his/her application for naturalization.

SECTION IV.

Exceptions or Clarifications. Exceptions to, or clarifications of, the standards, policies, or procedures set forth in this memorandum, may be requested from the OUSD(P&R). A written response to a request for exception or clarification must be received in advance of any action by or for the requester that is not clearly in accord with the standards, policies, and procedures set forth herein.



A. M. Kurta
Performing the Duties of the Under Secretary of
Defense for Personnel and Readiness

cc:

Chairman of the Joint Chiefs of Staff
Under Secretary of Defense for Intelligence
Under Secretary of Defense for Personnel and Readiness
Chief of the National Guard Bureau
Assistant Secretary of the Army for
Manpower and Reserve Affairs
Assistant Secretary of the Navy for
Manpower and Reserve Affairs
Assistant Secretary of the Air Force for
Manpower and Reserve Affairs



PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
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OCT 13 2017

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
COMMANDANT OF THE COAST GUARD
DIRECTOR, DEPARTMENT OF DEFENSE CONSOLIDATED
ADJUDICATIONS FACILITY

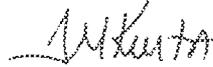
SUBJECT: Military Service Suitability Determinations for Foreign Nationals Who Are Lawful
Permanent Residents

- Reference:
- (a) 10 U.S. Code §504(b)(1)(B)
 - (b) Department of Defense Instruction (DoDI) 1304.26, "Qualification Standards for Enlistment, Appointment, and Induction," March 23, 2015
 - (c) Security Executive Agent Directive 4, National Security Adjudicative Guidelines, June 8, 2017
 - (d) Department of Defense Manual 5200.02, "Procedures for the DoD Personnel Security Program (PSP)," April 3, 2017

In order to facilitate process efficiency and the appropriate sharing of information for security risk based suitability and security decisions for the accession of foreign nationals described in reference (a), effectively immediately a Military Service Suitability Determination (MSSD) and National Security Determination (NSD), will be made prior to such foreign national's entry into Active, Reserve or Guard Service. Following completion of the appropriate background investigation, the DoD Consolidated Adjudications Facility (DoD CAF) will attempt to render favorable MSSD and NSD recommendations on the foreign national applicant, applying the National Security Adjudicative Guidelines at reference (c).

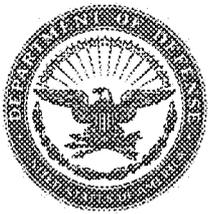
- If during the NSD or MSSD adjudication at the DoD CAF, derogatory information is discovered that cannot be mitigated in accordance with reference (c), or derogatory information is discovered that was not previously known to the Military Service of which the foreign national applicant will be a member, the DoD CAF will refer that information to the designated office of responsibility within the applicant's Military Service. The designated official will take appropriate action to mitigate the security risk or discontinue applicant processing for the individual concerned within 90 days from the date of the DoD CAF referral, on the basis of military service suitability disqualification.
- If the Military Service mitigates the derogatory information and/or grants a waiver to MSSD standards, the case and any mitigating information will be returned to the DoD CAF to complete the NSD review process. If, after review, an adverse NSD is rendered, the DoD CAF will notify the Military Service, which will discontinue applicant processing for the individual concerned.

- In cases in which the foreign national applicant is not yet a citizen but is otherwise eligible for a favorable NSD and MSSD, in accordance with reference (d), a waiver, deviation, and/or condition, as necessary and appropriate, will be annotated in the Joint Personnel Adjudication System, including the annotation of a statement that the individual is not eligible for access to classified information until U.S. citizenship is granted, and then only if the individual's position and/or duties require access to classified information.



A.M. Kurta
Performing the Duties of
Under Secretary of Defense
for Personnel and Readiness

Cc:
Chairman of the Joint Chiefs of Staff
Under Secretary of Defense for Intelligence
Under Secretary of Defense for Personnel and Readiness
Chief of the National Guard Bureau
Assistant Secretary of the Army for
Manpower and Reserve Affairs
Assistant Secretary of the Navy for
Manpower and Reserve Affairs
Assistant Secretary of the Air Force for
Manpower and Reserve Affairs
Director, Washington Headquarters Services



OFFICE OF THE UNDER SECRETARY OF DEFENSE
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WASHINGTON, D.C. 20381-4000

OCT 13 2017

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
DIRECTOR, DEFENSE INTELLIGENCE AGENCY
DIRECTOR, DEPARTMENT OF DEFENSE CONSOLIDATED
ADJUDICATIONS FACILITY

SUBJECT: Military Accessions Vital to the National Interest Pilot Program

- References: (a) Memorandum "Military Accessions Vital to the National Interest Pilot Program Extension," September 30, 2016
(b) Memorandum "Military Accessions Vital to the National Interest Pilot Program," June 21, 2017
(c) DoD Manual 5200.02, "Procedures for the DoD Personnel Security Program (PSP)," April 3, 2017
(d) Security Executive Agent Directive 4, National Security Adjudicative Guidelines, June 8, 2017

Over the course of the last year, the Department of Defense (DoD) has taken direct actions to mitigate the security risks to mission presented by the previous practices of vetting Service Members accessed under the Military Accessions Vital to the National Interest (MAVNI) Pilot Program. While the actions taken have contributed significantly to the mitigation of security risks, continued progress depends on a consistent, sustained, and responsive approach. As such, this memorandum provides supplemental policy guidance regarding the management of Service members accessed through the MAVNI Pilot Program.

Vetting Requirements:

Completion of Vetting Requirements. The Secretaries of the Military Departments (MilDeps) will complete vetting requirements as outlined in reference (a), and modified by this memorandum, with the exception of the Office of Personnel Management Tier 5 background investigation for all MAVNI Service Members, to include applicants in the Delayed Entry Program (DEP), no later than 180 days from the date of this memorandum.

Service Members Accessed Prior to September 30, 2016. The MilDeps will initiate and complete a passive analytical CI and security assessment for MAVNI Service Members who completed security and suitability screening using vetting protocols in place prior to the issuance of reference (a), no later than 180 days from the date of this memorandum. In cases in which derogatory information relative to reference (d) is discovered, standard CI security referral protocol will be followed.

Continuous Monitoring:

The MilDeps will execute continuous monitoring for all MAVNI Service Members to include, at a minimum: enrollment in DoD's Continuous Evaluation (CE) program for the

entirety of the MAVNI Service Member's military career; and an analytical counterintelligence and security assessment, and a National Intelligence Agency Check (NIAC) every two years.

Interdepartmental Cooperation:

In an effort to expedite the security and suitability screening prescribed in reference (a), as well as the vetting requirements prescribed above, the Department must leverage the full complement of CI and adjudicative assets available to it. The Secretaries of the Navy and Air Force, and the Director, Defense Intelligence Agency, will provide support to the Secretary of the Army in executing MAVNI Pilot Program related mission requirements. This may include, but is not limited to, providing screening and berthing locations, transportation assistance, CI analytical support, special agents to conduct interviews, and adjudicative manpower.

Initial National Security Determination (NSD) and Military Service Suitability Determination (MSSD):

To comply with requirements for the initial vetting of MAVNI applicants and DTP Service Members, in accordance with references (b) and (c), the DoD Consolidated Adjudications Facility (DoD CAF) will attempt to render a NSD and a MSSD recommendation in accordance with reference (d).

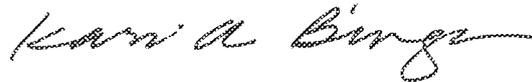
- In the event that derogatory information cannot be mitigated in accordance with reference (d), or when derogatory information is discovered that was not previously known to the Military Service of which the MAVNI applicant or Service Member will be or is a member, the DoD CAF will refer that information to the designated office of responsibility within the MAVNI applicant/DTP Service Member's Military Service. The designated official with responsibility for making MSSDs for MAVNI applicants will take appropriate action to mitigate the derogatory information or discontinue applicant processing for the individual concerned. With regard to DTP Service Members, the designated official will take appropriate action to mitigate the derogatory information, or will initiate administrative separation proceedings in accordance with existing procedures. Such determinations should be made, and appropriate action initiated, within 90 days from the date of the DoD CAF referral on the basis of military service suitability disqualification.
- If the Military Service mitigates the derogatory information and/or grants a waiver to MSSD standards, the case and any mitigating information will be returned to the DoD CAF to begin the NSD review process. If, after review, an adverse NSD is rendered, the DoD CAF will notify the Military Service, which will discontinue applicant processing for the individual concerned. With regard to DTP Service Members, the designated official will initiate administrative separation proceedings in accordance with existing procedures. This guidance modifies Office of the Under Secretary of Defense for Personnel and Readiness memorandum, "Military Accessions Vital to the National Interest Pilot Program Suitability," April 5, 2017. In cases in which a MAVNI Service Member is not yet a U.S. citizen, but has obtained a favorable NSD in accordance with reference (c), the Joint Personnel Adjudication System will be annotated to state that the

individual is not eligible for access to classified information until U.S. citizenship is granted, and then only if the individual's position and/or duties require access to classified information.

The MilDep Secretaries shall direct immediate implementation of this guidance and report compliance to the Office of the Under Secretary of Defense for Personnel and Readiness and the Office of the Under Secretary of Defense for Intelligence. Initial reports will be submitted within 45 days from the date of this memorandum and thereafter semi-annually, not later than June 30 and December 31 of each calendar year. Direct all requests for clarification and waivers or exceptions to this guidance in writing to the Office of the Under Secretary of Defense for Personnel and Readiness.



A.M. Kurta
Performing the Duties of
Under Secretary of Defense
for Personnel and Readiness



Kari A. Bingen
Acting Under Secretary of Defense
for Intelligence

cc:

Chairman of the Joint Chiefs of Staff
Under Secretary of Defense for Intelligence
Under Secretary of Defense for Personnel and Readiness
Chief, National Guard Bureau
Assistant Secretary of the Army
for Manpower and Reserve Affairs
Assistant Secretary of the Navy
for Manpower and Reserve Affairs
Assistant Secretary of the Air Force
for Manpower and Reserve Affairs
Director, Washington Headquarters Services

Prepared by: OUSD(P&R) Accession Policy
 Approved by: Mr. Hood (ASD LA) / Ms. White (ASD PA)

Updated: 2017-10-12 1240

Policy Changes Concerning Lawful Permanent Residents and the Military Accessions Vital to the National Interest (MAVNI) Pilot Program

Background:

The Department of Defense (DoD) announced today a change to policies regarding initial screening of Lawful Permanent Residents (LPRs) and qualifying service for the purposes of military naturalization. These changes reflect lessons learned from the Military Accessions Vital to the National Interest (MAVNI) Pilot Program. While the Department recognizes the value of expedited U.S. citizenship achieved through military service, it is in the national interest to ensure all current and prospective Service members complete security and suitability screening prior to naturalization.

Products:

- (1) "Military Service Suitability Determinations for Foreign Nationals Who Are Lawful Permanent Residents," October 13, 2017
- (2) "Certification of Honorable Service for Members of the Selected Reserve of the Ready Reserve and Members of the Active Components of the Military or Naval Forces for Purposes of Naturalization," October 13, 2017

Note: There is a third memo, "Military Accessions Vital to the National Interest Pilot Program," also of October XX, 2017 that largely directs internal management actions associated with the MAVNI Pilot Program. Specifically, (A) Updated continuous monitoring requirements to include an analytical counterintelligence and security assessment for all MAVNI personnel every 2 years; (B) Interdepartmental sharing of CI assets to complete MAVNI screening expeditiously, and; (C) Clarifying guidance to the Consolidated Adjudications Facility (CAF) regarding National Security and Military Service Suitability Determinations (NSDs and MSSDs). As this is largely an internal memo for management purposes, it is not the focus of this LA/PA rollout plan, but SMEs will be available to discuss and answer questions to Congressional oversight committees and the Federal Courts as needed.

Strategy/Goals/Objectives/Tasks:

- Transparency with all audiences regarding policy changes affecting DoD foreign nationals.
- Ensure those affected understand the reasoning and importance of the changes.
- Accurate information in the public domain.

PA Posture: Active on top lines/blue top and RTQ for subsequent media inquiries. OSD PA maintains lead, Military Services to support with information/data as requested:

- OSD (PA) Lead: Laura Ochoa, Press Operations Officer, OUSD(PA)
- OSD (P&R) SME: Stephanie Miller, Director, Accession Policy, OUSD(P&R)
- OSD (I) SME: Heather McMahan, Director, Counterintelligence, OUSD(I)
- OGC SME: Michael Fucci, Litigation Counsel (Primary Liasion to DOJ/Federal Courts)

Audiences:

Prepared by: OUSD(P&R) Accession Policy
 Approved by: Mr. Hood (ASD LA) / Ms. White (ASD PA)

Updated: 2017-10-12 1240

- Internal: Military Services, MAVNI and LPR Service members/recruits
- External: Congressional members and staff, Partner Agencies and Federal Courts, Media

Timeline: Based on day of signature (October 13, 2017)

Time	Action	Lead
1200	Final signature of memorandums	Mr. Tony Kurta, PD USD(P&R)
1300	Notification: Congressional Oversight Committees <i>Product: Signed memos, Blue Top, Background Information as needed.</i>	Lt Col Will Cooper, OSD LA: (HASC/SASC) COL Dave Waldron, OUSD C LA: (HAC/SAC) Ms. Rachel Heier, OUSD(I) LA: (HPSCI/SPSCI)
1300	Concurrent Notification: DOJ/Federal Courts <i>Product: Signed memos (#1 and possibly #3)</i>	Mr. Michael Fucci, OGC
1400	Media release of Blue Top	Ms. Laura Ochoa, OSD PA
1500	Defense Media Activity article released <i>(Reporter: Mr. Jim Garamone)</i>	Ms. Laura Ochoa and Ms. Stephanie Miller
1500+	Response to Query	Ms. Laura Ochoa and SMEs as needed

Prepared by: OUSD(P&R) Accession Policy
Approved by: Mr. Hood (ASD LA) / Ms. White (ASD PA)

Updated: 2017-10-12 1240

Blue Top

DoD Announces Policy Changes to Lawful Permanent Residents and the Military Accessions Vital to the National Interest (MAVNI) Pilot Program

The Department of Defense announced today a change to policies regarding initial screening of Lawful Permanent Residents (LPRs) and qualifying service for the purposes of military naturalization. These changes reflect lessons learned from the Military Accessions Vital to the National Interest (MAVNI) Pilot Program. While the Department recognizes the value of expedited U.S. citizenship achieved through military service, it is in the national interest to ensure all current and prospective service members complete security and suitability screening prior to naturalization.

On October 13, 2017 DoD authorized a change to two policies:

- (1) Initial security and suitability screening for LPRs, and;
- (2) Certifications of honorable service for the purposes of expedited naturalization.

Effective immediately, all LPRs must complete a background investigation and receive a favorable military security suitability determination (MSSD) prior to entry in the active, reserve, or guard service.

This is a change from the current policy, which allows for LPR recruits to ship to initial military training as long as their background investigation had been initiated, and they had cleared all other entry screening requirements.

Effective immediately, in order for a foreign national entering service in the active, reserve, or guard service to receive a certification of honorable service for the purposes of expedited naturalization (citizenship), he or she must:

- Complete all security and suitability screening requirements and receive a favorable MSSD, and;
- Complete the initial military training requirements of the service of which they are a member, and;
- Complete at least 180 consecutive days of active duty service, or a least one year of satisfactory service in the selected reserve.

This is a change from the current practice of certification of honorable service for the purpose of expedited naturalization after “one day of service.”

For currently serving service members, to include those in the Delayed Training Program, they must complete all security and suitability screening requirements prior to a certification of honorable service. Those who may have received a certification of honorable service prior to the completion of all security and suitability screening requirements will have that certification recalled and decertified until, at a minimum, screening requirements are complete.

Prepared by: OUSD(P&R) Accession Policy
Approved by: Mr. Hood (ASD LA) / Ms. White (ASD PA)

Updated: 2017-10-12 1240

DoD and U.S. Citizenship and Immigration Service (USCIS) have established a process to allow for the review and recertification of recalled forms once the individual completes requisite screening requirements.

Background: Change in LPR Security Screening Requirements

- The changes to policies announced today reflect lessons learned from the Military Accessions Vital to the National Interest (MAVNI) Pilot Program. The MAVNI Pilot Program allows certain non-citizens who are legally present in the United States to join the U.S. military.
- The program was only available to legal aliens holding critical skills (health care professions and strategic language expertise). Individuals were able to apply for expedited U.S. citizenship on the basis of their military service.
- Since 2009, more than 10,000 non-US citizens have joined or signed contracts to join the U.S. Military through the MAVNI Pilot Program.
- A 2016 internal review revealed the Department permitted some MAVNI personnel to enter the Force without a completed background check or adequately tracked personnel post-accession, per existing policy. A subsequent DoD IG review corroborated these findings. DoD, under then-Secretary Carter, suspended the MAVNI Pilot Program in September 2016 as the result of security and counterintelligence vulnerabilities identified in those reviews.
- The Department is not accepting new applicants into the MAVNI Pilot Program, but will continue to process preexisting MAVNI recruits. Those who successfully complete the more robust security and suitability screening requirements enacted in September 2016 will proceed to initial military training.
- Apart from the MAVNI Pilot Program, DoD enlists approximately 7,000 Lawful Permanent Residents (LPRs) each year. Current policy allows LPRs to proceed to initial military training provided their Tier 3 background investigation has been initiated and they have cleared all other entry screening requirements.
- However, because LPR recruits share many of the same risk factors identified among personnel accessed via the MAVNI Pilot Program, the revised policy announced today will require a *completed* vice *initiated* background investigation prior to entry into the U.S. military.
- This policy change will require some LPR recruits to remain in either the Delayed Entry Program (DEP) or Delayed Training Program (DTP) for an extended period of time while awaiting the completion of their background investigation.
- The Department recognizes the impact this may have future Service Members in the DEP and DTP. We are in continual contact with United States Citizenship and Immigration Services (USCIS) to discuss the status of those who may be affected.

Prepared by: OUSD(P&R) Accession Policy
Approved by: Mr. Hood (ASD LA) / Ms. White (ASD PA)

Updated: 2017-10-12 1240

Background: Change in Military Naturalization Policy

- Normally, a non-citizen who seeks to become a United States citizen must have five years of legal permanent residency in the U.S. to apply. However, special provisions apply for members of the Armed Forces:
 - **Peacetime Military Service** – Section 1439, title 8, United States Code, affords those who have served in the U.S. Armed Forces to file for naturalization based on honorable military service of one year or more, and legal permanent resident status at the time of application, or within 6 months of an honorable discharge.
 - **Service During Hostilities** – During times of conflict, Section 1440, title 8, United States Code, allows the President to authorize immediate application for U.S. citizenship to persons serving in the U.S. Armed Forces. Executive Order 13269, signed July 3, 2002, authorized this exception effective September 11, 2001. The Service Secretary concerned shall determine whether the characterization of such service was under honorable conditions.
- The U.S. Citizenship and Immigration Service (USCIS) Form N-426, “Request for Certification of Military or Naval Service,” is the means by which DoD (or DHS in the case of the U.S. Coast Guard) certifies whether an applicant for citizenship is serving honorably, and if no longer serving, whether they were separated under honorable conditions. DoD and DHS are the only federal agencies who certify this military service.
- In the scope of normal recruiting operations, a recruit may access into the military before there is a complete adjudication of suitability for service determination if no immediate disqualifying information is found. However, in those cases, any additional disqualifying information may result in a subsequent release from military service.
- In the case of non-citizen applicants for military service, due to security, counterintelligence, and insider threat concerns, it is the Department’s intent to ensure all appropriate security screening is complete prior to the individual’s entry into military service and a certification of honorable service is granted for the purposes of expedited naturalization.
- As such, effective immediately, in order for a foreign national serving in the Active, Reserve, or Guard Service to receive a certification of honorable service for the purposes of expedited naturalization (citizenship), he or she must:
 - a. Complete all security and suitability screening requirements and receive a favorable MSSD, and;
 - b. Complete the initial military training requirements of the Armed Force of which they are a member, and;
 - c. Complete at least 180 consecutive days of active duty service, or a least one year of satisfactory service in the Selected Reserve.
- This is a change from the current practice of certification of honorable service for the purpose of expedited naturalization after “one day of service.”

Prepared by: OUSD(P&R) Accession Policy
Approved by: Mr. Hood (ASD LA) / Ms. White (ASD PA)

Updated: 2017-10-12 1240

- Service Members who may have received a certification of honorable service prior to the completion of all security and suitability screening requirements will have that certification recalled and decertified until, at a minimum, those screening requirements are complete.
- DoD and U.S. Citizenship and Immigration Service (USCIS) have established a process to allow for the rapid review and recertification of revoked forms once the individual completes requisite screening requirements.

HARD Q&As: *Answers based on pre-approved Congressional/media talking points, declarations to the Federal Courts available in the public domain, and DoD policy.*

1. Why did DoD establish the MAVNI Pilot Program?

The MAVNI Pilot Program provided the Department access to critical foreign language and cultural skills or medical training not normally found in the general population in the United States.

2. What are the security concerns identified in the program?

Recent reviews of the program found some enlistees were permitted to enter the force without completed background checks or adequately tracked post-accession, per existing policy. The reviews also showed a small number of enlistees may have engaged in pre-accession criminal activity (e.g. fraudulent student visas) and/or pose a counterintelligence security threat. As such, the Department has instituted enhanced eligibility, security, and suitability requirements and is evaluating the future need of the program.

3. What is the current status of the MAVNI Pilot Program? Are you still recruiting?

A recruiting suspension remains in effect while current personnel complete vetting requirements – no new accessions have signed enlistment contracts since June 2016. However, we will continue to process existing MAVNI Pilot Program recruits who successfully clear all security screening requirements and are determined to be vital to the national interest.

4. How many people apply every year and how many get enlisted? What is the makeup of nationalities of the applicants?

Since program inception in 2008, approximately 10,000 individuals have been accessed through the MAVNI Pilot Program. MAVNI eligibility is based on a need for critical health professions or specialized language and cultural competencies within the Military Services. Languages (not ethnicities) were either added or removed from the eligibility list based on critical need and/or security review. The MAVNI Pilot Program represents slightly less than 10 percent of the overall number of Service members who have obtained citizenship through their military service.

5. What is the vetting process for MAVNI applicants?

Each MAVNI Pilot Program applicant is subjected to the same background checks as all other Service members. Additionally, each MAVNI applicant undergoes additional security screening, screening of intelligence databases, a counterintelligence focused interview, and, if necessary, a polygraph examination.

6. Are Deferred Action Childhood Arrival (DACA) recipients allowed to enlist in the Armed Forces?

Prepared by: OUSD(P&R) Accession Policy
Approved by: Mr. Hood (ASD LA) / Ms. White (ASD PA)

Updated: 2017-10-12 1240

In September 2014, the Department expanded the MAVNI Pilot Program to include individuals who have been granted deferred action by the Department of Homeland Security pursuant to the original DACA process. Individuals must meet all other MAVNI eligibility criteria and successfully complete all security vetting requirements.

7. Why is DoD decertifying previously approved certifications of honorable service? What impact will this have on Service member's ability to naturalize based on their service?

Some Service members may have received a certification of honorable service for the purposes of naturalization before completing all security and suitability screening requirements. DoD and the U.S. Citizenship and Immigration Services (USCIS) jointly determined it is in the vital interests of the United States to ensure that naturalization decision of USCIS is informed by the outcome of that security and suitability screening.¹ DoD and USCIS have established a process to allow for the rapid review and recertification of revoked forms once the individual completes requisite screening requirements.

8. How many LPRs/Green Card Holders does DoD recruit each year?

On average, the Military Services recruit about 7,000 LPRs each year.²

9. Does the Department still have the ability to recruit Legal Permanent Residents/(LPRs)Green Card Holders? How does today's announcement impact them?

The Department will continue to recruit Lawful Permanent Residents; however, based on lessons learned from the MAVNI Pilot Program, a change in DoD policy will require all LPR recruits to complete their background investigation and receive a favorable suitability determination prior to shipping to basic training. This may result in some recruits remaining in a delayed entry or training status for an extended period of time.

¹ Must preserve this sentence in any responses as it is the direct language from the DoD declaration of July 7, 2017.

² 7,000 represents the average over FY2015-FY2017. There was a significant increase in FY2017, primarily as the result of Army, Navy, and USMC accessions.

PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

INFORMATION MEMO

FOR: SECRETARY OF DEFENSE

DepSeco Action _____

FROM: A. M. Kurta, Performing the Duties of the Under Secretary of Defense for Personnel
and Readiness *A. M. Kurta 9/21*

SUBJECT: Military Accessions Vital to the National Interest (MAVNI) Pilot Program

ISSUE: This memorandum responds to your questions about the MAVNI Pilot Program following the publication of: "*Fast Track to Citizenship Cut Off for Some Recruits,*" by Miriam Jordan, *New York Times*; September 16, 2017.

Q1) What is the status/update on MAVNI?

A1) A full MAVNI update, in coordination with USD(I), is forthcoming.

Q2) How long can an enlistee remain in the Delayed Enlistment Program (DEP) before they must ship to boot camp?

A2) The statutory authority for the DEP, 10 U.S.C. § 513(b), requires the Military Service concerned to discharge a recruit who has not shipped to initial military training within two years. Of note, the Senate-passed version of the NDAA for FY 2018 includes an amendment introduced by Sen. Durbin that would grant the Secretary concerned the statutory authority to extend the contracts of those MAVNI personnel in DEP by an additional 365 days if necessary in order to perform necessary security screening.

Q3) Are discharges underway?

A3) The *New York Times* article largely addresses those personnel contracted under the MAVNI Pilot Program in the DEP. Unfortunately, the security screening that is required before a MAVNI Pilot Program recruit can ship to basic training has not been completed for some recruits within two years of the date they entered DEP. As a result, approximately 20 MAVNI personnel in DEP have been discharged to date. The Army is pursuing equitable relief on behalf of remaining recruits through the Army Board for Correction of Military Records (ABCMR) because it currently lacks the statutory authority to extend enlistment periods beyond two-years. MAVNI recruits in the DEP are being given the option whether to participate in the application for equitable relief at the ABCMR, which was unfortunately misconstrued by the *New York Times* and other media outlets as an effort to broadly terminate DEP contracts. Another 11 MAVNI personnel in DEP will be discharged should the ABCMR fail to grant the requested relief by the end of September.

Q4) "The reason behind the decision to cut Mr. Mohammed Anwar from the military remains unclear to him." Is this true? Was there a particular reason Mr. Anwar was separated? Was a reason provided to Mr. Anwar?

UNCLASSIFIED//FOR OFFICIAL USE ONLY PROTECTED BY PRIVACY ACT

A4) PVI Mohammed Talha Anwar enlisted in the U.S. Army Selected Reserve, as a participant in the Delayed Training Program (DTP), on April 26, 2016, and remains in service. He has not been discharged from the U.S. Army. He has yet to enter active duty for initial entry training pending completion of security screening. He is scheduled for a counterintelligence (CI) security interview on September 26, 2017. PVI Anwar has spoken with representatives of U.S. Army Recruiting Command following his comments to the *New York Times* and has acknowledged his current status. He confirmed he plans to participate in his CI security interview, and should he ultimately receive a favorable Military Security Suitability Determination (MSSD), he would likely proceed to initial entry training.

TAB

A



OFFICE OF THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1000

SEP 22 2017

INFO MEMO

FOR: SECRETARY OF DEFENSE

FROM: A. M. Kurta, Performing the Duties of the Under Secretary of Defense for Personnel and Readiness *A. M. Kurta 9/22*

Kari A. Bingen, Acting Under Secretary of Defense for Intelligence *(Signature)*

SUBJECT: Military Accessions Vital to the National Interest (MAVNI) Pilot Program Update

This memo provides a status update on the MAVNI Pilot Program. We will continue mitigation efforts and develop legislative and public affairs (LA/PA) strategies to support execution.

- (1) Risk mitigation efforts - Concentration of resources are on those MAVNI personnel who represent the greatest counterintelligence (CI) risk. Across all recruited under the MAVNI Pilot Program, the Consolidated Adjudication Facility (DoDCAF) has provided suitability recommendations on 1,089 cases: a significant increase from the 165 cases reported in June.

Vetting status:

Group 1: MAVNI personnel who entered the Force without a completed Tier 5 background investigation; highest risk (approx. 1,559).

- o Disposition: 65 percent complete. Approximately 45 percent recommended suitable by DoDCAF and retained, approximately 19 percent recommended unsuitable by DoDCAF; Army reviewing unsuitability cases.

Group 2: MAVNI personnel in the Force based on completed Tier 5 investigations; moderate risk (approx. 3,880).

- o We believe the analytical CI screening of this group will adequately mitigate risk. Final guidance to initiate screening is in final coordination.

Group 3: MAVNI personnel in the Selected Reserve Delayed Training Program (DTP), moderate risk (2,396). Army recently pivoted to this group once the majority of Group 1 screening was complete.

- o Disposition: 2 percent complete. Approx. one percent recommended suitable by DoDCAF and retained, less than one percent recommended unsuitable by DoDCAF (separated or pending separation). On July 27, 2017, the Army extended all MAVNI personnel in DTP for an additional year to accommodate security screening prior to basic training.

Group 4: MAVNI personnel in the Delayed Entry Program (DEP); lowest risk (approx. 1,666).

- o Disposition: 2 percent complete. Less than one percent recommended suitable by DoDCAF and retained, and less than one percent recommended unsuitable by DoDCAF (separated or pending separation). The Army Board for Correction of Military Records working to extend contracts by one year of those in DEP.

Inter-Service Support to Army: Navy, Air Force, and Defense Intelligence Agency CI assets will support Army to expedite CI screening efforts.

(2) Policies required to address ongoing mitigation efforts.

- Army personnel issued certificates of "honorable service" to more than 850 MAVNI personnel qualifying them for expedited citizenship prior to completion of security screening. The majority of these personnel had only drilled in the Selected Reserves and had not served on Active Duty, nor had not completed either security screening or basic training. We believe this practice is acceptable and should be continued to expedite citizenship and receive a favorable suitability determination.
 - This policy is likely to garner media and Congressional attention. Our LA/PA strategy will emphasize that a process has been established between DoD and the U.S. Citizenship and Immigration Service to allow for the rapid review and recertification of revoked forms once the individual completes screening and receives a favorable suitability determination.
- We also recommend the Department establish a new policy that any non-citizen enlistee complete basic training to include 90 days of active honorable service, or one year of Reserve weekend drills and annual training, in order to qualify for a certification of citizenship eligibility (in contrast to the current practice of certifying eligibility after one day of service).

(3) LPR screening.

- You requested a review of screening requirements for LPRs and asked whether this population presents a risk profile similar to the MAVNI population. Per DoD instruction, screening requirements are the same for both U.S. citizens and LPRs. LPRs can ship to basic training if their Tier 3 background investigation has been initiated, and the subject has cleared all other entry screening requirements.
- A random sampling of 5 percent of LPR recruits shipped to basic training in FY 2016 indicated that 100 percent were in compliance with this policy; of the sampled population, 52 percent shipped before their Tier 3 investigation was completed.
- The Military Departments are complying with current policy regarding LPR recruits: but because this group shares many of the same risk factors with the MAVNI population, we believe current policy is insufficient to mitigate risk. Accordingly, current policy guidance will require completion of security screening prior to shipping to basic training or DTP. This will impact the ability of some Military Service components to make recruiting missions in FY 2018. LPR time in DEP/DTP will likely exceed one year while awaiting completion of the screening requirements.
- Going forward, USD(P&R) and USD(I) will ensure that all policies for foreign national accessions address both MAVNI personnel and LPRs in tandem.

COORDINATION: TAB A

Prepared by: Stephanie P. Miller, 703-695-5525

EXHIBIT 2

The Honorable Ellen S. Huvelle

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KUSUMA NIO, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,

Defendants.

No.: 1:17-cv-00998 (ESH)

**SECOND DECLARATION OF
STEPHANIE P. MILLER IN
RESPONSE TO JULY 19, 2017
ORDER OF THE COURT**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am the same Stephanie P. Miller who filed a declaration in support of Defendant's Response to Plaintiff's Motion for a Preliminary Injunction on July 7, 2017. Exhibit 7. I make this second declaration in response to the July 19, 2017 Order of the Court requesting information and any relevant documents addressing questions posed by the Court. This declaration provides answers to the questions posed in that Order that I am able to answer.

Questions and Answers

(Q2) What is a Tier 5 background check? What does it cover? What does the process involve? How does it differ from a Tier 3 background check? For each named plaintiff, what type of background check is being conducted; what is the status of the background check; how much of the process has been completed; and when will it be completed?

(A2) Per the Federal Investigative Standards, established by the Office of Personnel Management (OPM), Tier 5 investigations are required for positions designated as critical

DECLARATION OF STEPHANIE P. MILLER
Nio, et al. v. Dep't of Homeland Security, et al. No. 1:17-cv-00998 (ESH)

U.S. DEPARTMENT OF JUSTICE
Civil Division,
Office of Immigration Litigation
P.O. Box 808, Ben Franklin Station
Washington, DC 20044

1 sensitive, special sensitive, or access to Top Secret or Sensitive Compartmented Information
2 (SCI), using the Standard Form (SF) 86 (Attachment 1). A Tier 5 background investigation
3 (formerly known as a Single Scope Background Investigation (SSBI)) covers multiple issues,
4 to include: Date and place of birth verification, prior and current investigative records, criminal
5 history, a check through intelligence indices, social security number check, terrorist and
6 subversive activities, selective service registration, U.S. military discharge (if applicable), and a
7 citizenship/legal status check. A Tier 5 investigation looks at local law enforcement agency
8 checks, public records, the Subject's credit/financial history, and the Subject's foreign
9 activities, including foreign born immediate family members. A Tier 5 investigation also
10 verifies the Subject's educational background, employment history, and former spouse (if
11 divorced within the last five years). The Subject's social references and neighbors, as listed on
12 the SF 86, are also interviewed. The Subject's spouse/cohabitant is also reviewed to determine
13 if they have engaged in activity that may have implications for the Subject's eligibility for
14 access to classified information or suitability for employment, as well as the
15 spouse/cohabitant's prior and current investigative records (including criminal/Federal Bureau
16 of Investigation check), to include their citizenship/legal status as well as any potential terrorist
17 and subversive activities.

21 The Tier 5 background investigation typically culminates with an interview with a
22 trained investigator to obtain any outstanding information or clarify any conflicting information
23 presented in background records or related interviews. Further detailed information about
24 Tier 5 background checks is in the Federal Investigative Standards (Attachment 2) and the
25 Expanded Focus Investigation Models (Attachment 3).
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1 The purpose of a Tier 3 investigation is to conduct a background investigation for
2 positions designated as non-critical sensitive, military accessions of United States citizens and
3 lawful permanent residents, and/or individuals requiring eligibility for access to Confidential or
4 Secret information. A Tier 3 background investigation consists of date and place of birth
5 verification, prior and current investigative records, criminal background check, terrorist watch
6 lists, a citizenship/legal status check, local law enforcement agency checks, foreign activities,
7 foreign born immediately family, education records, employment records, and credit/financial
8 history. If the Office of Personnel Management's National Background Investigation Bureau
9 (NBIB) investigator flags potential issues, the investigator may conduct a Subject interview;
10 but, unlike the Tier 5 investigation, it is not required. A Tier 3 background investigation is not
11 as extensive as a Tier 5 investigation and excludes certain valuable checks for foreign born
12 recruits, such as developed reference interviews, which are necessary in the case of personnel
13 whose lack of extended presence in the U.S. will cause their investigation to be short of scope.
14 In other words, when the SF 86 asks the individual to provide information that covers the last 7
15 to 10 years (or "ever" in some cases), the investigator may not have the capability to validate
16 their responses, as the investigator has no authority or capability to conduct investigations in
17 foreign countries. It is therefore necessary to conduct an investigation that allows the
18 Department of Defense (DoD) to gather additional information, such as additional interviews
19 included as part of the Tier 5 investigation to compensate for missing investigative records and
20 to validate the Subject's claimed identity and history. Realistically, this is much more difficult
21 for foreign nationals. More detailed information about a Tier 3 background check can be found
22 in the Federal Investigative Standards (see Attachment 2).

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DECLARATION OF STEPHANIE P. MILLER
Nio, et al. v. Dep't of Homeland Security, et al. No. 1:17-cv-00998 (ESH)

U.S. DEPARTMENT OF JUSTICE
Civil Division,
Office of Immigration Litigation
P.O. Box 868, Ben Franklin Station
Washington, DC 20044

1 The 2016 reauthorization of the Military Accessions Vital to the National Interest
2 (MAVNI) Pilot Program on September 30, 2016 reinforced that MAVNI recruits must complete
3 four vetting requirements to receive a Military Security Suitability Determination (MSSD): (1)
4 either a Tier 3 or Tier 5 background investigation (based on assessment of their counter-
5 intelligence (CI) risk profile), (2) a National Intelligence Agency Check (NIAC), (3) a CI-
6 focused security review (CIFSR), and (4) an issue-oriented interview and/or issue-oriented
7 polygraph, if needed to resolve any foreign influence or foreign preference concerns. As of the
8 date of this declaration, only Nio and Park have completed all four requirements to receive a
9 MSSD. The remaining plaintiffs require some combination of a completed background
10 investigation, a recent (1-year) NIAC, and the completed CIFSR per information from the Case
11 Adjudication Tracking System (Attachments 4 & 5). For those that require the completion of
12 the Tier 5 background investigation, the DoD investigative service provider (OPM's NBIB) has
13 indicated the investigations are open and running, but require further information or review by
14 the investigator prior to completion. During the summer of 2016, DoD began coding MAVNI
15 cases to make them priority investigations at NBIB at an additional cost of \$431.00 per case.
16 However, even with expedited processing, MAVNI applicants' completion of the Tier 5
17 background investigation has taken on average 422 days during a period from 2014-2017 (out
18 of a total of 2,812 completed investigations). For those individuals who require the
19 completion of the CI-focused security review and/or the issue-oriented interview, those
20 requirements are ongoing, scheduled, or awaiting final processing. DoD cannot estimate how
21 long this process will take for the named plaintiffs; however, DoD recently decided to allocate
22 additional investigative resources towards the completion of these background screening
23 requirements, which is expected to expedite the current process.
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DECLARATION OF STEPHANIE P. MILLER
Nio, et al. v. Dep't. of Homeland Security, et al. No. 1:17-cv-00998 (ESH)

U.S. DEPARTMENT OF JUSTICE
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Washington, DC 20044

1
2 (Q3) What does the DCII cover? How does it differ from an SSB1/Tier 5 investigation?

3 (A3) Defense Central Index of Investigations (DCII) is an automated central index that
4 identifies investigations conducted by DoD investigative agencies. Tier 3/5 investigations are
5 comprehensive background investigations, whereas, DCII is a DoD law enforcement database.
6

7
8 (Q4) Where does DoD's review of N-426s stand? Produce any documents that
9 address the possibility that N-426s for MAVNI Reservists will be revoked due to a lack of
10 active-duty service. Are any plaintiffs in jeopardy of having their N-426s revoked and, if so,
11 when?
12

13 (A4) The plaintiffs are members of the Army Reserve Delayed Training Program
14 (DTP), which allows these members of the Selected Reserve to attend drill periods for pay and
15 benefits, known as Inactive Duty for Training (IDT) during the period prior to assignment to
16 initial military training (also known as basic training). While members of the Selected Reserve
17 can qualify for exceptions to certain naturalization requirements found in 8 U.S.C. §1440, they
18 must have served in an "active duty status" for DoD to certify honorable service.
19

20 DoD has recently determined that the IDT drill periods performed by members of the
21 Selected Reserve, such as those performed by the plaintiffs, are defined in law as not being
22 creditable active duty service per 10 U.S.C. §101(d)(7) and, standing alone, do not qualify for
23 certification of honorable service under 8 U.S.C. §1440. This is reflected in the guidance
24 memo from the Army, acknowledged by MAVNI applicants as part of their enlistment package,
25 which cautions against filing naturalization paperwork until the individual starts initial military
26 training. The plaintiffs have not yet attended initial military training, as they must complete all
27
28

1 background investigation requirements and receive a favorable MSSD prior to shipping to basic
2 training.

3 As such, based on guidance provided, N-426s signed by agents of the Military
4 Department concerned for individuals without creditable active duty service could be
5 considered signed in error and may be decertified upon the completion of a review of the
6 existing standards for certifying approximately 400 existing N-426s, and upon the
7 establishment of revised criteria for all future N-426 certifications. I cannot estimate how long
8 this review will take.
9

10 It is important to note that if the plaintiffs' N-426s are decertified, recertification would
11 be possible, though contingent upon the sequential and successful completion of three factors:
12

- 13 1. Satisfactory completion of the required background investigation requirements
14 outlined by the Military Accessions Vital to the National Interest (MAVNI) Pilot
15 Program Guidance of September 30, 2016;
- 16 2. Completion of initial military training in an active duty status; and
- 17 3. N-426 recertification of credible, honorable active duty service under 8 U.S.C.
18 §1440 and implementing DoD policy.
19

20
21 (Q5) What is the status of the mitigation plan set forth in the DoD May 2017 Action
22 Memo (Pls.' Ex. 8)? Has there been any direction not to implement? Has it been approved by
23 the Secretary? Has it been implemented? For the MAVNIs who are no longer in a valid
24 immigration status, will they be subject to deportation proceedings or will they be protected by
25 virtue of their DTP status?
26
27
28

1 (A5) The memorandum of May 19, 2017 to the Secretary of Defense was an internal,
2 pre-decisional, and deliberative document provided to the Secretary per his request for further
3 information regarding the risk to mission presented by service members recruited via the
4 MAVNI Pilot Program and potential courses of action to mitigate that risk. It is important to
5 note that the risk to mission presented in the May 19, 2017 memo to the Secretary has been
6 corroborated by two significant reports -- a 2017 DoD Inspector General (IG) classified report
7 and a 2017 Defense Intelligence Agency classified assessment -- both of which concluded that
8 MAVNI personnel present an increased risk or threat of intelligence activities against the U.S.
9 by Foreign Intelligence Services than that posed by other service members in the general
10 population.
11

12
13 Based on the aforementioned reviews indicating security concerns, and the collective
14 experiences of eight years of program execution, the Secretary concluded the MAVNI Pilot
15 Program as currently configured presents an elevated risk from a CI and insider threat
16 perspective pertaining to the possibility of increased threats of espionage, terrorism, and other
17 criminal activity. As such, the Secretary verbally approved certain actions pertaining to the
18 May 19, 2017 memorandum, while modifying the proposed course of action in other regards.
19

20 Specifically, with respect to "Group 1" (see (Pls.' Ex. 8)) MAVNIs, DoD has continued
21 to hold these MAVNIs on station, largely at initial or advanced military training locations,
22 pending the completion of enhanced screening requirements and a favorable MSSD. Those
23 with unmitigatable derogatory findings are separated using Secretarial plenary authority.
24

25 With respect to "Group 2" (see Pls.' Ex. 8) MAVNIs, DoD will complete appropriate
26 continuous monitoring, currently defined as an annual National Intelligence Agency Check.
27 Advanced analytical counterintelligence assessments may also be implemented.
28

1 With respect to “Group 3” and “Group 4” (see Pls.’ Ex. 8) MAVNIs, DoD intends to
2 complete enhanced screening requirements for individual military suitability determinations.
3 Those with unmitigatable derogatory findings will either be separated from the Selected
4 Reserve Delayed Training Program (DTP) using Secretarial plenary authority or discharged
5 from the Delayed Entry Program (DEP). Those that receive a favorable military suitability
6 determination will be ordered to active duty (where applicable) and initial military training.
7

8 As stated in my declaration of July 7, 2017, these enhanced requirements rely upon
9 specific expertise from both DoD and OPM’s NBIB, which must be prioritized against the most
10 significant risks. This means that given the limited CI assets available to DoD, operational
11 mission requirements may at times take priority over MAVNI vetting. While DoD recently
12 decided to allocate additional investigative resources towards the completion of MAVNI
13 background screening requirements, which should help expedite the current process, ultimately,
14 I cannot estimate how long this process will take for either the specific plaintiffs involved or
15 the MAVNI population as a whole.
16

17 For the MAVNIs who are no longer in a valid immigration status, and whether they will
18 be subject to deportation during the period in which they are awaiting completion of
19 background investigation screening requirements, DoD defers to the authority and judgement
20 of Department of Homeland Security and U.S. Citizenship and Immigration Services (USCIS).
21

22
23 (Q8) Is there a time limit on how long MAVNI enlistees can remain in the “Delayed
24 Training Program” before being discharged?
25

26 (A8) Yes, there is a time limit for how long someone can be in the Delayed Training
27 Program. The plaintiffs are members of the Army Reserve Delayed Training Program (DTP).
28

1 The Army DTP allows these members of the Selected Reserve to attend drills for pay and
2 benefits (Inactive Duty for Training) and to delay Basic Training for up to 365 days. P.L.102-
3 484 (October 23, 1992) § 1115 states "(c) Time for Qualification for Deployment.-(1) If at the
4 end of 24 months after a member of the Army Selected Reserve enters the Army Selected
5 Reserve, the member has not completed the minimum training required for deployment, the
6 member shall be discharged.

7
8 (2) The Secretary of the Army may waive the requirement in paragraph (1) in the case
9 of health care providers and in other cases determined necessary. The authority to make such a
10 waiver may not be delegated."

11
12 In our recent review, we have determined that in this instance the limitation may be
13 waived if movement to training remains impracticable.

14
15 I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and
16 correct. Executed on July 28, 2017.

17
18
19 
20 STEPHANIE P. MILLER

07/12/2017

Background on PERSEREC/OPA Study “*Gaps in Vetting of Legal Permanent Residents (LPRs) Who Obtain Citizenship via Joining the U.S. Military*”

Study Overview

In FY 2017, Security and Policy Oversight Directorate (SPOD), under the Office of the Under Secretary of Defense for Intelligence (OUSDI), funded the Defense Personnel and Security Research Center (PERSEREC), a division of the Office of People Analytics (OPA), to evaluate the DoD policies and procedures associated with vetting of non-US citizens for military service in an effort to identify any potential gaps in the system. For the purposes of this study, PERSEREC/OPA chose to focus on Lawful Permanent Residents (LPRs) rather than non-citizens accessing via the Military Accessions Vital to National Interest (MAVNI) program. This decision was made due to the abundance of scrutiny and attention paid to the MAVNI program at the Office of Secretary of Defense (OSD) level, as well as the stricter vetting requirements being implemented as a result of the IG audit of the MAVNI program and other studies. In contrast, no dedicated research study has focused on gaps in current LPR vetting procedures.

The findings and recommendations outlined in the final report for this study (expected completion date 30 September, 2017) will identify vulnerabilities and offer a way forward for policy makers on how to improve LPR vetting and help facilitate interagency coordination to implement the recommendations.

Methodology Overview

The study findings were derived from a policy review, stakeholder analysis, subject matter expert (SME) interviews, analysis of DoD vetting procedures for two comparison groups (MAVNIs and International Military Students), and a gap analysis. As a final step of the gap analysis, stakeholder recommendations were generated to outline the actions that need to be taken to address the risks.

Most Significant Findings

- In FY16, the National Background Investigations Bureau (NBIB) closed around 6,908 DoD/Military cases for non-US citizens, of which 1,785 were for a Tier 3 investigation and 3,205 were for a National Agency Check with Law and Credit (NACLC; a type of investigation that is being phased out by the Tier 3). Almost 78% ($n = 1,385$) of the Tier 3 and 79% ($n = 2,528$) of the NACLC non-US citizen investigations were for LPRs.
- Since LPRs do not meet National Security Eligibility requirements, the DoD Consolidated Adjudication Facility (CAF) does not review or adjudicate Tier 3 investigations for LPRs and issues a No Determination Made (NDM). DoD is exposed to risk whenever there is derogatory information discovered in the investigation that is not reviewed by an adjudicator, and acted upon accordingly.
- Only Army conducts the National Intelligence Agency Check (NIAC) on LPR applicants; the other Service components do not subject LPRs to additional CI/CT screening. Further research needs to be conducted on the effectiveness of the NIAC for LPR population before determining whether this screening is of high value and should be adapted across Service components.
- ABIS, the DoD central biometric repository for terrorist data from a range of combatant commands and military services, is not being systematically queried as part of the fingerprint check conducted for military accessions. DoD's ability to positively identify

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07/12/2017

terrorists and other national security threats may be diminished by only relying on name-based CT checks.

- DoD and NBIB do not have access to DHS green card applications or DoS visa applications (aka "A-files"). DHS does not have access to derogatory information identified by DoD as part of national security vetting.

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SAMMA_0040

**Army Input on Certification of Military or Naval Service
in an Active Duty Status for the Purpose of Naturalization**

- We object to Section II's requirement to "recall and de-certify" the Form N-426 for members who have applied for naturalization but not yet been approved by USCIS. It requires the Army to target a select group of non-citizen Soldiers during a select time period, affirmatively revoke official records presumed to be final, and apply retroactive standards for characterization of honorable service. Instead, we recommend that the Military Departments merely be required to review any N-426 for which USCIS or DOD has notified the Army of a concern. The Military Departments should be required to review the form to confirm whether the Soldier had served on active duty prior to the N-426 being certified. If the Soldier did not, the N-426 is void and the USCIS will be so informed. If the Soldier had served on active duty, the N-426 is not void and USCIS will be so informed. Reopening administratively final decisions of a Military Department should not be required. Moreover, it would be unprecedented for DOD to impose retroactive requirements that are not statutorily required on a Military Department's characterization of honorable service.
- If a basic military training requirement is retroactively imposed, we strongly recommend that no retroactive length of service requirement be imposed. The legislative record for 8 USC § 1440 indicates that the statute was intended to encompass service during a particular time period "because of the ever-present possibility of reassignment to the war zones of operation." Once a Soldier has completed basic military training, they are subject to such reassignment.
- We recommend that any prospective requirements concerning length of service be tied to commonly used personnel policies concerning characterization of service. We further recommend against reference to any particular type of non-citizen Soldiers or to existing security policies that are already applicable to particular types of non-citizen recruits. We believe a neutral rule of general applicability is most defensible in litigation.
- The Army suggests using the same standard that we use for giving someone an honorable discharge:
 1. The Soldier must have transitioned from an entry level status pursuant to DoDI 1332.14, and satisfy the requirements in paragraph 2 below.
 - a. At a minimum, entry level status lasts from enlistment until 180 calendar days after the Soldier begins entry level training.
 - b. The Service Personnel Chief may certify the service of a Soldier in an entry level status on a case-by-case basis if early certification is in the best interests of the

United States (e.g., the Soldier is or has served in an active-duty status in a hazardous duty area); and

2. The Soldier is not subject to adverse administrative or disciplinary action or is the subject of a law enforcement or command investigation.

We believe this standard could be applied to both the Department's review of erroneously certified N-426 and to future certifications of N-426 for non-citizen Soldiers, regardless of whether the Soldier entered the service pursuant to the MAVNI program.

- We recommend greater clarity be provided concerning the use of MSSD adjudication language in Section I and III to clarify that the Service's personnel division, not DOD CAF, is the responsible authority for the MSSD determination.
- As to section I, paragraph 3, we object to the following language, "The service member has served honorably in an active status, as set forth below." Instead we suggest the following language to comply with *In Re Reyes*, 910 F.2d 611, (Ninth Circuit Court of Appeals 1990): "The Service member has served in a capacity that permits an informed determination concerning the honorable nature of the qualifying active duty service."
- We recommend that "Pacific Compact States" be defined.
- At Section II, para 2, the first bullet reference to the USD(P&R) memo should be dated 30 Sep 16.
- At Section I, para 2 and Section II, para 3, instead of "Tier 5 Background Investigation," it should state "the applicable Tier 3 or Tier 5 Personnel Security Investigation as required by the 30 Sep 16 USD(P&R) memo."
- Recommend providing Services with feedback from Department of Homeland Security and Department of Justice on immigration status of USAR members who have an expired work or student visa status and are waiting to complete one year of satisfactory service?
- The Army requests confirmation that any reference to CI screening/interviews remain only a requirement for individuals who enlisted via the MAVNI program.
- What status will USAR members be in who have an expired work or student visa status and are waiting to complete one year of satisfactory service?

EXHIBIT 1

The Honorable Ellen S. Huvelle

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KUSUMA NIO, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,

Defendants.

No.: 1:17-cv-00998 (ESH)

**DECLARATION OF
STEPHANIE P. MILLER**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am currently the Director, Accession Policy Directorate, in the Office of the Under Secretary of Defense for Personnel and Readiness ("USD (P&R)"), Department of Defense (DoD) in Washington, D.C. In this capacity, I have oversight for developing, reviewing, and analyzing policies, resource levels, and budgets for enlisted recruiting and officer-commissioning programs. My duties include oversight of the Military Accessions Vital to the National Interest ("MAVNI") Pilot Program, as well as, policies and programs relating to the overall recruitment and accession of both officer and enlisted service members. Prior to assuming this position, I served as a Special Assistant to both Secretaries of Defense Chuck Hagel and Ashton Carter, where I served as a liaison to the Under Secretary of Defense for Personnel and Readiness, and for oversight of a broad spectrum of programs to include Military and Civilian Personnel Policy, Military Force Readiness, Defense Health Affairs, Reserve Affairs, Defense Sexual Assault Prevention and Response, and for Department of Defense (DoD) and Veteran Affairs interagency cooperation. Before joining the Office of the Secretary of Defense as a civilian, I served on

DECLARATION OF STEPHANIE P. MILLER
Nio, et al. v. Dep't of Homeland Security, et al. No. 1:17-cv-00998 (ESH)

U.S. DEPARTMENT OF JUSTICE
Civil Division,
Office of Immigration Litigation
P.O. Box 868, Ben Franklin Station
Washington, DC 20044

1 active duty for seven years in the United States Navy as a Surface Warfare Officer in support of
 2 Operations Iraqi and Enduring Freedom.

3 2. I make this declaration in support of Defendant's Response to Plaintiff's Motion for a
 4 Preliminary Injunction. This declaration sets forth that DoD is the Agency that certifies
 5 honorable service via Form N-426, which is attached to an applicants' U.S. citizenship Form N-
 6 400; that DoD has identified problems with the MAVNI pilot program with respect to, *inter alia*,
 7 the background vetting of service members inducted into the military services via the MAVNI
 8 pilot program; some general details with respect to an inter-agency conversation DoD had with
 9 USCIS with respect to implementing a strategic pause to the MAVNI pilot program; and the
 10 current status of the certification of Forms N-426.
 11
 12

13 Overview of the MAVNI Pilot Program

14 3. Any individual wishing to enlist in the armed forces must meet citizenship or residency
 15 requirements. *See* 10 U.S.C. § 504(b).¹ However, 10 U.S.C. § 504(b)(2) provides the Secretary
 16 of Defense and the Secretaries of the Military Departments the authority to enlist certain
 17 individuals who do not meet citizenship and residency requirements when they determine that
 18 such enlistment is "vital to the national interest." Pursuant to 8 U.S.C. § 1440, a person who is
 19 not a Legal Permanent Resident ("LPR") who enlists in the armed forces "during any other period
 20 which the President by Executive order shall designate as a period in which Armed Forces of the
 21
 22

23
 24 ¹ 10 U.S.C. § 504 is the statutory standard for enlistment in the Armed Forces. While this
 25 statutory authority authorizes enlistments vital to the national interest, others eligible for
 26 enlistment under this authority must be one of the following: a national of the United States; an
 27 alien who is lawfully admitted for permanent residence; and a person described in section 341
 28 of one the following compacts (The Compact of Free Association between the Federated States
 of Micronesia and the United States; The Compact of Free Association between the Republic of
 the Marshall Islands and the United States; or The Compact of Free Association between Palau
 and the United States).

1 United States are or were engaged in military operations involving armed conflict with a hostile
2 foreign force” may apply to be naturalized as a citizen “whether or not he has been lawfully
3 admitted to the United States for permanent residence” without regard to age, period of residence
4 in the United States or length of military service. On July 3, 2002, the President determined, for
5 purposes of 8 U.S.C. § 1440, that the military is engaged in such armed conflict. Exec. Order
6 No. 13269, 67 Fed. Reg. 45,287 (July 3, 2002), *Expedited Naturalization of Aliens and*
7 *Noncitizen Nationals Serving in an Active Duty Status During the War on Terrorism*. This
8 Executive Order remains in effect.
9

10 4. Pursuant to this authority, in 2003, the Army launched the “09L Pilot Program.” Under
11 this program, LPRs could enlist in the military to become interpreters and translators. They could
12 then invoke the benefits of 8 U.S.C. § 1440 during the naturalization application process.
13 Subsequent to this program, the Secretary of Defense authorized the creation of the MAVNI pilot
14 program in 2008, which provided the Army, Navy, Marine Corps, and Air Force (collectively the
15 “Military Services”) authority through December 2009 to enlist noncitizen recruits who are
16 determined to be vital to the national interest. The program was designed to attract two types of
17 recruits: (1) health care professionals (“HCPs”) and (2) persons who possess critical foreign
18 language skills (“CFLs”), both of whom are necessary to sustain effective military operations.
19 The MAVNI pilot program was reinitiated in 2012, and extended in 2014, and 2016. Renewal
20 of the program has always remained dependent on periodic reviews and re-authorization by the
21 USD (P&R). To date, the Military Services have recruited more than 10,000 noncitizens under
22 the MAVNI Pilot Program.
23

24 5. The MAVNI program is not the only means by which non-citizens may join the military
25 and ultimately become naturalized citizens. While MAVNI is the only program that allows
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1 recruits who are not LPRs to enlist and gain a path to U.S. citizenship, LPRs can gain expedited
2 citizenship under the provisions of 8 U.S.C. § 1439. Under this statute, LPRs who have at least
3 one year of honorable service in the military may be naturalized without having to fulfill
4 continuous residency requirements. However, during a period of declared hostilities, procedures
5 for naturalization under 8 U.S.C. § 1440 take precedence over procedures for naturalization under
6 8 U.S.C. § 1439. Department of Defense Instruction (“DODI”) 5500.14, Naturalization of Aliens
7 Serving in the Armed Forces of the United States and of Alien Spouses and/or Alien Adopted
8 Children of Military and Civilian Personnel Ordered Overseas (Jan 4, 2006), at ¶ 4.1.5.

9
10 6. The USCIS Form N-426, Request for Certification of Military or Naval Service, is the
11 means by which DoD certifies whether an applicant for citizenship is serving honorably, and if
12 no longer serving, whether they were separated under honorable conditions. DoD and its Military
13 Departments are the only federal agencies who certify this military service.
14

15 7. From 2001 through September 2015, the U.S. Citizenship and Immigration Services has
16 naturalized a total of 109,321 members of the military. *See* U.S. Citizenship and Immigration
17 Services, “Naturalization Through Military Service: Fact Sheet,” *available at*
18 <https://www.uscis.gov/news/fact-sheets/naturalization-through-military-service-fact-sheet>. As
19 noted above, only 10,000 of these persons were recruited under and are subject to the
20 requirements of the MAVNI Pilot Program at issue in this case.
21

22 8. Under the MAVNI Pilot Program, each Military Service has the discretion to determine
23 whether recruiting an individual applicant is vital to the national interest. HCP recruits must
24 possess skills to fill a critical shortfall in certain medical specialties, while CFL recruits must
25 possess capabilities in a specific language as well as an understanding of the associated cultural
26 background for that language. In addition, all MAVNI recruits must have a valid visa status for
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28

1 at least two years immediately prior to the enlistment date, and must not have had any single
2 absence from the United States of more than 90 days during the two-year period immediately
3 preceding the date of enlistment. See Memorandum from Acting Under Secretary of Defense,
4 subject: Military Accessions Vital to the National Interest Pilot Program Extension (Sept. 30,
5 2016) (attached as Exhibit I).

6
7 9. In addition to possessing skills eligible for accession under the MAVNI Pilot Program,
8 MAVNI applicants must meet the minimum enlistment standards applicable to all recruits, e.g.,
9 medical screening, physical fitness, and moral conduct/criminal activity screening. MAVNI
10 personnel must also undergo additional security checks, as described further below, before they
11 can be accessed into a Military Service. MAVNI personnel who successfully pass such screening
12 are allowed to enlist and, on receiving a certification of honorable service, may submit their
13 application for citizenship to the U.S. Citizenship and Immigration Service upon arrival at their
14 initial entry training (colloquially, “boot camp”), which typically lasts ten weeks and is where
15 recruits learn the basics of becoming a soldier. MAVNI recruits who are approved for citizenship
16 are then typically naturalized during the last week of initial entry training. Thus, a key benefit of
17 MAVNI is that it is the only program that allows recruits who are not LPRs to enlist and gain a
18 faster path to U.S. citizenship.²

21 Military-Service Determinations

22 10. All recruits that enlist in the military must undergo a “military-service determination”
23 (also called a “suitability-for-service determination”). See DODI 1304.26 *Qualification*
24 *Standards for Enlistment, Appointment, and Induction* (Mar. 23, 2015, Incorporating Change 2,
25

26 ² Normally, a non-citizen wishing to become a U.S. citizen must have five years of legal
27 permanent residency in the United States to apply. Non-citizens married to a U.S. citizen for at
28 least three years can apply after three years of residency.

1 April 11, 2017), at. ¶ E3.P2(h); *see also* Army Regulation (“Army Reg.”), *Active and Reserve*
2 *Components Enlistment Program*, 601-210 ¶ 4-2(e). By reviewing an applicant’s character and
3 conduct, the military seeks to “minimize entrance of persons who are likely to become
4 disciplinary cases, security risks, or who are likely to disrupt good order, morale, and discipline.”
5 *Id.* Generally, the military service standard “that must be applied in determining whether a person
6 is suitable under national security criteria for [military service] is that, based on all available
7 information, there is no reasonable basis for doubting the person’s loyalty to the Government of
8 the United States.” DoD 5200.2-R ¶ C2.1.3; *see* Army Reg. 380-67, *Personnel Security Program*
9 (Jan. 24, 2014) ¶ 2-3. This determination includes a review of the soldier’s “criminal history
10 (regardless of disposition) or questionable conduct character.” Army Reg. 601-210 ¶ 4-2(e)(1).
11 In the case of the MAVNI Pilot Program, due to counter-intelligence, security, and insider threat
12 concerns, an additional level of screening has been applied in order to compensate for the general
13 lack of information accessible by the Government in making a suitability decision, specifically
14 the MAVNI applicants’ extensive life and relationships outside of the United States.
15

16
17 11. In the scope of the normal recruiting program, a recruit may access into the military before
18 there is complete adjudication of suitability for service determination if no immediate
19 disqualifying information is found. *See* DODI 1304.26 ¶ E.3P2(h). However, in those cases,
20 “any additional disqualifying information during the adjudication should be transmitted to the
21 appropriate personnel or human resource offices . . . for appropriate action.” *Id.* For the MAVNI
22 Pilot Program, the DoD’s policy intention since 2008 was for vetting to be completed prior to
23 accessions due to the concerns noted above.
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26 Changes in Policy to the Investigative Requirements for MAVNI Personnel

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DECLARATION OF STEPHANIE P. MILLER
Nio, et al. v. Dep’t of Homeland Security, et al. No. 1:17-cv-00998 (ESH)

U.S. DEPARTMENT OF JUSTICE
Civil Division,
Office of Immigration Litigation
P.O. Box 868, Ben Franklin Station
Washington, DC 20044

1 12. On August 10, 2010, the Deputy Secretary of Defense issued a Memorandum extending
2 the MAVNI Pilot Program through December 31, 2011, provided that “all MAVNI applicants are
3 subjected to a Single Scope Background Investigation [SSBI] and each Service established a
4 comprehensive counter-intelligence-focused security review and monitoring program for
5 MAVNI recruits.” *See* Aug. 10, 2010 Memorandum from Deputy Secretary of Defense, subject:
6 Two-Year Extension of Military Accessions Vital to National Interest (MAVNI) Pilot Program,
7 (Aug. 17, 2010) (attached as Exhibit 2). These measures also applied to MAVNI soldiers
8 accessioned prior to August 17, 2010.
9

10 13. This 2010 policy change was issued to address reports that standard background
11 investigations of MAVNI personnel were deficient in developing and resolving issues,
12 particularly issues of influence by or preference for foreign governments, persons, or
13 organizations. Consequently, with this policy change, investigators would have greater ability to
14 discover and provide relevant records to meet the investigative scope requirement to make a
15 security-clearance-eligibility determination. While the LPR population also presents this
16 challenge, it is to a much lesser degree because they have on average been in the United States
17 for a significantly greater amount of time than the MAVNI population.
18
19

20 14. Additional security review requirements were added during the 2012 and 2016
21 authorizations of the program. On February 16, 2012 the Under Secretary of Defense for
22 Intelligence (“USD (I)”) issued a policy designed to strengthen the program and mitigate
23 evolving counter-intelligence, security, and insider threat concerns. *See* Memorandum from
24 Under Secretary of Defense for Intelligence, subject: Military Accessions Vital to the National
25 Interest (MAVNI) Program Security Reviews and Monitoring Programs (Feb. 16, 2012) (attached
26 as Exhibit 3). This policy added the requirement that all MAVNI applicants must undergo a SSBI
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DECLARATION OF STEPHANIE P. MILLER
Nit. et al v. Dep’t of Homeland Security, et al. No. 1:17-cv-00998 (ESH)

U.S. DEPARTMENT OF JUSTICE
Civil Division,
Office of Immigration Litigation
P.O. Box 868, Ben Franklin Station
Washington, DC 20044

1 as part of a suitability-for-military service determination and advised the Military Services that
2 they were responsible for establishing comprehensive counter-intelligence focused security
3 reviews and ongoing monitoring programs for the length of each MAVNI recruit's enlistment.
4 These measures were applied retroactively to soldiers who entered the Army under previous
5 pilots of the MAVNI Pilot Program. In addition to incorporating the security screening
6 provisions of the 2010 and 2012 reauthorizations of the MAVNI Pilot Program, the 2015
7 reauthorization of the program reinforced that MAVNI applicants be subjected to a counter-
8 intelligence monitoring program. *See* Memorandum from Principal Deputy Assistant Secretary
9 of Defense (Readiness and Force Management) to the Assistant Secretary of the Army, Navy, and
10 Air Force for Manpower and Reserve Affairs, (March 11, 2015) (attached as Exhibit 4). The
11 2016 reauthorization added the requirement that MAVNI recruits may be subject to an SSBI,
12 National Intelligence Agency Check, a counter-intelligence focused security review, and an
13 issue-oriented interview and/or issue-oriented polygraph, if needed to resolve any foreign
14 influence or foreign preference concerns. The results of these reviews were considered as part
15 of the military suitability determination and could result in an applicant's administrative
16 discharge from the Armed Forces under any administrative characterization of service, including
17 "other than honorable" conditions.
18
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21 15. However, subsequent reviews of the program determined that the screening outlined in
22 the 2010 through 2015 program reauthorizations was not being implemented adequately.
23 Through a review led by USD(P&R) and USD(I) from June through September 2016, it was
24 determined that some MAVNI enlistees had been permitted to enter the military without
25 completed background checks and that the Military Services did not adequately track MAVNI
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DECLARATION OF STEPHANIE P. MILLER
Nia, et al. v. Dep't. of Homeland Security, et al. No. 1:17-cv-00998 (ESH)

U.S. DEPARTMENT OF JUSTICE
Civil Division,
Office of Immigration Litigation
P.O. Box 868, Ben Franklin Station
Washington, DC 20044

1 enlistees post-accession, both of which were required by the existing 2012 policy.³ As a result,
2 some MAVNIs with a positively adjudicated military-service determination were granted access
3 to classified information erroneously without an appropriately adjudicated determination that
4 they were eligible to receive national security information. The review also showed that some
5 MAVNI enlistees may have engaged in pre-accession criminal activity (e.g., the making and/or
6 possession of fraudulent student visas) and/or pose a significant counter-intelligence security
7 threat.

8
9 16. For example, the review uncovered that (1) a number of individuals accessed into the
10 military based on receiving fraudulent visas for universities that did not exist; (2) some MAVNI
11 recruits attended, and later falsified transcripts, from universities owned by a Foreign National
12 Security Agency, and a State Sponsored Intelligence Organization (notably, most of the university
13 classmates of one MAVNI recruit later worked for the same State Sponsored Intelligence
14 Organization); and (3) one MAVNI recruit who entered the United States on a student visa
15 professed support to 9/11 terrorists and said he would voluntarily help China in a crisis situation.
16 In addition, the review uncovered a case where a MAVNI applicant failed to list foreign contacts
17 from Eastern Europe and Russia, even though the recruit's father manages the military
18 department of a foreign factory and his brother-in-law worked for a foreign political party. In
19 DoD's judgment, these examples indicated that sufficient vetting of MAVNI personnel was not
20 occurring at the accessions stage, contrary to the goal of avoiding accessions of individuals who
21 could constitute potential counter-intelligence, security, or insider threats altogether. Separate
22
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24

25
26 ³ Because of a backlog in conducting these investigations, in February 2013, the Undersecretary
27 of Defense for Intelligence authorized the Chief, Accessions Division, to "grant exceptions to
28 policy on a case-by case basis to ship MAVNI Future Soldiers to training who are not in receipt
of SSBI results, but who have received favorable NIAC results."

1 reviews conducted by representatives of the Department of Defense and Department of the Army
2 in May 2016 also found similar problems with the vetting of MAVNI personnel.

3 17. As referenced above, during the internal reviews of the MAVNI pilot program, DoD
4 identified a number of problems to include, among other matters, implementation and
5 administrative accounting, pre-accession criminal activity, and counter-intelligence and security
6 concerns. The concerns uncovered during the DoD's internal review of the MAVNI pilot
7 program led DoD to initiate a deliberate and critical examination of individuals being inducted
8 into the military departments via the MAVNI pilot program and to emphasize the need for more
9 robust background screening requirements.

10
11 18. On or around April of 2017, senior leaders from DoD's USD (P&R) informed USCIS
12 that it was concerned about the naturalization of individuals whose Office of Personnel
13 Management (OPM) background investigation and DoD counterintelligence security review has
14 not yet been completed. DOD and USCIS jointly determined that it was in the best interest of
15 the United States to ensure the naturalization decision of USCIS was informed by the outcome
16 of the completed OPM background investigation and the DoD counterintelligence security
17 review. Knowing that this review relied upon OPM and specific counterintelligence expertise
18 within DoD, and that failure of these background checks could lead to discharge from the military
19 and make an individual unable to meet the honorable service requirement that the N-426 certifies,
20 a strategic pause was prudent with respect to the MAVNI pilot program. As a result, DoD and
21 USCIS mutually agreed that USCIS would slow down the Form N-400 adjudications of the
22 MAVNI pilot program applicants.

23
24
25
26 19. Presently, DoD is not certifying any new MAVNI N-426s.

1 20. For a variety of reasons, some which remain classified, DoD is undertaking a review of
2 the entire MAVNI pilot program, its procedures, and the standards for certifying approximately
3 400 existing N-426s. I cannot estimate how long this process will take.

4 21. DoD has not revoked any previously-certified Forms N-426 for the named plaintiffs in
5 this lawsuit.
6

7
8 I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and
9 correct. Executed on July 7, 2017.
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13 STEPHANIE P. MILLER
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DECLARATION OF STEPHANIE P. MILLER
Nio, et al. v. Dep't of Homeland Security, et al. No. 1:17-cv-00998 (ESH)

U.S. DEPARTMENT OF JUSTICE
Civil Division,
Office of Immigration Litigation
P.O. Box 368, Ben Franklin Station
Washington, DC 20044

Certification of Honorable Service in an Active Duty Status under Section 1440

Topline Points:

- Members of the Selected Reserve (SelRes) can qualify for the exceptions to certain naturalizations requirements found in 8 U.S.C. §1440. However, pursuant to §1440(b)(3), they must have served in an “active duty status” for DoD to certify honorable service.
- Members of the SelRes frequently serve in an active duty status during basic training/boot camp (10 U.S.C. §12301(d)), during yearly required periods of annual training duty - normally 2 weeks per year - and during a mobilization (e.g., 10 U.S.C. §§ 12302, 12304b).
- Weekend drill periods performed by members of the SelRes are considered “Inactive Duty for Training,” which is defined in law as not being active duty service - 10 U.S.C. 101(d)(7).

Overview:

- 8 U.S.C. § 1440 affords certain Service members a statutory exception to certain naturalization requirements otherwise applicable to them.
- To qualify for this exception a Service member must have served honorably in an active duty status during certain identified past conflicts (WW II, Korea, Vietnam, etc.), or have served honorably in an active duty status during a period designated by the President as one in which the Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force.
- Executive Order 13269, dated July 3, 2002, designates the period of the war against terrorists of global reach, beginning September 11, 2001, as such a period. Service during this period permits certain Service members to avail themselves of section 1440 statutory exceptions.
- Section 1440 and Executive Order 13269 provide that only service in an “active duty status” is qualifying for purposes of the certification of honorable service rendered in support of a Service member’s application for naturalization under section 1440.
 - §1440(b)(3) - “service in the military, air or naval forces of the United States shall be proved by a duly authenticated certification from the executive department under which the applicant served or is serving, which shall state *whether the applicant served honorably in an active-duty status* during . . . any other period which the President by Executive order shall designate as a period in which Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force, and was separated from such service under honorable conditions;” (emphasis added)
 - EO 13269 - “By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) (the “Act”), and *solely in order to provide expedited naturalization for aliens and noncitizen nationals serving in an active-duty status in the Armed Forces of the United States* during the period of the war against terrorists of global reach, it is hereby ordered as follows . . .” (emphasis added)

Service in the Selected Reserve of the Ready Reserve:

- The Ready Reserve includes the Selected Reserve (SelRes)- 10 U.S.C. §10143. The SelRes is the part of the Ready Reserve that is first and most likely to be mobilized or activated, and is comprised of “[u]nits and members in the Ready Reserve designated by their respective Service, and approved by the CJCS, as so essential to initial wartime missions that they have priority over all other Reserves.” DoD Instruction 1235.12, “Accessing the Reserve Components (RC),” June 7, 2016, as amended, glossary definition of Selected Reserve.
- Members in the SelRes clearly fall within the scope of section 1440 and can avail themselves of the exceptions to certain naturalization requirements when they have performed qualifying service in an active-duty status.
- Section 1440(a) was amended as part of the National Defense Authorization Act (NDAA) for FY 2004 to clarify that service in the SelRes can qualify for the exceptions found in section 1440(b). The NDAA did not change, however, the requirement in subpart (b)(3), that the executive department under which the applicant served (in this case DoD/Army) must certify “whether the applicant served honorably in an active-duty status” during the defined period.
- Members of the SelRes must complete statutorily defined annual training requirements. These include 48 scheduled drills or training periods during each year (drills are four hour periods, and are normally done as two per day during a weekend), and active duty for training for not less than 14 days per year; requirements are established in 10 U.S.C. §10147(a)(1).
- Members of the SelRes can and frequently do serve in an “active-duty status” during basic training/boot camp and during yearly periods of active training. Most commonly this is during periods of “Active Duty for Training” (sometimes called ACDUTRA or ADT) under 10 U.S.C. §12301(d), the authority normally used for such duty.
- Normal drill periods, however, are “inactive duty for training” as defined in 10 U.S.C. 101(d)(7), and are by their very definition not service in an active-duty status. DoD Instruction 1215.13, “Ready Reserve Member Participation Policy,” May 5, 2015, provides that minimum participation requirements are: “[a]t least 48 scheduled inactive duty training (IDT) drills and not less than 14 days, exclusive of travel time, of active duty training (ADT) each year.” (Enclosure 3, Section 1.b.(1))

Conclusion:

- Service in the Selected Reserve in an “inactive duty for training” status, as defined at 10 U.S. Code § 101(d)(7) and in Department issuances, is not active duty service and, standing alone, does not qualify for certification of honorable service under 8 U.S.C. §1440.
- This is further reflected in the guidance memo from the Army, acknowledged by MAVNI applicants, that cautions against filing naturalization paperwork until the person starts basic combat training - “DO NOT MAIL YOUR CITIZENSHIP PACKET BEFORE YOU SHIP TO BCT.” (emphasis in original)



Department of Defense INSTRUCTION

NUMBER 1332.14

January 27, 2014

Incorporating Change 4, Effective April 12, 2019

USD(P&R)

SUBJECT: Enlisted Administrative Separations

References: See Enclosure 1

1. PURPOSE. This instruction:

- a. Reissues DoD Instruction (DoDI) 1332.14 (Reference (a)), in accordance with the authority in DoD Directive (DoDD) 5124.02 (Reference (b)).
- b. Establishes DoD policy, assigns responsibilities, and provides procedures governing administrative separation of enlisted Service members from the Military Services.
- c. Implements sections 518, 572(a)(2), and 578 of Public Law 112-239 (Reference (c)).

2. APPLICABILITY. This instruction applies:

- a. To OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (referred to collectively in this instruction as the "DoD Components"). The term "Military Services," as used in this instruction refers to the Army, the Navy, the Air Force, and the Marine Corps.
- b. Only to administrative separation proceedings initiated on or after the effective date of this instruction unless the Secretary of the Military Department concerned determines that it should be applied in a particular case in which proceedings were initiated before that date.

3. POLICY. It is DoD policy that:

- a. The readiness of the Military Services be preserved by maintaining high standards of performance, conduct, and discipline. Separation promotes the readiness of the Military Services by providing an orderly means to:

DoDI 1332.14, January 27, 2014

(1) Evaluate the suitability of persons to serve in the enlisted ranks of the Military Services based on their ability to meet required performance, conduct, and disciplinary standards.

(2) Maintain standards of performance, conduct, and discipline through characterization of service in a system that emphasizes the importance of honorable service.

(3) Achieve authorized force levels and grade distributions.

(4) Provide an orderly means of discharge for enlisted personnel.

b. Separations are used to strengthen the concept that military service is a unique calling, different from that of a civilian occupation. The acquisition of military status, whether through enlistment or induction, involves an individual's commitment to the United States, their Military Service, fellow citizens, and fellow Service members.

c. Organizing, training, and equipping newly accessed enlisted Service members represent a substantial investment. Separation of enlisted Service members prior to completion of their obligated service periods results in a significant loss of investment and generates a requirement for increased accessions.

d. DoD will provide enlisted Service members with the training, motivation, and professional leadership to enable them to meet required standards of performance, conduct, and discipline.

(1) Reasonable efforts should be made by the chain of command to identify enlisted Service members who exhibit the likelihood for early separation and improve their chances for retention through counseling, retraining, and rehabilitation.

(2) Enlisted Service members who do not demonstrate the commitment or potential for further service should be separated.

e. Motivated enlisted Service members may be discharged or released from active service before expiration of their obligated service to further their education at a college, university, or vocational or technical school when it is determined that discharge or release is appropriate. Enclosure 6 of this instruction contains procedures for enlisted Service member separations on the basis of school enrollment.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosures 3-6.

DoDI 1332.14, January 27, 2014

6. RELEASABILITY. **Cleared for public release.** This instruction is available on the DoD Issuances Website at <http://www.esd.whs.mil/DD>.

7. SUMMARY OF CHANGE 4. The administrative changes to this issuance are a result of the publication of Directive-Type Memorandum-19-004 (Reference (d)).

8. EFFECTIVE DATE. This instruction is effective January 27, 2014.


Jessica L. Wright
Acting Under Secretary of Defense for
Personnel and Readiness

Change 4 Approved By:

David L. Norquist
Performing the Duties of the Deputy Secretary of
Defense

Enclosures

1. References
2. Responsibilities
3. Reasons for Separation
4. Guidelines on Separation and Characterization
5. Procedures for Separation
6. Procedures for Early Release of Enlisted Military Personnel for College, Vocational, or Technical School Enrollment

Glossary

TABLE OF CONTENTS

ENCLOSURE 1: REFERENCES.....6

ENCLOSURE 2: RESPONSIBILITIES8

 ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS
 (ASD(M&RA)).....8

 SECRETARIES OF THE MILITARY DEPARTMENTS.....8

ENCLOSURE 3: REASONS FOR SEPARATION.....9

 EXPIRATION OF SERVICE OBLIGATION9

 SELECTED CHANGES IN SERVICE OBLIGATIONS9

 CONVENIENCE OF THE GOVERNMENT10

 DISABILITY13

 DEFECTIVE ENLISTMENTS AND INDUCTIONS14

 ENTRY LEVEL PERFORMANCE AND CONDUCT17

 UNSATISFACTORY PERFORMANCE18

 DRUG ABUSE REHABILITATION FAILURE.....18

 ALCOHOL ABUSE REHABILITATION FAILURE.....19

 MISCONDUCT20

 SEPARATION IN LIEU OF TRIAL BY COURT-MARTIAL.....21

 SECURITY23

 UNSATISFACTORY PARTICIPATION IN THE READY RESERVE23

 SECRETARIAL PLENARY AUTHORITY.....24

 REASONS ESTABLISHED BY THE MILITARY DEPARTMENTS24

 WEIGHT CONTROL FAILURE24

ENCLOSURE 4: GUIDELINES ON SEPARATION AND CHARACTERIZATION26

 SEPARATION.....26

 SUSPENSION OF SEPARATION28

 CHARACTERIZATION OF SEPARATION OR DESCRIPTION OF SEPARATION.....29

ENCLOSURE 5: PROCEDURES FOR SEPARATION35

 SCOPE35

 NOTIFICATION PROCEDURE.....35

 ADMINISTRATIVE BOARD PROCEDURE.....38

 ADDITIONAL PROVISIONS CONCERNING ENLISTED SERVICE MEMBERS
 CONFINED BY CIVIL AUTHORITIES.....45

 ADDITIONAL REQUIREMENTS FOR CERTAIN SERVICE MEMBERS OF
 RESERVE COMPONENTS.....45

DoDI 1332.14, January 27, 2014

ADDITIONAL REQUIREMENTS FOR ENLISTED SERVICE MEMBERS BEYOND
MILITARY CONTROL BY REASON OF UNAUTHORIZED ABSENCE.....47

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE SEPARATION
PROCESSING TIMELINES48

ADDITIONAL REQUIREMENTS FOR INFORMING ENLISTED SERVICE
MEMBERS ABOUT SEPARATION POLICY48

ADDITIONAL REQUIREMENTS FOR PRE-SEPARATION HEALTH
ASSESSMENTS.....49

ADDITIONAL COUNSELING REQUIRED FOR A DISCHARGE UNDER OTHER
THAN HONORABLE CONDITIONS RESULTING FROM A CONTINUOUS,
UNAUTHORIZED ABSENCE OF 180 DAYS OR MORE.....50

ADDITIONAL REQUIREMENTS FOR INVOLUNTARY ADMINISTRATIVE
SEPARATION OF ENLISTED SERVICE MEMBERS WHO MADE AN
UNRESTRICTED REPORT OF SEXUAL ASSAULT50

ADDITIONAL REQUIREMENT TO PROCESS FOR ADMINISTRATIVE
SEPARATION ENLISTED SERVICE MEMBERS CONVICTED OF CERTAIN
SEXUAL OFFENSES51

ADDITIONAL REQUIREMENT FOR MEMBERS RECEIVING AN OTHER THAN
HONORABLE CHARACTERIZATION OF SERVICE.....51

ENCLOSURE 6: PROCEDURES FOR EARLY RELEASE OF ENLISTED MILITARY
PERSONNEL FOR COLLEGE, VOCATIONAL, OR TECHNICAL SCHOOL
ENROLLMENT52

RESPONSIBILITY.....52

PROCEDURES.....52

GLOSSARY54

PART I: ABBREVIATIONS AND ACRONYMS54

PART II: DEFINITIONS.....54

DoDI 1332.14, January 27, 2014

ENCLOSURE 1REFERENCES

- (a) DoD Instruction 1332.14, "Enlisted Administrative Separations," August 28, 2008, as amended (hereby cancelled)
- (b) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (c) Public Law 112-239, "National Defense Authorization Act for Fiscal Year 2013," January 2, 2013
- (d) Directive-Type Memorandum-19-004, "Military Service by Transgender Persons and Persons with Gender Dysphoria," March 12, 2019
- (e) DoD Instruction 1300.04, "Inter-Service Transfer of Commissioned Officers," July 25, 2017
- (f) DoD Directive 1344.10, "Political Activities by Members of the Armed Forces," February 19, 2008
- (g) DoD Instruction 1300.06, "Conscientious Objectors," July 12, 2017
- (h) DoD Instruction 1315.15, "Special Separation Policies for Survivorship," May 19, 2017
- (i) Title 10, United States Code
- (j) DoD Instruction 6490.04, "Mental Health Evaluations of Members of the Military Services," March 4, 2013
- (k) Committee on Nomenclature and Statistics, American Psychiatric Association, "Diagnostic and Statistical Manual of Mental Disorders," current edition
- (l) DoD Instruction 1332.18, "Disability Evaluation System (DES)," August 5, 2014, as amended
- (m) DoD Instruction 1215.13, "Reserve Component (RC) Member Participation Policy," May 5, 2015
- (n) Manual for Courts-Martial, United States, 2012
- (o) DoD Instruction 5200.02, "DoD Personnel Security Program (PSP)," March 21, 2014, as amended
- (p) DoD Directive 1308.1, "DoD Physical Fitness and Body Fat Program," June 30, 2004
- (q) DoD Instruction 1336.01, "Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)," August 20, 2009, as amended
- (r) DoD Instruction 1010.01, "Military Personnel Drug Abuse Testing Program (MPDATP)," September 13, 2012, as amended
- (s) DoD Instruction 1332.28, "Discharge Review Board (DRB) Procedures and Standards," April 4, 2004
- (t) Section 5303 of Title 38, United States Code
- (u) DoD Directive 6495.01, "Sexual Assault Prevention and Response (SAPR) Program," January 23, 2012, as amended
- (v) DoD Instruction 6495.02, "Sexual Assault Prevention and Response (SAPR) Program Procedures," March 28, 2013, as amended
- (w) Section 528 of Public Law 115-91
- (x) DoD Instruction 5500.14, "Naturalization of Aliens Serving in the Armed Forces of the United States and of Alien Spouses and/or Alien Adopted Children of Military and Civilian Personnel Ordered Overseas," January 4, 2006

DoDI 1332.14, January 27, 2014

- (y) DoD Instruction 1332.35, "Transition Assistance Program (TAP) for Military Personnel," February 29, 2016, as amended

DoDI 1332.14, January 27, 2014

ENCLOSURE 2

RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS (ASD(M&RA)). The ASD(M&RA), under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)):

a. Develops, maintains, and oversees procedural instructions for enlisted administrative separations.

b. May establish, and delegate authority to establish, appropriate separation reporting requirements.

2. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments:

a. Develop and maintain Service policies, standards, and procedures in accordance with this instruction to provide clear guidance and ensure uniform implementation of enlisted separation policy to the extent practicable for an administrative process based on command discretion.

b. Ensure that enlisted Service member separation policies, standards, and procedures are applied consistently; fact-finding inquiries are conducted properly; abuses of authority do not occur; and failure to follow the provisions contained in this instruction results in appropriate corrective action.

c. Establish processing time goals for the types of administrative separations authorized by this instruction.

d. Prescribe appropriate internal procedures for periodically informing enlisted Service members about separation policies, and ensure they are provided separation information, as described in the procedures of this instruction, during the separation process.

e. Ensure compliance with pre-separation health assessment requirements in accordance with the law as described in the procedures of this instruction.

f. Prescribe internal procedures to ensure enlisted Service members who are convicted of a covered sexual offense and are not punitively discharged are processed for administrative separation in accordance with section 572(a)(2) of Reference (c), as described in the procedures of this instruction.

g. Prescribe internal procedures to permit the review of a recommendation to involuntarily separate an enlisted Service member who made an unrestricted report of sexual assault in accordance with 578 of Reference (c), as described in the procedures of this instruction.

ENCLOSURE 3

REASONS FOR SEPARATION

1. EXPIRATION OF SERVICE OBLIGATION

a. Basis. An enlisted Service member may be separated upon expiration of enlistment or fulfillment of service obligation. This includes separation authorized by the Secretary concerned when the enlisted Service member is within 30 days of the date of expiration of term of service and is serving outside the continental United States (OCONUS) in a location other than the member's jurisdiction of domicile.

b. Characterization or Description. Honorable, unless the separation is under one of the following circumstances:

(1) An entry-level separation is required under subparagraph 3c(1) of Enclosure 4.

(2) Characterization of service as general (under honorable conditions) is warranted in accordance with section 3 of Enclosure 4 on the basis of numerical scores accumulated in a formal, Service-wide rating system that evaluates conduct and performance on a regular basis.

(3) Another characterization is warranted upon discharge from the Individual Ready Reserve (IRR) in accordance with section 5 of Enclosure 5.

2. SELECTED CHANGES IN SERVICE OBLIGATIONS

a. Basis. An enlisted Service member may be separated for the following reasons:

(1) General demobilization or reduction in authorized strength.

(2) Early separation of personnel under a program established by the Secretary concerned. A copy of the document authorizing such program will be forwarded to the Office of the ASD(M&RA) at least 45 days prior to the desired date of announcement of an involuntary separation board or program.

(3) Acceptance of an active duty commission or appointment, or acceptance into a program leading to such commission or appointment in any branch of the Military Services.

(4) Immediate enlistment or reenlistment.

(5) Inter-Service transfer of inactive reserves in accordance with DoDI 1300.04 (Reference (e)).

DoDI 1332.14, January 27, 2014

b. Characterization or Description. Honorable, unless the separation is under one of the following circumstances:

- (1) An entry-level separation is required in accordance with section 3 of Enclosure 4.
- (2) Characterization of service as general (under honorable conditions) is warranted in accordance with section 3 of Enclosure 4 on the basis of numerical scores accumulated in a formal, Service-wide rating system that evaluates conduct and performance on a regular basis.
- (3) Another characterization is warranted upon discharge from the IRR in accordance with section 5 of Enclosure 5.

3. CONVENIENCE OF THE GOVERNMENT

a. Basis. An enlisted Service member may be separated for convenience of the U.S. Government for these reasons:

(1) Early Release to Further Education. An enlisted Service member may be separated to attend a college, university, vocational school, or technical school under guidelines outlined in Enclosure 6.

(2) Early Release to Accept Public Office. An enlisted Service member may be separated to accept public office only under circumstances authorized by the Military Department concerned and in accordance with DoDD 1344.10 (Reference (f)).

(3) Dependency or Hardship. Undue hardship does not necessarily exist solely because of altered present or expected income, family separation, or other inconveniences normally incident to military service. Upon request of the enlisted Service member and concurrence of the separation authority, separation may be directed when genuine dependency or undue hardship exists under these circumstances:

- (a) The hardship or dependency is not temporary.
- (b) Conditions have arisen or have been aggravated to an excessive degree since entry into military service, and the enlisted Service member has made every reasonable effort to remedy the situation.
- (c) The administrative separation will eliminate or materially alleviate the condition.
- (d) There are no other means of alleviation reasonably available.

(4) Pregnancy or Childbirth. A female enlisted Service member may be separated on the basis of pregnancy or childbirth upon her request, unless retention is determined to be in the best interests of the Service in accordance with section 1 of Enclosure 4 and guidance established by the DoD Military Department concerned.

DoDI 1332.14, January 27, 2014

(5) Parenthood. An enlisted Service member may be separated by reason of parenthood under the guidance set forth in section 1 of Enclosure 4 if, as a result thereof, it is determined that the enlisted Service member is unable to satisfactorily perform his or her duties or is unavailable for worldwide assignment or deployment. Prior to involuntary separation under this provision, the notification procedure in section 2 of Enclosure 5 will be used. Separation processing may not be initiated until the enlisted Service member has been formally counseled concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records.

(6) Conscientious Objection. An enlisted Service member may be separated if authorized in accordance with DoDI 1300.06 (Reference (g)).

(7) Surviving Family Member. An enlisted Service member may be separated if authorized in accordance with DoDI 1315.15 (Reference (h)).

(8) Conditions and Circumstances not Constituting a Physical Disability

(a) The Secretary concerned may authorize separation on the basis of conditions and circumstances not constituting a physical disability that interfere with assignment to or performance of duty.

1. Separation processing will not be initiated until the enlisted Service member has been formally counseled on his or her deficiencies and has been given an opportunity to correct those deficiencies.

2. Separation processing will not be initiated until the enlisted Service member has been counseled in writing that the condition does not qualify as a disability.

(b) The Secretary concerned may not authorize involuntary administrative separation based on a determination that the member is unsuitable for deployment or worldwide assignment because of a medical condition if a physical evaluation board has determined the member to be fit for duty for the same medical condition, unless the administrative separation is approved by the Secretary of Defense. If the Secretary concerned has reason to believe the medical condition considered by the physical evaluation board renders the member unsuitable for continued military service, the Secretary concerned may direct the physical evaluation board to reevaluate the member.

1. If, based on reevaluation by a physical evaluation board, a member is determined to be unfit to perform the duties of the member's office, grade, rank, or rating, the member may be retired or separated for physical disability consistent with chapter 61 of Title 10, United States Code (U.S.C.) (Reference (i)).

2. A fit for duty finding by a physical evaluation board does not automatically entitle a Service member to reenlist upon completion of his or her current period of required active service. However, a Service member may not be denied reenlistment on the basis of the same condition for which a physical evaluation board found the member fit for duty.

DoDI 1332.14, January 27, 2014

(c) Separation on the basis of personality disorder, or other mental disorder not constituting a physical disability, is only authorized only if:

1. A diagnosis by an authorized mental health provider as defined in DoDI 6490.04 (Reference (j)) utilizing the Diagnostic and Statistical Manual of Mental Disorders (Reference (k)) and, in accordance with procedures established by the Military Department concerned, concludes that the disorder is so severe that the member's ability to function effectively in the military environment is significantly impaired.

a. The onset of personality disorder is frequently manifested in the early adult years and may reflect an inability to adapt to the military environment as opposed to an inability to perform the requirements of specific jobs or tasks or both.

b. Observed behavior of specific deficiencies should be documented in appropriate counseling or personnel records. Documentation will include history from supervisors, peers, and others, as necessary to establish that the behavior is persistent, interferes with assignment to or performance of duty, and has continued after the enlisted Service member was counseled and afforded an opportunity to overcome the deficiencies.

2. The enlisted Service member has been formally counseled in writing on deficiencies as reflected in appropriate counseling or personnel records and has been afforded an opportunity to overcome those deficiencies.

3. The enlisted Service member has been counseled in writing on the diagnosis of a personality disorder, or other mental disorder not constituting a physical disability.

4. For enlisted Service members who have served or are currently serving in imminent danger pay areas, a diagnosis of personality disorder or other mental disorder not constituting a physical disability will:

a. Be corroborated by a peer or higher-level mental health professional.

b. Be endorsed by the Surgeon General of the Military Department concerned.

c. Address post-traumatic stress disorder (PTSD) and other mental illness comorbidity. Unless found fit for duty by the disability evaluation system, a separation for personality disorder, or other mental disorder not constituting a physical disability, is not authorized if service-related PTSD is also diagnosed.

(d) Separation for personality disorder, or other mental disorder not constituting a physical disability, is not appropriate nor should it be pursued when separation is warranted on the basis of unsatisfactory performance or misconduct. In such circumstances, the enlisted Service member should not be separated under this paragraph regardless of the existence of a personality disorder.

DoDI 1332.14, January 27, 2014

(e) Nothing in paragraph 3a(8) of this enclosure precludes separation of an enlisted Service member who has a personality disorder or other condition or circumstance not constituting a physical disability under any other basis set forth in section 3 of this enclosure or for any other reason authorized by this instruction.

(f) Prior to involuntary separation under this provision, the notification procedure in section 2 of Enclosure 5 will be used. Documentation must include evidence that the Service member is unable to function effectively because of a personality disorder, or other mental disorder not constituting a physical disability.

(g) The reasons designated by the Secretary concerned will be separately reported.

(h) The Secretary concerned may authorize separation on the basis of conditions and circumstances not constituting a physical disability that interfere with assignment to or performance of duty based on a diagnosis of gender dysphoria where the Service member is unable or unwilling to adhere to all applicable standards, including the standards associated with his or her biological sex, or seeks transition to another gender.

1. Separation processing will not be initiated until the enlisted Service member has been formally counseled on his or her failure to adhere to such standards and has been given an opportunity to correct those deficiencies, or has been formally counseled that his or her indication that he or she is unable or unwilling to adhere to such standards may lead to processing for administrative separation and has been given an opportunity to correct those deficiencies.

2. Separation processing will not be initiated until the enlisted Service member has been counseled in writing that the condition does not qualify as a disability.

(9) Additional Grounds. The Secretary concerned may provide additional grounds for separation for the convenience of the U.S. Government. A copy of the document authorizing such grounds will be forwarded to the ASD(M&RA) at least 45 days prior to the desired date of announcement of an involuntary separation board or program.

b. Characterization or Description. Honorable, unless the separation is under one of the following circumstances:

(1) An entry-level separation is required in accordance with paragraph 3c of Enclosure 4.

(2) The characterization of service is general (under honorable conditions) as warranted in accordance with paragraph 3b(2) of Enclosure 4.

c. Procedures. Procedural requirements may be established by the Secretary concerned, subject to procedures established in paragraph 3c of Enclosure 4. Prior to characterization of service as general (under honorable conditions), the Service member will be notified of the specific factors in the service record that warrant such a characterization, and the notification procedure in section 2 of Enclosure 5 will be used. However, such notice and procedure are not required when characterization of service as general (under honorable conditions) is based upon

DoDI 1332.14, January 27, 2014

numerical scores accumulated in a formal, Service-wide rating system that evaluates conduct and performance on a regular basis.

4. DISABILITY

a. Basis. An enlisted Service member may be separated or retired for disability under the provisions of chapter 61 of Reference (i).

b. Characterization or Description. Honorable, unless:

(1) An entry-level separation is required in accordance with section 3 of Enclosure 4; or

(2) Characterization of service as general (under honorable conditions) is warranted in accordance with section 3 of Enclosure 4.

c. Procedures. The Military Departments may establish procedural requirements for separation or retirement due to physical disability consistent with chapter 61 of Reference (i) and DoDI 1332.18 (Reference (l)). If separation is recommended, these requirements apply prior to characterization of service as general (under honorable conditions):

(1) The enlisted Service member will be notified of the specific factors in the service record that warrant such a characterization, and the notification procedure in section 2 of Enclosure 5 will be used.

(2) Such notice and procedure are not required when characterization of service as general (under honorable conditions) is warranted based on numerical scores accumulated in a formal, Service-wide rating system that evaluates conduct and performance on a regular basis.

5. DEFECTIVE ENLISTMENTS AND INDUCTIONS

a. Minority

(1) Basis. An enlisted Service member will be separated on the basis of being a minor at the time of enlistment, induction, or extension of enlistment under the guidance set forth in section 1 of Enclosure 4 and this subparagraph.

(a) Under Age 17. If an enlisted Service member is under the age of 17, the enlistment of the enlisted Service member is void, and the Service member will be separated.

(b) Age 17. An enlisted Service member will be separated in accordance with section 1170 of Reference (i), except when the enlisted Service member is retained for the purpose of trial by court-martial, in these circumstances:

DoDI 1332.14, January 27, 2014

1. There is evidence satisfactory to the Secretary concerned that the enlisted Service member is under 18 years of age.

2. The enlisted Service member enlisted without the written consent of his or her parent or guardian.

3. An application for the enlisted Service member's separation is submitted to the Secretary concerned by the parent or guardian within 90 days of the Service member's enlistment.

(2) Description of Separation. A Service member separated under subparagraph 5a(1)(a) of this enclosure will receive an order of release from the custody and control of the Military Services by reason of void enlistment or induction. The separation of an enlisted Service member under subparagraph 5a(1)(b) of this enclosure will be described as an entry-level separation.

(3) Procedure. The notification procedure in section 2 of Enclosure 5 will be used.

b. Erroneous

(1) Basis. An enlisted Service member may be separated on the basis of an erroneous enlistment, induction, or extension of enlistment under the guidance set forth in section 1 of Enclosure 4. An enlistment, induction, or extension of enlistment is erroneous if:

(a) It would not have occurred had the relevant facts been known by the U.S. Government or had appropriate directives been followed.

(b) It was not the result of fraudulent conduct on the part of the enlisted Service member (see paragraph 5d of this enclosure).

(c) The defect is unchanged in material respects.

(2) Characterization or Description. Honorable, unless an entry-level separation or an order of release from the custody and control of the Military Services is required (by reason of void enlistment or induction) in accordance with section 3 of Enclosure 4.

(3) Procedure

(a) If the command recommends that the individual continue military service, the initiation of separation processing is not required in these circumstances:

1. The defect is no longer present; or

2. A waiver is obtained from the appropriate authority.

(b) If separation processing is initiated, the notification procedure (see section 2 of Enclosure 5) will be used.

DoDI 1332.14, January 27, 2014

c. Defective Enlistment Agreements

(1) Basis. A defective enlistment agreement exists in these circumstances:

(a) As a result of a material misrepresentation by recruiting personnel, upon which the Service member reasonably relied. For example, the Service member was induced to enlist with a commitment for which the Service member was not qualified;

(b) The Service member received a written enlistment commitment from recruiting personnel for which the enlisted Service member was qualified, but which cannot be fulfilled by the Military Service; or

(c) The enlistment was involuntary. See section 802 of Reference (i).

(2) Characterization or Description. Honorable, unless an entry-level separation or an order of release from the custody and control of the Military Services (by reason of void enlistment) is required in accordance with section 3 of Enclosure 4.

(3) Procedures. This provision does not bar appropriate disciplinary action or other administrative separation proceedings regardless of when the defect is raised. Separation is appropriate under this provision only in these circumstances:

(a) The enlisted Service member did not knowingly participate in creation of the defective enlistment.

(b) The enlisted Service member brings the defect to the attention of appropriate authorities within 30 days after the defect is discovered or reasonably should have been discovered by the Service member.

(c) The enlisted Service member requests separation instead of other authorized corrective action.

(d) The request otherwise meets such criteria as may be established by the Secretary concerned.

d. Fraudulent Entry Into the Military Services

(1) Basis. An enlisted Service member may be separated in accordance with section 1 of Enclosure 4 on the basis of procurement of a fraudulent enlistment, induction, or period of military service through any deliberate material misrepresentation, omission, or concealment that, if known at the time of enlistment, induction, or entry into a period of military service, might have resulted in rejection.

(2) Characterization or Description. Characterization of service or description of separation will be in accordance with section 3 of Enclosure 4. If the fraud involves

DoDI 1332.14, January 27, 2014

concealment of a prior separation in which service was not characterized as honorable, characterization normally will be under other than honorable conditions.

(3) Procedures. The notification procedure in section 2 of Enclosure 5 will be used except as follows:

(a) Characterization of service under other than honorable conditions may not be issued unless the administrative board procedure in section 3 of Enclosure 5 is used.

(b) When the sole reason for separation is fraudulent entry, suspension of separation (see section 2 of Enclosure 4) is not authorized. When there are approved reasons for separation in addition to fraudulent entry, suspension of separation is authorized only in these circumstances:

1. A waiver of the fraudulent entry is approved.

2. The suspension pertains to reasons for separation other than the fraudulent entry.

(c) If the command recommends that the enlisted Service member be retained in military service, the initiation of separation processing is unnecessary in these circumstances:

1. The defect is no longer present; or

2. A waiver is obtained from appropriate authority.

e. Separation from the Delayed Entry Program

(1) Basis. A person who is in the Delayed Entry Program may be separated because of ineligibility for enlistment under standards prescribed by the Secretary concerned or upon his or her request when authorized by the Secretary concerned.

(2) Description of Separation. Entry-level separation.

(3) Procedure. The person will be notified of the proposed separation and the reasons for it.

a. The notice will be delivered personally or sent by registered or certified mail, return receipt requested, or by an equivalent form of notice if such service is not available by the U.S. mail at an address outside the United States. If the person fails to acknowledge receipt of notice, the individual who mails the notification will prepare a Sworn Affidavit of Service by Mail (see DoDI 1215.13 (Reference (m))) that will be inserted in the file along with Postal Service (PS) Form 3800, "U.S. Postal Service Certified Mail Receipt."

b. The person will be given an opportunity to submit to the separation authority a rebuttal statement by a specified date that is not less than 30 days from the date of delivery.

6. ENTRY-LEVEL PERFORMANCE AND CONDUCT

a. Basis

(1) An enlisted Service member may be separated while in entry-level status (see section 5 of this enclosure) when it is determined under the guidance in section 1 of Enclosure 4 that the enlisted Service member is unqualified for further military service by reason of unsatisfactory performance, conduct, or both. Evidence of an enlisted Service member being unqualified may include lack of capability, lack of reasonable effort, failure to adapt to the military environment, or minor disciplinary infractions.

(2) When separation of an enlisted Service member in entry-level status is warranted by unsatisfactory performance, minor disciplinary infractions, or both, the enlisted Service member normally should be processed for entry-level separation. However, entry-level status does not preclude separation under another basis for separation authorized by this issuance when such separation is warranted by the circumstances of the case.

b. Counseling and Rehabilitation. Counseling and rehabilitation requirements are important aspects of this reason for separation. Separation processing may not be initiated until the enlisted Service member has been formally counseled concerning those deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records. An enlisted Service member should not be separated when this is the sole reason unless appropriate efforts at rehabilitation have been made under standards prescribed by the Secretary concerned.

c. Description of Separation. Entry-level separation.

d. Procedures. The notification procedure in section 2 of Enclosure 5 will be used.

7. UNSATISFACTORY PERFORMANCE

a. Basis. An enlisted Service member may be separated when it is determined under the guidance in section 1 of Enclosure 4 that the enlisted Service member is unqualified for further military service by reason of unsatisfactory performance. This reason will not be used if the enlisted Service member is in entry-level status (see section 5 of this enclosure).

b. Counseling and Rehabilitation. Counseling and rehabilitation requirements are of particular importance to this reason for separation. Separation processing may not be initiated until the enlisted Service member has been formally counseled concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records. An enlisted Service member should not be separated when unsatisfactory performance is the sole reason unless appropriate efforts at rehabilitation have been made in accordance with standards prescribed by the Secretary concerned.

DoDI 1332.14, January 27, 2014

c. Characterization or Description. The service will be characterized as honorable or general (under honorable conditions) in accordance with section 3 of Enclosure 4.

d. Procedures. The notification procedure (section 2 of Enclosure 5) will be used.

8. DRUG ABUSE REHABILITATION FAILURE

a. Basis

(1) An enlisted Service member who has been referred to a rehabilitation program for personal drug abuse may be separated for failure through inability or refusal to participate in, cooperate in, or successfully complete such a program in these circumstances:

(a) There is a lack of potential for continued military service; or

(b) Long-term rehabilitation is determined necessary and the enlisted Service member is transferred to a civilian medical facility for rehabilitation.

(2) Nothing in this provision precludes separation of an enlisted Service member who has been referred to such a program under any other provision of this instruction.

(3) Drug abuse rehabilitation failures will be reported separately from alcohol abuse rehabilitation failures. If separation is based on both, the primary basis will be used for reporting requirements.

(4) An enlisted Service member's voluntary submission to a DoD treatment and rehabilitation program and voluntarily disclosed evidence of prior personal drug use by the Service member as part of a course of treatment in such a program may not be used against the Service member on the issue of characterization as specified in accordance with subparagraph 3b(3)(f) of Enclosure 4.

b. Characterization or Description. When an enlisted Service member is separated under this provision, characterization of service as honorable or general (under honorable conditions) is authorized except when an entry-level separation is required in accordance with section 3 of Enclosure 4. The relationship between voluntary submission for treatment and the evidence that may be considered on the issue of characterization is set forth in subparagraph 3b(3)(f) of Enclosure 4. The relationship between mandatory urinalysis and the evidence that may be considered on the issue of characterization is in subparagraph 3b(3)(g) of Enclosure 4.

c. Procedures. The notification procedures in section 2 of Enclosure 5 will be used.

9. ALCOHOL ABUSE REHABILITATION FAILURE

DoDI 1332.14, January 27, 2014

a. Basis

(1) An enlisted Service member who has been referred to a program of rehabilitation for alcohol abuse may be separated for failure through inability or refusal to participate in, cooperate in, or successfully complete such a program in these circumstances:

- (a) There is a lack of potential for continued military service; or
- (b) Long-term rehabilitation is determined necessary and the enlisted Service member is transferred to a civilian medical facility for rehabilitation.

(2) Nothing in this provision precludes separation of an enlisted Service member who has been referred to such a program under any other provision of this instruction.

(3) Alcohol abuse rehabilitation failures will be reported separately from drug abuse rehabilitation failures. If separation is based on both, the primary basis will be used for reporting purposes.

b. Characterization or Description. When an enlisted Service member is separated under this provision, characterization of service as honorable or general (under honorable conditions) is authorized except when an entry-level separation is required in accordance with section 3 of Enclosure 4.

c. Procedures. The notification procedures in section 2 of Enclosure 5 will be used.

10. MISCONDUCT

a. Basis. An enlisted Service member may be separated for misconduct when it is determined under the guidance set forth in section 1 of Enclosure 4 that the enlisted Service member is unqualified for further military service by reason of one or more of the following circumstances:

(1) Minor Disciplinary Infractions. A pattern of misconduct consisting solely of minor disciplinary infractions. If separation of an enlisted Service member in entry-level status is warranted solely by reason of minor disciplinary infractions, the action should be processed under entry-level performance and conduct (see section 6 of this enclosure).

(2) A Pattern of Misconduct. A pattern of misconduct consisting of:

- (a) Discreditable involvement with civil or military authorities; or
- (b) Conduct prejudicial to good order and discipline.

DoDI 1332.14, January 27, 2014

(3) Commission of a Serious Offense. Commission of a serious military or civilian offense if a punitive discharge would be authorized for the same or a closely related offense in accordance with the Manual for Courts-Martial (Reference (n)).

(4) Civilian Conviction

(a) Conviction by civilian authorities or action taken that is tantamount to a finding of guilty, including similar adjudications in juvenile proceedings, and if these conditions are present:

1. A punitive discharge would be authorized for the same or a closely related offense in accordance with Reference (n); or

2. The sentence by civilian authorities includes confinement for 6 months or more without regard to suspension or probation.

(b) Separation processing may be initiated whether or not an enlisted Service member has filed an appeal of a civilian conviction or has stated an intention to do so. Execution of an approved separation should be withheld pending outcome of the appeal or until the time for appeal has passed, but the enlisted Service member may be separated before final action on the appeal upon request of the enlisted Service member or upon direction of the Secretary concerned.

b. Counseling and Rehabilitation. Separation processing for minor disciplinary infractions or a pattern of misconduct (see subparagraphs 10a(2)(a) and 10a(2)(b) of this enclosure) may not be initiated until the enlisted Service member has been formally counseled concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records. If the sole basis of separation is commission of a serious offense (see subparagraph 10a(3) of this enclosure), or a civilian conviction (see subparagraph 10a(4)(a) of this enclosure), the counseling and rehabilitation requirements are not applicable.

c. Characterization or Description. Characterization of service will normally be under other than honorable conditions, but characterization as general (under honorable conditions) may be warranted under the guidelines in section 3 of Enclosure 4. For respondents who have completed entry-level status, characterization of service as honorable is not authorized unless the respondent's record is otherwise so meritorious that any other characterization clearly would be inappropriate. In such cases, separations for misconduct with an honorable characterization will be approved by a commander exercising general court-martial jurisdiction or higher authority as specified by the Secretary concerned.

(1) As an exception, the Secretary concerned may authorize general court-martial convening authorities to delegate authority to special court-martial convening authorities to approve separations with service characterized as honorable. This delegation may be done when the sole evidence of misconduct is command-directed urinalysis results that cannot be used for

DoDI 1332.14, January 27, 2014

characterization of service, or when an administrative discharge board has recommended separation with an honorable discharge.

(2) When characterization of service under other than honorable conditions is not warranted for an enlisted Service member in entry-level status in accordance with section 3 of Enclosure 4, the separation will be described as an entry-level separation.

d. Procedures. The administrative board procedure in section 3 of Enclosure 5 will be used. However, use of the notification procedure in section 2 of Enclosure 5 is authorized if characterization of service under other than honorable conditions is not warranted in accordance with section 3 of Enclosure 4.

11. SEPARATION IN LIEU OF TRIAL BY COURT-MARTIAL

a. Basis. Upon request by the enlisted Service member, the enlisted Service member may be separated in lieu of trial by court-martial if charges have been preferred with respect to an offense for which a punitive discharge is authorized, and it is determined that the enlisted Service member is unqualified for further military service under the guidance set forth in section 1 of Enclosure 4. This provision may not be used when Rule for Court-Martial 1003(d) of Reference (n) provides the sole basis for a punitive discharge unless the charges have been referred to a court-martial empowered to adjudge a punitive discharge.

b. Characterization or Description. Characterization of service normally will be under other than honorable conditions, but characterization as general (under honorable conditions) may be warranted under the guidelines in section 3 of Enclosure 4. For respondents who have completed entry-level status, characterization of service as honorable is not authorized unless the respondent's record is otherwise so meritorious that any other characterization clearly would be inappropriate. When characterization of service under other than honorable conditions is not warranted for an enlisted Service member in entry-level status in accordance with section 3 of Enclosure 4, the separation will be described as an entry-level separation.

c. Procedures

(1) The request for discharge must be submitted in writing and signed by the enlisted Service member.

(2) The enlisted Service member will be afforded an opportunity to consult with counsel qualified under section 827(b) of Reference (i). These counsel qualifications are also in Article 27(b) of The Uniform Code of Military Justice (UCMJ) (Appendix 2 of Reference (n)). If the enlisted Service member refuses to consult with legal counsel, counsel will prepare a statement to this effect, which will be attached to the file to document that the enlisted Service member has waived the right to consult with counsel.

(3) Except when the enlisted Service member has waived the right to counsel, the request will be signed by counsel.

DoDI 1332.14, January 27, 2014

(4) In the written request, the enlisted Service member will state that he or she understands:

- (a) The elements of the offense or offenses charged.
- (b) That characterization of service under other than honorable conditions is authorized.
- (c) The adverse nature of such a characterization and possible consequences thereof.

(5) The Secretary concerned will also require that one or both of these matters be included in the request:

- (a) An acknowledgment of guilt of one or more of the offenses or any lesser included offenses for which a punitive discharge is authorized; or
- (b) A summary of the evidence or list of documents (or copies thereof) provided to the enlisted Service member pertaining to the offenses for which a punitive discharge is authorized.

(6) The separation authority will be a commander exercising general court-martial jurisdiction or higher authority as specified by the Secretary concerned. As an exception, the Secretary concerned may authorize general court-martial convening authorities to delegate authority to the special court-martial convening authorities to approve requests for discharge in the case of enlisted Service members who:

- (a) Have been absent without leave for more than 30 days.
- (b) Have been dropped from the rolls of their units as absent in desertion.
- (c) Have been returned to military control.
- (d) Are assigned to a regional personnel control and/or separation processing facility.
- (e) Are charged only with being absent without leave for more than 30 days.

(7) Statements by the enlisted Service member or the enlisted Service member's counsel submitted in connection with a request under this subsection are not admissible against the enlisted Service member in a court-martial except as authorized under Military Rule of Evidence 410 of Reference (n).

12. SECURITY

DoDI 1332.14, January 27, 2014

a. Basis. When retention is clearly inconsistent with the interest of national security, an enlisted Service member may be separated by reason of security and under conditions and procedures prescribed in DoDI 5200.02 (Reference (o)).

b. Characterization or Description. Characterization of service or description of separation will be in accordance with section 3 of Enclosure 4.

c. Procedures. The procedures established by the Military Departments will be consistent with the procedures contained in this instruction insofar as practicable.

13. UNSATISFACTORY PARTICIPATION IN THE READY RESERVE

a. Basis. An enlisted Service member may be separated for unsatisfactory participation in the Ready Reserve under criteria established by the Secretary concerned in accordance with Reference (l).

b. Characterization or Description. Characterization of service or description of separation will be in accordance with section 3 of Enclosure 4 of this instruction and Reference (m).

c. Procedures. The administrative board procedure (section 3 of Enclosure 5) will be used, except that the notification procedure (section 2 of Enclosure 5) may be used if characterization of service under other than honorable conditions is not warranted in accordance with section 3 of Enclosure 4.

14. SECRETARIAL PLENARY AUTHORITY

a. Basis. Notwithstanding any limitation on separations provided in this instruction, the Secretary concerned may direct the separation of any enlisted Service member prior to expiration of term of service after determining it to be in the best interest of the Service.

b. Characterization or Description. Honorable or general (under honorable conditions) as warranted in accordance with section 3 of Enclosure 4 unless an entry-level separation is required in accordance with section 3 of Enclosure 4.

c. Procedures. The notification procedure in section 2 of Enclosure 5 will be used, except for subparagraph 2a(7) of Enclosure 5, regarding the procedure for requesting an administrative board, which is not applicable.

15. REASONS ESTABLISHED BY THE MILITARY DEPARTMENTS

a. Basis. The Military Departments may establish additional reasons for separation for circumstances not otherwise provided for in this instruction to meet their specific requirements, subject to approval by the ASD(M&RA).

DoDI 1332.14, January 27, 2014

b. Counseling and Rehabilitation. Separation processing may not be initiated until the enlisted Service member has been counseled formally concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records. An exception to these requirements may be granted when the Military Department concerned provides in its implementing document that counseling and rehabilitation requirements are not applicable for the specific reason for separation.

c. Characterization or Description. Characterization of service or description of separation will be in accordance with section 3 of Enclosure 4.

d. Procedures. The procedures established by the Military Departments will be consistent with the procedures contained in this instruction insofar as practicable.

16. WEIGHT CONTROL FAILURE

a. Basis. An enlisted Service member may be separated for failure to meet the weight control standards established in accordance with DoDD 1308.1 (Reference (p)) when it is determined that the enlisted Service member is unqualified for further military service and meets both of the following conditions:

(1) The enlisted Service member is not medically diagnosed with a medical condition that precludes or interferes with weight control. Enlisted Service members with a medically diagnosed condition that precludes or interferes with weight control may be separated either through medical channels, if appropriate, or under the guidance in section 4 of this enclosure.

(2) The enlisted Service member fails to meet weight control standards, and the sole reason for separation is failure to meet the weight control standard.

b. Counseling and Rehabilitation. Separation processing may not be initiated until the enlisted Service member has been counseled formally concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records.

c. Characterization or Description. Honorable, unless characterization of service as general under honorable conditions is warranted in accordance with section 3 of Enclosure 4 on the basis of numerical scores accumulated in a formal, Service-wide rating system that evaluated conduct and performance on a regular basis, or when an entry-level separation is required in accordance with section 6 of this enclosure.

d. Procedures. The notification procedure in section 3 of Enclosure 5 will be used.

ENCLOSURE 4

GUIDELINES ON SEPARATION AND CHARACTERIZATION

1. SEPARATION

a. Scope. This general guidance applies when referenced in Enclosure 3. Further guidance is set forth under the specific reasons for separation in Enclosure 3.

b. Guidance

(1) A substantial investment is made in the training of individuals enlisted or inducted into the Military Services. Thus, reasonable efforts at rehabilitation should be made prior to initiating separation proceedings for Service members who do not conform to required standards.

(2) Unless separation is mandatory, the potential for rehabilitation and further useful military service will be considered by the separation authority and, where applicable, the administrative board. If separation is warranted despite the potential for rehabilitation, consideration should be given to suspension of the separation, if authorized.

(3) Counseling and rehabilitation efforts are a prerequisite to initiation of separation proceedings only insofar as expressly set forth under specific requirements for separation in Enclosure 3. An alleged or established inadequacy in previous rehabilitative efforts does not provide a legal bar to separation.

(4) These factors may be considered on the issue of retention or separation, depending on the circumstances of the case:

(a) The seriousness of the circumstances forming the basis for initiation of separation proceedings, the effect of the enlisted Service member's continued retention on military discipline, good order, and morale.

(b) The likelihood of continuation or recurrence of the circumstances forming the basis for initiation of separation proceedings.

(c) The likelihood that the enlisted Service member will be a disruptive or undesirable influence in present or future duty assignments.

(d) The ability of the enlisted Service member to perform duties effectively in the present and in the future, including potential for advancement or leadership.

(e) The enlisted Service member's rehabilitative potential.

(f) The enlisted Service member's entire military record.

DoDI 1332.14, January 27, 2014

1. This may include:

a. Past contributions to the Military Service, assignments, awards and decorations, evaluation ratings, and letters of commendation.

b. Letters of reprimand or admonition, counseling records, records of nonjudicial punishment, records of conviction by court-martial and records of involvement with civilian authorities.

c. Any other matter deemed relevant by the board, or the separation authority, based on the specialized training, duties, and experience of persons entrusted by this instruction with recommendations and decisions on the issue of separation or retention.

2. This guidance applies to consideration of matters under subparagraph 1b(4)(f)1 of this enclosure:

a. Adverse matters from a prior enlistment or period of military service, such as records of nonjudicial punishment and conviction by court-martial, may be considered only when such records would have a direct and strong probative value in determining whether separation is appropriate. The use of such records will ordinarily be limited to those cases involving patterns of conduct manifested over an extended period of time.

b. Isolated incidents and events that are remote in time normally have little probative value in determining whether administrative separation should be effected.

c. Limitations on Separation Actions. A Service member may not be separated on the basis of:

(1) Conduct that has been the subject of judicial proceedings resulting in acquittal or action having the effect thereof except:

(a) When such action is based on a judicial determination not going to the guilt or innocence of the respondent;

(b) When the judicial proceeding was conducted in a State or foreign court and the separation is approved by the Secretary concerned; or

(c) When the acquittal from the judicial proceedings was based on a finding of not guilty only by reason of lack of mental responsibility. Enlisted Service members in this category normally will be separated under Secretarial plenary authority (see section 15 of Enclosure 3) unless separation for disability (see section 4 of Enclosure 3) is appropriate.

(2) Conduct that has been the subject of a prior administrative board action in which the Board entered an approved finding that the evidence did not sustain the factual allegations

DoDI 1332.14, January 27, 2014

concerning the conduct, except when the conduct is the subject of a rehearing ordered on the basis of fraud or collusion; or

(3) Conduct that has been the subject of an administrative separation proceeding resulting in a final determination by a separation authority that the enlisted Service member should be retained, except:

(a) When there is subsequent conduct or performance forming the basis, in whole or in part, for a new proceeding;

(b) When there is new or newly discovered evidence that was not reasonably available at the time of the prior proceeding; or

(c) When the conduct is the subject of a rehearing ordered on the basis of fraud or collusion.

2. SUSPENSION OF SEPARATION

a. Suspension

(1) Unless prohibited by this instruction, a separation may be suspended for a specified period of not more than 12 months by the separation authority or higher authority if the circumstances of the case indicate a reasonable likelihood of rehabilitation.

(2) During the period of suspension, the enlisted Service member will be afforded an opportunity to meet appropriate conduct, disciplinary, and performance standards.

(3) Unless sooner vacated or remitted, execution of the approved separation will be remitted upon completion of the probationary period, upon termination of the enlisted Service member's enlistment or period of obligated service, or upon decision of the separation authority that the goal of rehabilitation has been achieved.

b. Action During the Period of Suspension

(1) During the period of suspension, if there are further grounds for separation under Enclosure 3, one or more of these actions may be taken:

(a) Disciplinary action;

(b) New administrative action; or

(c) Vacation of the suspension accompanied by execution of the separation if the enlisted Service member engages in conduct similar to that for which separation was approved

DoDI 1332.14, January 27, 2014

(but suspended) or otherwise fails to meet appropriate standards of conduct and duty performance.

(2) Prior to vacation of a suspension, the enlisted Service member will be notified in writing of the basis for the action and will be afforded the opportunity to consult with counsel, as provided in subparagraph 2a(6) of Enclosure 5, and to submit a statement in writing to the separation authority.

(a) The respondent will be provided a reasonable period of time, not less than 2 working days, to act on the notice.

(b) If the respondent identifies specific legal issues for consideration by the separation authority, the matter will be reviewed by a judge advocate or civilian lawyer employed by the U.S. Government before final action by the separation authority.

3. CHARACTERIZATION OF SERVICE OR DESCRIPTION OF SEPARATION

a. Types of Characterization or Description

(1) At separation, these types of characterization of service or description of separation are authorized under this instruction:

(a) Separation with characterization of service as honorable, general (under honorable conditions), or under other than honorable conditions.

(b) Entry-level separation.

(c) Order of release from the custody and control of the Military Services by reason of void enlistment or induction.

(d) Separation by being dropped from the rolls of the Military Service.

(2) Any of the types of separation listed may be used in appropriate circumstances unless a limitation is set forth in this enclosure or in Enclosure 3, which explains reasons for separation.

b. Characterization of Service

(1) General Considerations

(a) Characterization at separation will be based upon the quality of the Service member's service, including the reason for separation and guidance in subparagraph 3b(2) of this enclosure, subject to the limitations set forth under various reasons for separation in Enclosure 3. The quality of service will be determined in accordance with standards of acceptable personal conduct and performance of duty for military personnel. These standards are found in Reference

DoDI 1332.14, January 27, 2014

(n), directives and regulations issued by the Department of Defense and the DoD Military Departments, and the time-honored customs and traditions of military service.

(b) The quality of service of an enlisted Service member on active duty or active duty for training is adversely affected by conduct that is of a nature to bring discredit on the Military Services or is prejudicial to good order and discipline, regardless of whether UCMJ jurisdiction is exercised. Characterization may be based on conduct in the civilian community, and the burden is on the respondent to demonstrate that such conduct did not adversely affect the respondent's service.

(c) The reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. In general, characterization will be based on a pattern of behavior rather than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(d) Due consideration will be given to the enlisted Service member's age, length of service, grade, aptitude, physical and mental condition, and the standards of acceptable conduct and performance of duty.

(2) Types of Characterization

(a) Honorable. The honorable characterization is appropriate when the quality of the enlisted Service member's service generally has met the standards of acceptable conduct and performance of duty for military personnel, or is otherwise so meritorious that any other characterization would be clearly inappropriate. In the case of an honorable discharge, a DD Form 256, "Discharge Certificate, Honorable," will be awarded and a notation will be made on the appropriate copies of the DD Form 214/5 "Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)," in accordance with DoDI 1336.01 (Reference (q)).

(b) General (Under Honorable Conditions). If an enlisted Service member's service has been honest and faithful, it is appropriate to characterize that service as general (under honorable conditions). Characterization of service as general (under honorable conditions) is warranted when the positive aspects of the enlisted Service member's conduct or performance of duty outweigh negative aspects of the enlisted Service member's conduct or performance of duty as documented in their service record.

(c) Under Other Than Honorable Conditions

1. This characterization may be issued:

a. When the reason for separation is based on a pattern of behavior that constitutes a significant departure from the conduct expected of enlisted Service members of the Military Services.

DoDI 1332.14, January 27, 2014

b. When the reason for separation is based on one or more acts or omissions that constitute a significant departure from the conduct expected of enlisted Service members of the Military Services. Examples of factors that may be considered include the use of force or violence to produce serious bodily injury or death; abuse of a special position of trust; disregard by a superior of customary superior-subordinate relationships; acts or omissions that endanger the security of the United States or the health and welfare of other Service members of the Military Services; and deliberate acts or omissions that seriously endanger the health and safety of other persons.

2. This characterization is authorized only if the Service member has been afforded the opportunity to request an administrative board action, except as provided in section 11 of Enclosure 3 regarding separation in lieu of trial by court-martial.

(3) Limitations on Characterization. Except as otherwise provided in section 3 of this enclosure, characterization will be determined solely by the enlisted Service member's military record during the current enlistment or period of service to which the separation pertains, plus any extensions thereof prescribed by law or regulation or effected with the consent of the enlisted Service member.

(a) Prior service activities, including records of conviction by court-martial, records of absence without leave, or commission of other offenses for which punishment was not imposed will not be considered on the issue of characterization. To the extent that such matters are considered on the issue of retention or separation (see paragraph 1b of this enclosure), the record of proceedings may reflect express direction that such information will not be considered on the issue of characterization.

(b) Pre-service activities may not be considered on the issue of characterization except in a proceeding concerning fraudulent entry into military service (see subparagraph 5.d. of Enclosure 3) and evidence of pre-service misrepresentations about matters that would have precluded, postponed, or otherwise affected the enlisted Service member's eligibility for enlistment or induction.

(c) The limitations in subparagraph 1c of this enclosure as to matters that may be considered on the issue of separation are applicable to matters that may be considered on the issue of characterization.

(d) When the sole basis for separation is a serious offense that resulted in a conviction by a court-martial authorized to impose a punitive discharge, and a punitive discharge was not imposed, the enlisted Service member's service may not be characterized under other than honorable conditions unless such characterization is approved by the Secretary concerned.

(e) Conduct in the civilian community of an enlisted Service member of a Reserve Component who is not on active duty or active duty for training may form the basis for characterization under other than honorable conditions only if such conduct directly affects the performance of the enlisted Service member's military duties. Such conduct may form the basis

DoDI 1332.14, January 27, 2014

of characterization as general (under honorable conditions) only if such conduct has an adverse impact on the overall effectiveness of the service, including military morale and efficiency.

(f) A Service member's voluntary submission to a DoD treatment and rehabilitation program and voluntarily disclosed evidence of prior personal drug use by the enlisted Service member as part of a course of treatment in such a program may not be used against the enlisted Service member on the issue of characterization. This limitation does not apply to:

1. The introduction of evidence for impeachment or rebuttal purposes in any proceeding in which the evidence of drug abuse (or lack thereof) has been introduced first by the Service member.

2. Taking action based on independently derived evidence, including evidence of continued drug abuse after initial entry into a treatment and rehabilitation program.

(g) The results of mandatory urinalysis may be used on the issue of characterization except as provided in DoDI 1010.01 (Reference (r)).

c. Uncharacterized Separation

(1) Entry-Level Separation

(a) A separation will be described as an entry-level separation if separation processing is initiated while an enlisted Service member is in entry-level status, except when:

1. Characterization under other than honorable conditions is authorized under the reason for separation (Enclosure 3) and is warranted by the circumstances of the case; or

2. The Secretary concerned, on a case-by-case basis, determines that characterization of service as honorable is clearly warranted by the presence of unusual military duty. The characterization is authorized when the Service member is separated under Enclosure 3 by reason of selected changes in service obligation (see section 2 of Enclosure 3), convenience of the U.S. Government (see section 3 of Enclosure 3), disability (see section 4 of Enclosure 3), secretarial plenary authority (see section 14 of Enclosure 3), or an approved reason established by the Military Department (see section 15 of Enclosure 3).

(b) In time of mobilization or in other appropriate circumstances, the ASD(M&RA) may authorize the Secretary concerned to delegate the authority in subparagraph 3c(1)(a)2 of this enclosure (concerning the honorable characterization) to a general court-martial convening authority with respect to Service members serving in operational units.

(c) With respect to administrative matters outside this instruction that require a characterization as honorable or general, an entry-level separation will be treated as the required characterization. This provision does not apply to administrative matters that expressly require

DoDI 1332.14, January 27, 2014

different treatment of an entry-level separation except as provided in subparagraph 3c(1)(d) of this enclosure.

(d) In accordance with section 12685 of Reference (i), an entry-level separation of a Service member of a Reserve Component for cause, except under section 12684 of Reference (i), will be “under honorable conditions.”

(2) Void Enlistments or Inductions. Under void enlistments or inductions, an enlisted Service member will not receive a discharge, characterization of service at separation, or an entry-level separation, except when a constructive enlistment arises and such action is required under subparagraph 3c(2)(c) of this enclosure. If characterization or an entry-level separation is not required, the separation will be described as an order of release from custody or control of the Military Services.

(a) An enlistment is void:

1. If it was effected without the voluntary consent of a person who has the capacity to understand the significance of enlisting in the Military Services, including enlistment of a person who is intoxicated or insane at the time of enlistment, in accordance with section 504 of Reference (i) and Article 2(b) in Appendix 2 of Reference (n).

2. If the person is under 17 years of age (section 505 of Reference (i)).

3. If the person is a deserter from another Military Service in accordance with section 504 of Reference (i).

(b) Although an enlistment may be void at its inception, a constructive enlistment will arise in the case of a person serving with a Military Service who:

1. Submitted voluntarily to military authority.

2. Met the mental competency and minimum age qualifications of sections 504 and 505 of Reference (i) at the time of voluntary submission to military authority.

3. Received military pay or allowances.

4. Performed military duties.

(c) If an enlistment that is void at its inception is followed by a constructive enlistment within the same term of service, characterization of service or description of separation will be in accordance with subparagraph 3b or subparagraph 3c(1) of this enclosure, as appropriate.

DoDI 1332.14, January 27, 2014

1. If the enlistment was void by reason of desertion from another Military Service, the enlisted Service member will be separated by an order of release from the custody and control of the Service regardless of any subsequent constructive enlistment.

2. The occurrence of such a subsequent constructive enlistment does not preclude the Military Departments, in appropriate cases, from either retaining the enlisted Service member or separating the enlisted Service member in accordance with section 5 of Enclosure 3, on the basis of the circumstances that initiated the original void enlistment or upon any other basis for separation provided in this issuance.

(3) Dropping from the Rolls. An enlisted Service member may be dropped from the rolls of the Service when such action is authorized by the Military Department concerned and a characterization of service or other description of separation is not authorized or warranted.

ENCLOSURE 5

PROCEDURES FOR SEPARATION

1. SCOPE

a. The supplementary procedures in this enclosure are applicable only when required under a specific reason for separation as set forth in Enclosure 3.

b. When an enlisted Service member is processed on the basis of multiple reasons for separation, these guidelines apply to procedural requirements (including procedural limitations on characterization of service or description of separation):

(1) The requirements for each reason will be applied to the extent practicable.

(2) If a reason for separation set forth in the notice of proposed action requires processing under the administrative board procedure, the entire matter will be processed in accordance with section 3 of this enclosure.

(3) If more than one reason for separation is approved, the guidance on characterization that provides the greatest latitude will apply.

(4) When there is any other clear conflict between a specific requirement applicable to one reason and a general requirement applicable to another reason, the specific requirement will be applied.

(5) If a conflict in separation procedures cannot be resolved by applying the guidance in subparagraphs 1b(1) through 1b(4) of this enclosure, the procedure deemed by the separation authority to be most favorable to the respondent will be used.

2. NOTIFICATION PROCEDURE

a. Notice. If the notification procedure is initiated under Enclosure 3, the respondent will be notified in writing of:

(1) The basis of the proposed separation, including the circumstances upon which the action is based and a reference to the applicable provisions of the Military Department's implementing regulation.

(2) Whether the proposed separation could result in discharge, release from active duty to a Reserve Component, transfer from the Selected Reserve to the IRR, release from custody or control of the Military Services, or other form of separation.

DoDI 1332.14, January 27, 2014

(3) The least favorable characterization of service or description of separation authorized for the proposed separation.

(4) The right to obtain copies of documents that will be forwarded to the separation authority supporting the basis of the proposed separation. Classified documents may be summarized.

(5) The respondent's right to submit statements.

(6) The respondent's right to consult with counsel qualified pursuant to Appendix 2, Article 27(b), of Reference (n). Non-lawyer counsel may be appointed when the respondent is deployed aboard a vessel or in similar circumstances of distance from sufficient judge advocate resources as determined under standards and procedures specified by the Secretary concerned. The respondent may also consult with civilian counsel retained at the Service member's own expense.

(7) If the respondent has 6 or more years of total active and reserve military service, the right to request an administrative board action (see section 3 of this enclosure).

(8) The right to waive subparagraphs 2a(4), 2a(5), 2a(6), or 2a(7) of this enclosure after being afforded a reasonable opportunity to consult with counsel and advised that failure to respond will constitute a waiver of the right.

b. Additional Notice Requirements

(1) If separation processing is initiated on the basis of more than one reason in accordance with Enclosure 3, the requirements of subparagraph 2a(1) of this enclosure apply to all proposed reasons for separation.

(2) If the respondent is in civil confinement, absent without leave, or in a Reserve Component not on active duty, the relevant notification procedures in paragraphs 4, 5, or 6 of this enclosure apply.

(3) Additional notification requirements in sections 3 and 4 of Enclosure 3 apply when characterization of service as general (under honorable conditions) is authorized and the enlisted Service member is processed for separation by reason of convenience of the U.S. Government or disability.

c. Response. The respondent will be provided a reasonable period of time, but not less than 2 working days, to act on the notice. An extension may be granted upon a timely showing of good cause by the respondent. The decision of the respondent on each of the rights set forth in subparagraphs 2a(4) through 2a(8) of this enclosure, and applicable provisions referenced in section 2 of this enclosure, will be recorded and signed by the respondent and counsel, subject to the following limitations:

DoDI 1332.14, January 27, 2014

(1) If notice by mail is authorized in accordance with sections 4, 5, or 6 of this enclosure, and the respondent fails to acknowledge receipt or submit a timely reply, that fact will constitute a waiver of rights and will be documented.

(2) If the respondent declines to respond as to the selection of rights, such declination will constitute a waiver of rights and will be documented. If the respondent indicates that one or more of the rights will be exercised, the selection of rights will be documented.

d. Separation Authority

(1) The separation authority for actions initiated under the notification procedure will be a special court-martial convening authority or higher authority.

(a) Subject to approval by the ASD(M&RA), the Secretary concerned may authorize a commanding officer in grade O-5 or above, or a commanding officer in the grade of O-4 who is on an approved list for promotion to O-5 and who is assigned to command a unit authorized a commanding officer in the grade of O-5 or above, with a judge advocate or other legal advisor available to the command, to act as a separation authority for a specified reason for separation.

(b) If the case was initiated under the administrative board procedure and the respondent waived the right to a hearing in accordance with subparagraph 3d of this enclosure, the separation authority will be an official designated under subparagraph 3f of this enclosure.

(2) The action of the separation authority will be recorded.

(3) The separation authority will determine whether there is sufficient evidence to verify the allegations set forth in the notification of the basis for separation. If an allegation is not supported by a preponderance of the evidence, it may not be used as a basis for separation.

(4) If there is a sufficient factual basis for separation, the separation authority will determine whether separation is warranted under the guidance in sections 1 and 2 of Enclosure 4. On the basis of that guidance, the separation authority will direct one of these actions:

(a) Retention.

(b) Separation for a specific reason in accordance with Enclosure 3.

(c) Suspended separation, in accordance with the guidance in paragraph 2d of this enclosure.

(5) If the separation authority directs separation or suspended separation on the basis of more than one reason in accordance with Enclosure 3, the separation authority will designate the most appropriate basis as the primary reason for reporting purposes.

(6) If separation or a suspended separation is directed, the separation authority will assign a characterization or description in accordance with section 3 of Enclosure 4.

DoDI 1332.14, January 27, 2014

(7) Except when characterization under other than honorable conditions is directed or the enlisted Service member is separated on the basis of a void enlistment or induction, the Secretary concerned may authorize the separation authority or higher authority to make a recommendation or determination as to whether the respondent should be retained in the Ready Reserve as a mobilization asset to fulfill the respondent's total military service obligation. This option applies in cases involving separation from active duty or from the Selected Reserve. Section 5 of this enclosure is applicable if such action is approved.

3. ADMINISTRATIVE BOARD PROCEDURE

a. Notice. If an administrative board is required, the respondent will be notified in writing of:

(1) The basis of the proposed separation, including the circumstances upon which the action is based and reference to the applicable provisions of the Military Department's implementing regulation.

(2) Whether the proposed separation could result in discharge, release from active duty to a Reserve Component, transfer from the Selected Reserve to the IRR, release from the custody or control of the Military Services, or other form of separation.

(3) The least favorable characterization of service or description of separation authorized for the proposed separation.

(4) The respondent's right to consult with counsel as prescribed in subparagraph 2a(6) of this enclosure. A non-lawyer counsel may not represent a respondent before an administrative board unless:

(a) The respondent expressly declines appointment of counsel qualified under Appendix 2, Article 27(b), of Reference (n) and requests a specific non-lawyer counsel; or

(b) The separation authority assigns non-lawyer counsel as assistant counsel.

(5) The right to obtain copies of documents that will be forwarded to the separation authority supporting the basis of the proposed separation. Classified documents may be summarized.

(6) The respondent's right to request a hearing before an administrative board.

(7) The respondent's right to present written statements instead of board proceedings.

(8) The respondent's right to representation at the administrative board either by military counsel appointed by the convening authority or by military counsel of the respondent's own

DoDI 1332.14, January 27, 2014

choice, if counsel of choice is determined to be reasonably available under regulations of the Secretary concerned, but not both.

(9) The right to representation at the administrative board by civilian counsel at the respondent's own expense.

(10) The right to waive the rights in subparagraphs 3a(4) through 3a(9) of this enclosure.

(11) That failure to respond after being afforded a reasonable opportunity to consult with counsel constitutes a waiver of the rights in subparagraphs 3a(4) through 3a(9) of this enclosure.

(12) Failure to appear without good cause at a hearing constitutes waiver of the right to be present at the hearing.

b. Additional Notice Requirements

(1) If separation processing is initiated on the basis of more than one reason under Enclosure 3, the requirements of subparagraph 3a(1) of this enclosure apply to all proposed reasons for separation.

(2) If the respondent is in civil confinement, absent without leave, or in a Reserve Component not on active duty, the relevant notification procedures in sections 4, 5, or 6 of this enclosure apply.

(3) Additional notification requirements in sections 3 and 4 of Enclosure 3 apply when characterization of service as general (under honorable conditions) is authorized and the enlisted Service member is processed for separation by reason of convenience of the U.S. Government or disability.

c. Response. The respondent will be provided a reasonable period of time, but not less than 2 working days, to act on the notice. An extension may be granted upon a timely showing of good cause by the respondent. The decision of the respondent on each of the rights set forth in subparagraphs 3a(4) through 3a(9) of this enclosure, and applicable provisions referenced in paragraph 2 of this enclosure, will be recorded and signed by the respondent and counsel, subject to these limitations:

(1) If notice by mail is authorized in accordance with sections 4, 5, or 6 of this enclosure and the respondent fails to acknowledge receipt or submit a timely reply, that fact will constitute a waiver of rights and will be documented.

(2) If the respondent declines to respond as to the selection of rights, such declination will constitute a waiver of rights and will be documented. If the respondent indicates that one or more of the rights will be exercised, the selection of rights will be documented.

d. Waiver

DoDI 1332.14, January 27, 2014

(1) If the right to a hearing before an administrative board is waived, the case will be processed in accordance with subparagraph 2d of this enclosure regarding notification procedures. The separation authority in such cases will be an official designated in accordance with subparagraph 3f of this enclosure.

(2) When authorized by the Secretary concerned, a respondent entitled to an administrative board hearing may exercise a conditional waiver after a reasonable opportunity to consult with counsel, in accordance with subparagraph 3a(4) of this enclosure. A conditional waiver is a statement initiated by a respondent waiving the right to a board proceeding contingent upon receiving a characterization of service or description of separation higher than the least favorable characterization or description authorized for the basis of separation set forth in the notice to the respondent.

e. Hearing Procedure. If a respondent requests a hearing before an administrative board, these procedures are applicable:

(1) Composition

(a) The convening authority will appoint to the administrative board at least three experienced commissioned, warrant, or noncommissioned officers. Enlisted personnel appointed to the board will be in grade E-7 or above and will be senior to the respondent. At least one member of the board will be serving in the grade of O-4 or higher, and a majority will be commissioned or warrant officers. The senior member will be the president of the board. The convening authority may also appoint a non-voting recorder to the board. A non-voting legal advisor may be appointed to assist the board if authorized by the Secretary concerned.

(b) If the respondent is an enlisted member of a Reserve Component, the board will include at least one Reserve officer as a voting member. Additionally, all board members will be commissioned officers if an "under other than honorable conditions" characterization from the Reserve Component is authorized to be issued. Voting board members will be senior to the respondent's reserve grade.

(c) The convening authority will ensure that the opportunity to serve on administrative boards is given to women and minorities. However, the mere appointment or failure to appoint a member of such a group to the board does not provide a basis for challenging the proceeding.

(d) The respondent may challenge a voting member of the board or the legal advisor, if any, for cause only.

(2) Presiding Officer. The president will preside and rule finally on all matters of procedure and evidence, but the rulings of the president may be overruled by a majority of the board. If appointed, the legal advisor will rule finally on all matters of evidence and challenges except challenges to himself or herself.

(3) Witnesses

DoDI 1332.14, January 27, 2014

(a) The respondent may request the attendance of witnesses in accordance with the implementing instructions of the Military Department concerned.

(b) In accordance with such instructions, the respondent may submit a written request for temporary duty or invitational travel orders for witnesses. Such a request will contain:

1. A synopsis of the testimony that the witness is expected to give.

2. An explanation of the relevance of such testimony to the issues of separation or characterization.

3. An explanation as to why written or recorded testimony would not be sufficient to provide for a fair determination of the issues of separation and characterization.

(c) The convening authority may authorize expenditure of funds for production of witnesses only if the presiding officer (after consultation with a judge advocate) or the legal advisor (if appointed) determines that:

1. The testimony of a witness is not cumulative.

2. The personal appearance of the witness is essential to a fair determination on the issues of separation and characterization.

3. Written or recorded testimony will not adequately accomplish the same objective.

4. The need for live testimony is substantial, material, and necessary for a proper disposition of the case.

5. The significance of the personal appearance of the witness, when balanced against the practical difficulties in producing the witness, favors production of the witness. Factors to be considered in relation to the balancing test include, but are not limited to, the cost of producing the witness; the timing of the request for production of the witness; the potential delay in the proceeding that may be caused by producing the witness; or the likelihood of significant interference with military operational deployment, mission accomplishment, or essential training.

(d) If the convening authority determines that the personal testimony of a witness is required, the hearing will be postponed or continued if necessary to permit the attendance of the witness.

(e) The hearing will be continued or postponed to provide the respondent with a reasonable opportunity to obtain a written statement from the witness if a witness requested by the respondent is unavailable:

DoDI 1332.14, January 27, 2014

1. When the presiding officer or the legal officer (if appointed) determines that the personal testimony of the witness is not required;

2. When the commanding officer of a military witness determines that military necessity precludes the witness' attendance at the hearing; or

3. When a civilian witness declines to attend the hearing.

(f) Subparagraph 3e(3) of this enclosure does not authorize a federal employee to decline to appear as a witness if directed to do so in accordance with applicable procedures of the employing agency.

(4) Record of Proceedings. In cases where the board recommends separation, the record of the proceedings will be kept in summarized form unless a verbatim record is required by the Secretary concerned. In cases where the board recommends retention, a record of the proceedings is optional unless required by the Secretary concerned. However, a summarized or verbatim record will be prepared in any case where the board recommends retention and the separation authority elects to forward the matter to the Secretary concerned in accordance with subparagraph 3f(4)(b)2 of this enclosure. The board reporter will retain all materials necessary to prepare a transcript should the separation authority elect to forward the case to the Secretary. In all cases, the findings and recommendations of the board will be in verbatim form.

(5) Presentation of Evidence. The rules of evidence for courts-martial and other judicial proceedings are not applicable before an administrative board. However, reasonable restrictions will be observed concerning relevancy and competency of evidence.

(6) Rights of the Respondent

(a) The respondent may testify in his or her own behalf, subject to the provisions of Appendix 2, Article 31(a), of Reference (n).

(b) At any time during the proceedings, the respondent or counsel may submit written or recorded matter for consideration by the board.

(c) The respondent or counsel may call witnesses in his or her behalf.

(d) The respondent or counsel may question any witness who appears before the board.

(e) The respondent or counsel may present argument prior to the board convening in closed session for deliberation on findings and recommendations.

(7) Findings and Recommendations

(a) The board will determine its findings and recommendations in closed sessions. Only voting members of the board will be present.

DoDI 1332.14, January 27, 2014

(b) The board will determine whether each allegation in the notice of proposed separation is supported by a preponderance of the evidence. If more than one reason was contained in the notice, there will be a separate determination for each reason.

(c) The board will make recommendations on:

1. Retention or Separation. The board will recommend retention or separation in accordance with the guidance in section 1 of Enclosure 4.

2. Suspension of Separation. If the board recommends separation, it may recommend that the separation be suspended in accordance with section 2 of Enclosure 4, but the recommendation of the board as to suspension is not binding on the separation authority.

3. Characterization of Service or Description of Separation. If separation or suspended separation is recommended, the board will recommend a characterization of service, or description of separation, as authorized in Enclosure 3 in accordance with the guidance in section 3 of Enclosure 4.

4. Transfer to the Ready Reserve. Except when the board has recommended characterization of service under other than honorable conditions, the Secretary concerned may authorize the board to make a recommendation as to whether the respondent should be retained in the Ready Reserve as a mobilization asset to fulfill the respondent's total military service obligation. This option applies to cases involving separation from active duty or from the Selected Reserve. Section 5 of this enclosure is applicable if the action is approved.

f. Separation Authority

(1) The separation authority for actions initiated under the administrative board procedure will be a general court-martial convening authority or higher authority. The Secretary concerned may also authorize a commanding officer in grade O-7 or above with a judge advocate or other legal advisor available to his command to act as a separation authority in specified circumstances.

(a) When an administrative board recommends characterization of service as honorable or general (under honorable conditions), the separation authority may be exercised by an officer designated in accordance with subparagraph 2d of this enclosure.

(b) When the case has been initiated under the notification procedure and the hearing is a result of a request in accordance with subparagraph 2a(7) of this enclosure, the separation authority will be as designated in subparagraph 2d of this enclosure.

(2) In every case in which characterization of service under other than honorable conditions is recommended, the record of the board's proceedings will be reviewed by a judge advocate or civilian attorney employed by the Military Department concerned prior to action by the separation authority. Such review is not required when another characterization is

DoDI 1332.14, January 27, 2014

recommended unless the respondent identifies specific legal issues for consideration by the separation authority.

(3) The respondent will be provided with a copy of the board's findings and recommendations.

(4) The separation authority will take action in accordance with this subparagraph, the requirements in Enclosure 3 with respect to the reason for separation, and the guidance in Enclosure 4 on separation and characterization.

(a) If the separation authority approves the recommendations of the board on the issue of separation, characterization, or both, this constitutes approval of the board's findings and recommendations in accordance with subparagraph 3e(7) of this enclosure unless the separation authority expressly modifies such findings or recommendations.

(b) If the board recommends retention, the separation authority may take one of these actions:

1. Approve the recommendation.

2. Forward the matter to the Secretary concerned with a recommendation for separation based upon the circumstances of the case. In such a case, the Secretary may direct retention or separation. If the Secretary approves separation, the characterization of service or description of separation will be honorable, general (under honorable conditions), or an entry-level separation in accordance with the guidance in section 3 of Enclosure 4.

(c) If the board recommends separation, the separation authority may:

1. Approve the board's recommendations;

2. Approve the board's recommendations, but modify the recommendations by, when appropriate, approving the separation but suspending execution as provided in section 2 of Enclosure 4; changing the character of service or description of separation to a more favorable characterization or description; or changing the board's recommendation, if any, concerning transfer to the IRR.

3. Disapprove the board's recommendations and retain the respondent.

4. If the separation authority approves the board's findings and recommendations in whole or in part with respect to more than one reason in accordance with Enclosure 3, the separation authority will designate the most appropriate basis as the primary reason for reporting purposes.

5. If the separation authority finds legal prejudice to a substantial right of the respondent or determines that the findings of the board have been obtained by fraud or collusion, the case may be referred to a new board. No member of the new board will have served on a

DoDI 1332.14, January 27, 2014

prior board that considered the case. The separation authority may not approve findings and recommendations less favorable to the respondent than those rendered by the previous board unless the separation authority finds that fraud or collusion in the previous board is attributable to the respondent or an individual acting on the respondent's behalf.

4. ADDITIONAL PROVISIONS CONCERNING ENLISTED SERVICE MEMBERS CONFINED BY CIVIL AUTHORITIES

a. If proceedings under this enclosure have been initiated against a respondent confined by civil authorities, the case may be processed in the absence of the respondent. Paragraph 3a of this enclosure is not applicable except insofar as such rights can be exercised by counsel on behalf of the respondent.

b. These requirements apply:

(1) The notice will contain the matter set forth in paragraphs 2a or 3a of this enclosure regarding notice in the notification procedure or administrative board procedure, as appropriate. The notice will be delivered personally to the respondent or sent by registered mail or certified mail, return receipt requested (or by an equivalent form of notice if such service is not available for delivery by U.S. mail at an address outside the United States). If the respondent refuses to acknowledge receipt of notice, the individual who mails the notification will prepare a sworn affidavit of Service by mail (see Reference (m)), which will be inserted in the respondent's official military personnel file together with PS Form 3800.

(2) If delivered personally, receipt will be acknowledged in writing by the respondent. If the respondent does not acknowledge receipt, the notice will be sent by mail as provided in subparagraph 4b(1) of this enclosure.

(3) The notice will state that the action has been suspended until a specific date (not less than 30 days from the date of delivery) in order to give the respondent the opportunity to exercise the rights set forth in the notice. If respondent does not reply by that date, the separation authority will take appropriate action in accordance with paragraph 2d of this enclosure.

(4) The name and address of the military counsel appointed for consultation will be specified in the notice.

(5) If the case involves entitlement to an administrative board, the respondent will be notified that the board will proceed in the respondent's absence and that the case may be presented on the respondent's behalf by counsel for the respondent.

5. ADDITIONAL REQUIREMENTS FOR CERTAIN ENLISTED SERVICE MEMBERS OF RESERVE COMPONENTS

a. Service Members of Reserve Components not on Active Duty

DoDI 1332.14, January 27, 2014

(1) If proceedings have been initiated against an enlisted Service member of a Reserve Component not on active duty, the case may be processed in the absence of the enlisted Service member in these circumstances:

- (a) At the request of the enlisted Service member;
- (b) If the enlisted Service member does not respond to the notice of proceedings on or before the suspense date provided therein; or
- (c) If the enlisted Service member fails to appear at a hearing as provided in subparagraph 3a(12) of this enclosure.

(2) The notice will contain the matters set forth in paragraphs 2a or 3a of this enclosure, as appropriate.

(3) If the action involves a transfer to the IRR under circumstances in which the procedures in this enclosure are applicable, the enlisted Service member will be notified that the character of service upon transfer to the IRR will also constitute the character of service upon discharge at the completion of the military service obligation unless specified conditions established by the Secretary concerned are met.

b. Transfer to the IRR. Upon transfer to the IRR, the enlisted Service member will be notified of:

(1) The character of service upon transfer from active duty or the Selected Reserve to the IRR and that the character of service upon completion of the military service obligation will be the same unless specified conditions established by the Secretary concerned are met.

(2) The date upon which the military service obligation will expire.

(3) The date by which the enlisted Service member must submit evidence of satisfactory completion of the specified conditions.

c. Notification of Admin Board. If the enlisted Service member submits evidence of completion of the specified conditions but the Military Department proposes to issue a discharge other than an honorable discharge, the notification procedure will be used. An administrative board is not required at this point notwithstanding the enlisted Service member's years of service.

d. Service Expiration. If the enlisted Service member does not submit such information on or before the date specified in the notice, no further proceedings are required. The character of discharge at the completion of the military service obligation will be the same as the character of service upon transfer from active duty or the Selected Reserve to the IRR.

e. Notice to Member. These requirements apply to the notices required by paragraphs 5a and 5b of this enclosure.

DoDI 1332.14, January 27, 2014

(1) Reasonable effort should be made to furnish copies of the notice to the enlisted Service member through personal contact by a representative of the command. In such a case, a written acknowledgment of the notice will be obtained.

(2) If the enlisted Service member cannot be contacted or refuses to acknowledge receipt of the notice, the notice will be sent by registered or certified mail, return receipt requested, (or by an equivalent form of notice if such service by U.S. mail is not available for delivery at an address outside the United States) to the most recent address furnished by the Service member as an address for receipt or forwarding of official mail. The individual who mails the notification will prepare a sworn affidavit of service by mail (see Reference (m)), which will be inserted in the respondent's official military personnel file together with PS Form 3800.

6. ADDITIONAL REQUIREMENTS FOR ENLISTED SERVICE MEMBERS BEYOND MILITARY CONTROL BY REASON OF UNAUTHORIZED ABSENCE

a. Determination of Applicability. If the general court-martial convening authority or higher authority determines that separation is otherwise appropriate in accordance with this instruction, an enlisted Service member may be separated without return to military control in one or more of these circumstances:

(1) Absence without authority after being sent notice of initiation of separation processing.

(2) When prosecution of an enlisted Service member who is absent without authority appears to be barred by the statute of limitations in accordance with section 843 of Reference (i) or Appendix 2, Article 43, of Reference (n).

(3) When an enlisted Service member who is an alien is absent without leave and appears to have gone to a foreign country where the United States has no authority to apprehend the Service member under a treaty or other agreement.

b. Notice. Prior to execution of the separation in accordance with subparagraphs 6a(1), 6a(2) or 6a(3) of this enclosure, the enlisted Service member will be notified of the imminent action by registered mail or certified mail, return receipt requested (or by an equivalent form of notice if such service by U.S. mail is not available for delivery at an address outside the United States) to the Service member's last known address or to the next of kin under regulations prescribed by the Military Department concerned.

(1) The notice will contain the matters set forth in paragraphs 2a or 3a of this enclosure, as appropriate, and will specify that the action has been suspended until a specific date (not less than 30 days from the date of mailing) in order to give the respondent the opportunity to return to military control.

(2) If the respondent does not return to military control by that date, the separation authority will take appropriate action in accordance with paragraph 2d of this enclosure.

DoDI 1332.14, January 27, 2014

c. Service Members of Reserve Components. See section 12685 of Reference (i) with respect to a limitation on separation of Service members of Reserve Components.

7. ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE SEPARATION PROCESSING TIMELINES

a. The Secretaries of the Military Departments will establish a timeline designed to effect the efficient separation of enlisted Service members from their Military Service that is measured from the date of notification to the date of separation.

(1) Processing goals should not exceed 15 working days for the notification procedure (see section 2 of Enclosure 5) and 50 working days for the administrative board procedure (see section 3 of Enclosure 5).

(2) While goals of shorter processing times are encouraged, variations may be established for complex cases or cases in which the separation authority is not located on the same facility as the respondent.

(3) Separation processing timelines goals, and the procedures for monitoring effectiveness, will be set forth in the Military Departments' implementing documents.

b. Failure to process an administrative separation within the prescribed goals will not create a bar to separation or affect characterization.

8. ADDITIONAL REQUIREMENTS FOR INFORMING ENLISTED SERVICE MEMBERS ABOUT SEPARATION POLICY

a. The Secretaries of the Military Departments will prescribe procedures for periodically informing enlisted Service members about separation policy. This will include:

(1) Information on the types of separations and the basis for their issuance.

(2) The possible effects of various actions upon reenlistment, civilian employment; veterans' benefits; and related matters concerning denial of certain benefits to enlisted Service members who fail to complete at least 2 years of an original enlistment.

(3) The purpose and authority of the Discharge Review Board and the Board for Correction of Military/Naval Records, established pursuant to sections 1552 and 1553 of Reference (i), and DoDI 1332.28 (Reference (s)).

b. The periodic informing will take place at least each time certain provisions of the UCMJ are explained in accordance with Article 137 of the UCMJ (Appendix 2 of Reference (n)) and section 937 of Reference (i). The required information may be provided in the form of a written fact sheet or similar document.

DoDI 1332.14, January 27, 2014

c. The requirement that the effects of the various types of separations be explained to enlisted Service members is a command responsibility, not a procedural entitlement. Failure on the part of an enlisted Service member to read or to understand such separation information will not create a bar to separation or affect characterization.

9. ADDITIONAL REQUIREMENTS FOR PRE-SEPARATION HEALTH ASSESSMENTS

a. The Military Department Secretary concerned will prescribe procedures to ensure compliance with statutory requirements in accordance with sections 1145 and 1177 of Reference (i) to conduct a health assessment sufficient to evaluate the health of enlisted Service members at the time of separation. This assessment should determine any existing medical condition incurred during active duty service, provide baseline information for future care, complete a member's military medical record, and provide a final opportunity before separation to document any health concerns, exposures, or risk factors associated with active duty service.

(1) To comply with section 1177 of Reference (i), an enlisted Service member must receive a medical examination to assess whether the effects of PTSD or traumatic brain injury (TBI) constitute matters in extenuation that relate to the basis for administrative separation if the member meets all of the following criteria:

(a) Is being administratively separated under a characterization that is not either Honorable or General (Under Honorable Conditions).

(b) Was deployed overseas to a contingency operation or was sexually assaulted during the previous 24 months.

(c) Is diagnosed by a physician, clinical psychologist, psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse as experiencing PTSD or TBI, or reasonably alleges the influence of PTSD or TBI based on deployed service to a contingency operation or sexual assault during the previous 24 months.

(d) Is not being separated pursuant to a sentence of a court-martial or other UCMJ proceeding (Appendix 2 of Reference (n)). Administrative separation in lieu of court-martial does not constitute a court-martial or other proceeding conducted pursuant to Appendix 2 of Reference (n), and therefore, compliance with Section 1177 of Reference (i) is required.

(2) To comply with section 518 of Reference (c), in a case involving PTSD, the medical examination required in subparagraph 9a(1) of this enclosure will be performed by a clinical psychologist, psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse. In a case involving TBI, the medical examination may be performed by a physician, clinical psychologist, psychiatrist, or other health-care professional, as appropriate.

b. An enlisted Service member receiving a medical examination in accordance with subparagraphs 9a(1) and 9a(2) of this enclosure will not be separated until the result of the medical examination has been reviewed by appropriate authorities responsible for evaluating, reviewing, and approving the separation case, as determined by the Secretary concerned.

DoDI 1332.14, January 27, 2014

10. ADDITIONAL COUNSELING REQUIRED FOR A DISCHARGE UNDER OTHER THAN HONORABLE CONDITIONS RESULTING FROM A CONTINUOUS, UNAUTHORIZED ABSENCE OF 180 DAYS OR MORE

a. Specific counseling is required regarding section 5303 of Title 38, U.S.C. (Reference (t)), which states that a discharge under other than honorable conditions resulting from a period of continuous, unauthorized absence of 180 days or more is a conditional bar to benefits administered by the Department of Veterans Affairs, notwithstanding any action by a Discharge Review Board.

b. Failure on the part of the enlisted Service member to read or to understand such explanation does not create a bar to separation or affect characterization.

11. ADDITIONAL REQUIREMENTS FOR INVOLUNTARY ADMINISTRATIVE SEPARATION OF ENLISTED SERVICE MEMBERS WHO MADE AN UNRESTRICTED REPORT OF SEXUAL ASSAULT

a. An enlisted Service member who made an unrestricted report of sexual assault and who is recommended for involuntary separation from the Military Services within 1 year of final disposition of his or her sexual assault case may request a general or flag officer (G/FO) review of the circumstances of and grounds for the involuntary separation.

(1) A qualified Service member must submit his or her written request to the first G/FO in the separation authority's chain of command prior to the separation authority approving the member's final separation action.

(2) Requests submitted after final separation action is complete will not be acted upon for G/FO review, but the separated Service member may apply to the appropriate Service Discharge Review Board or Board of Correction of Military/Naval Records for consideration.

(3) A qualified member who submits a timely request may not be separated until the G/FO conducting the review concurs with the circumstances of and the grounds for the involuntary separation.

b. DoDD 6495.01 (Reference (u)) and DoDI 6495.02 (Reference (v)) contain comprehensive DoD policy and procedures on sexual assault prevention and response.

12. ADDITIONAL REQUIREMENT TO PROCESS FOR ADMINISTRATIVE SEPARATION ENLISTED SERVICE MEMBERS CONVICTED OF CERTAIN SEXUAL OFFENSES

a. An enlisted Service member whose conviction for rape, sexual assault, forcible sodomy, or an attempt to commit one of those offenses is final, and who is not punitively discharged in

DoDI 1332.14, January 27, 2014

connection with such conviction, will be processed for administrative separation for misconduct in accordance with subparagraph 10a(3) of Enclosure 3 of this instruction.

(1) Any separation decision will be based on the full facts of the case, and due process will be provided to the enlisted Service member.

(2) The requirement in paragraph 12a of this enclosure will not be interpreted to limit or alter the authority of the Secretary of the Military Department concerned to process members of the Military Services for administrative separation for other offenses or under other provisions of law.

b. References (u) and (v) contain comprehensive DoD policy and procedures on sexual assault prevention and response.

13. ADDITIONAL REQUIREMENT FOR MEMBERS RECEIVING AN OTHER THAN HONORABLE CHARACTERIZATION OF SERVICE.

a. In accordance with Section 528 of Public Law 115-91 (Reference (w)), the Secretary concerned will ensure that Service members being separated with an other than honorable discharge be informed, in writing, that they may petition the Veterans Benefits Administration of the Department of Veterans Affairs for certain benefits under the laws administered by the Secretary of Veterans Affairs, despite the characterization of the member's service.

b. Notification will be provided to a Service member in conjunction with the notification of the separation or as soon thereafter as practicable.

DoDI 1332.14, January 27, 2014

ENCLOSURE 6

PROCEDURES FOR EARLY RELEASE OF ENLISTED MILITARY PERSONNEL FOR COLLEGE, VOCATIONAL, OR TECHNICAL SCHOOL ENROLLMENT

1. RESPONSIBILITY

a. The Military Services may permit enlisted personnel to further their education at a college, university, vocational or technical school by approving a discharge or release from active service prior to expiration of obligated service. This provides encouragement and support to enlisted personnel who seek to further their education resulting in more useful and productive citizens transitioning from military service back to the civilian workforce.

b. The provisions of this enclosure cover all military enlisted personnel with the exception of:

(1) Reservists ordered to active duty for training as provided in section 12103 of Reference (i) and reservists ordered to active duty due to unsatisfactory participation in reserve assignment, as provided in section 12303 of Reference (i).

(2) Aliens seeking to qualify for citizenship by completion of 3 years active duty military service unless they are to be transferred to inactive duty in a Reserve Component, as provided in DoDI 5500.14 (Reference (x)).

2. PROCEDURES

a. General

(1) Implementation of this enclosure will apply to applicants who meet the criteria of subparagraph 2b(1) of this enclosure under these circumstances:

(a) Enlisted personnel, including aliens transferred to inactive duty in a Reserve Component as outlined in Reference (x), who would be unduly penalized in the pursuit of their education if required to remain in service until expiration of their term of enlistment or induction, may be released early, subject to meeting all of the criteria shown in paragraph 2b of this enclosure.

(b) Separation date will be at the convenience of the U.S. Government, but will normally not be later than 10 days prior to the class starting date and in no event will be earlier than 30 days prior to such starting date.

(2) Prior to separation, personnel being separated under this instruction will be counseled in accordance with DoDI 1332.35 (Reference (y)).

DoDI 1332.14, January 27, 2014

b. Criteria

(1) If the provisions of this enclosure are implemented by a Military Department, the following criteria should be used in making determinations governing the early release of enlisted personnel:

(a) In general, personnel who will have a Reserve Component obligation upon separation will not be released under this program until they have completed a minimum of 21 months active duty on their current term of obligated service.

(b) The individual's service is not critical to the mission of the assigned organization.

(c) The latest acceptable class starting date is within the last 3 months of remaining service.

(d) Applicants must:

1. Furnish documentary evidence when applying for separation that they have been accepted for enrollment, commencing with a specific school term, in a full-time resident course of instruction at a recognized institution of higher education, leading to an associate, baccalaureate, or higher degree. A recognized institution is one that:

a. Is listed in the Education Directory for Post-secondary Education published yearly by the National Center for Education Statistics of the Department of Education, (available through the U.S. Government Printing Office, Washington, DC 20402); or

b. Has been determined by the United States Department of Education to be eligible for such listing.

2. Present documentary evidence when applying for separation that they have been accepted for enrollment, commencing with a specific school term, in a full-time resident course of instruction, of no less than 3 months, at a recognized vocational or technical school. A recognized school is one that is approved by the cognizant State Board for Vocational Education, or is accredited by a nationally recognized accrediting agency or association listed by the U. S. Department of Education.

(e) The applicant must demonstrate his or her ability and willingness to make the required payment of an entrance fee, if any, if he or she has not already done so.

(f) Clearly establish that the specific school term for which he or she seeks release is academically the most opportune time to begin or resume education and that delay of enrollment until normal expiration of service would cause undue handicap.

(2) The Secretaries of the Military Departments may approve applications not fully meeting the criteria established in paragraph 2b of this enclosure in exceptional cases.

*DoDI 1332.14, January 27, 2014*GLOSSARYPART I. ABBREVIATIONS AND ACRONYMS

ASD(M&RA)	Assistant Secretary of Defense for Manpower and Reserve Affairs
DoDD	Department of Defense directive
DoDI	Department of Defense instruction
G/FO	general or flag officer
IRR	Individual Ready Reserve
OCONUS	outside the continental United States
PS	Postal Service
PTSD	post-traumatic stress disorder
TBI	traumatic brain injury
UCMJ	Uniform Code of Military Justice
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this instruction.

alien. Any person not a citizen or national of the United States.

commander. A commissioned or warrant officer who, by virtue of rank and assignment, exercises primary command authority over a military organization or prescribed territorial area that, under pertinent official directives, is recognized as a “command.”

convening authority

The separation authority; or

A commanding officer who has been authorized by the Secretary concerned to process a case, except for final action, and who otherwise has the qualifications to act as a separation authority.

discharge. Complete severance from all military status gained through enlistment or induction.

domicile. Legal residence.

DoDI 1332.14, January 27, 2014

dropped from the rolls. A type of release from Military Service that may be used to separate enlisted Service members who are away without official leave for 30 days or more and reported as a deserter or enlisted Service members who are confined by civilian authorities for at least 6 months. (See subparagraph 3c(3) of Enclosure 4).

enlisted Service member. A member of a Military Service serving in an enlisted grade of E-1 through E-9.

entry-level status. Upon enlistment, a Service member qualifies for entry-level status during:

The first 180 days of continuous active military service; or

The first 180 days of continuous active service after a service break of more than 92 days of active service. A Service member of a Reserve Component who is not on active duty or who is serving under a call or order to active duty for 180 days or less begins entry-level status upon enlistment in a Reserve Component. Entry-level status for such a Service member of a Reserve Component terminates:

One hundred eighty days after beginning training if the Service member is ordered to active duty for training for one continuous period of 180 days or more; or

Ninety days after the beginning of the second period of active duty training if the Service member is ordered to active duty for training under a program that splits the training into two or more separate periods of active duty. For the purposes of characterization of service or description of separation, the Service member's status is determined by the date of notification as to the initiation of separation proceedings.

military record. An individual's overall performance while a member of a Military Service, including personal conduct and performance of duty.

release from active duty. Termination of active duty status and transfer to a Reserve Component not on active duty, including transfer to the IRR.

respondent. An enlisted Service member who has been notified that action has been initiated to separate him or her from active duty military service.

separation. A general term that includes discharge, release from active duty, release from custody and control of the Military Services, transfer to the IRR, and similar changes in active or Reserve status.

separation authority. An official authorized by the Secretary concerned to take final action with respect to a specified type of separation.

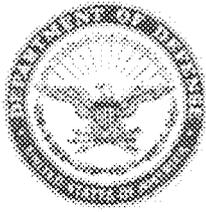
Service member. An enlisted, warrant officer or commissioned officer member of a U.S. Military Service.

DoDI 1332.14, January 27, 2014

sexual assault. Defined in Reference (v).

sexual offense. Rape, sexual assault, forcible sodomy, or an attempt to commit one or more of these offenses.

vacation of suspension. When suspension of an enlisted Service member's administrative separation is terminated because the enlisted Service member failed to fulfill the terms of the suspension and execution of the enlisted Service member's administrative separation proceeds.

PERSONNEL AND
REACHNESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

SEP 30 2016

MEMORANDUM FOR SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
SECRETARY OF THE AIR FORCE

SUBJECT: Military Accessions Vital to the National Interest Pilot Program Extension

The Military Accessions Vital to the National Interest (MAVNI) pilot program is currently set to expire on September 30, 2016. This memorandum was developed in coordination with the Under Secretary of Defense for Intelligence and extends the MAVNI pilot program through September 30, 2017, and implements revised eligibility requirements. This guidance will serve as a single source document for the administration of the MAVNI program and replaces all previously issued program guidance.

The application of the limited authority under section 504(b)(2) of title 10, United States Code, allows the Services to expand the military recruiting market to include certain non-immigrant aliens. The authority is contingent upon a case-by-case determination by the Secretary of the Military Department concerned that each such enlistment is vital to the national interest. The exercise of such authority regarding health care professionals shall be limited to those holding medical specialties for which a Service has a critical shortfall. The recruitment of persons with special language and associated cultural backgrounds shall be limited to those with qualifications necessary to support current and projected future military operations, and for which the Military Service concerned currently has a critical shortfall. Persons enlisted under this program shall be screened and identified for eligibility for special operations and special operations support career fields, and if eligible, assignment priority will be given to those units.

Changes reflected in the enclosed guidance will strengthen and improve the execution of the MAVNI program. These changes are the result of a comprehensive review of the program and include specific security and mission requirements outlined below and also in the enclosure. The Secretaries of the Military Departments will ensure adequate controls and audit processes are in place for compliance with all administrative, security, and suitability requirements outlined in this memorandum.

The Service MAVNI program allocations for the maximum number of annual accessions will be: Army – 1,200; Navy - 65; Marine Corps - 65; and Air Force – 70. Within 60 days of the date of this memorandum, the Secretaries of the Military Departments will provide a report to the Assistant Secretary for Manpower and Reserve Affairs detailing the methodology supporting requested accession allotments against critical manpower gaps and operational requirements.

In execution of the enclosed guidance, the Secretaries of the Military Departments shall:

- limit the accession of individuals with language/culture skills to not more than 10 percent of the total Service allocation for reserve accessions;
- access medical personnel for Active and Reserve enlistments as needed;

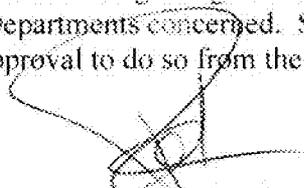
- limit the number of annual accessions for any one language/associated culture capabilities to not more than 10 percent of total MAVNI Service authorization.
- prohibit Category 2 language/associated culture applicants from shipping to basic training or serving for any period of time on active duty until the Military Service certifies in writing to the Under Secretary of Defense for Personnel and Readiness (USD (P&R)) and the Under Secretary of Defense for Intelligence (USD(I)) their ability to meet administrative, security, and suitability protocols mandated herein prior to accessing any new applicants into the Delayed Entry Pool (DEP).

Updated guidance regarding program eligibility, languages, security reviews, and screening processes, eligibility for a security clearance, suitability determination, and military endorsement for naturalization are necessary to ensure the security, success and sustainability of the MAVNI program. Specific policy details and methodologies are outlined in the enclosed guidance.

- The guidance within this memorandum applies to all MAVNIs currently in the DEP, all future applicants, and all Reserve accessions who enter Service or ship to basic training on or after the date of this memorandum. Those persons in the DEP who were recruited under the eligible language list in effect since 2014 may continue in the accession process, but they must be satisfactorily screened under the revised screening protocols found in this memorandum.
- All personnel accessed through the MAVNI program since its inception in 2009 must be continuously monitored and accounted for throughout the duration of their affiliation with the Department of Defense (e.g. active duty, Reserve, government civilian, or contractor).
- No Service member accessed under language/associated culture MAVNI eligibility is eligible for a security clearance until they have satisfied time in service requirements and have received an updated and favorable determination by the Consolidated Adjudications Facility.

All costs associated with the accession of MAVNI applicants are borne by the contracting Service. Services recruiting under MAVNI will provide to USD(P&R) and USD(I) a MAVNI report by accession cohort at the end of each quarter and annually following the end of each fiscal year. Complete reports listing all MAVNIs in service will be provided to USD(P&R) and USD(I) on an annual basis. The Services shall notify USD(P&R), USD(I), and United States Citizenship and Immigration Services (USCIS) when individuals become classified as "unsatisfactory participants" and/or are administratively separated from the military.

Any clarification required concerning this guidance shall be requested prior to program implementation by the Military Departments concerned. Services may not deviate from these requirements without a written approval to do so from the USD(P&R) in coordination with USD(I).



Peter Levine
Acting

Attachments:
As stated

cc:

Chairman of the Joint Chiefs of Staff
Under Secretary of Defense for Intelligence
Chief of the National Guard Bureau
Assistant Secretary of the Army for
Manpower and Reserve Affairs
Assistant Secretary of the Navy for
Manpower and Reserve Affairs
Assistant Secretary of the Air Force for
Manpower and Reserve Affairs

Program Eligibility

Overall Eligibility:

1. Eligibility is extended to aliens in one of the following categories at time of enlistment:
 - a. Asylee, refugee, Temporary Protected Status (TPS), or
 - b. Nonimmigrant categories E, F, H, I, J, K, L, M, O, P, Q, R, S, T, TC, TD, TN, U, or V.
2. Additionally, program applicants:
 - a. Must have been in a valid status in one of those categories for at least the 2 years immediately prior to the enlistment date. However, it does not have to be the same category as the one held on the date of enlistment;
 - b. Must not have had any single absence from the United States of more than 90 days during the 2-year period immediately preceding the date of enlistment; and
 - c. Are rendered ineligible by virtue of having a pending application for adjustment of status to lawful permanent residence. In the specific case of an alien with H nonimmigrant status at the time of filing a pending application for adjustment of status who has lost such status while his or her application for adjustment was pending, and who is otherwise eligible for enlistment under the MAVNI program, the military Service may on a case by case basis waive the requirement that the alien be in a status described in paragraph 1 above at the time of enlistment; however, the Service will ensure the applicant in DEP maintains an immigration status or obtains Deferred Action from the Department of Homeland Security (DHS) or the applicant in DEP will no longer qualify for enlistment.
3. Individuals who have been granted deferred action by the DHS pursuant to the Deferred Action for Childhood Arrivals process are eligible.

Program Specific Eligibility (Services may add additional requirements)

1. Health Care Professionals

- a. Applicants must be recruited specifically to fill medical specialties wherein the Service has a critical shortfall.
- b. Applicants must meet all qualification criteria required for their medical specialty.
- c. Applicants must meet the criteria required for foreign-trained Department of Defense medical personnel recruited under other authorities.
- d. Applicants must demonstrate proficiency in English – reading, speaking, and listening – on a standardized test in accordance with all existing Service criteria for commissioned officers.

- e. Enlistments must be for at least 3 years of Active Duty or 6 years of SELRES service.

2. Enlisted Individuals with Special Language and Culture Backgrounds

Enlistments must be for at least 3 years of Active Duty or 6 years of SELRES service, and enlistees must:

- a. Possess capability in a specific language with the associated cultural background from the list of critical eligible languages (below), and
- b. Demonstrate language proficiency at the 2/2/2 level on the Defense Language Proficiency Test or 2/2 on the Oral Proficiency Interview; or as needed for the career field, but not at less than 1+ on any modality.

Eligible Languages

Services may recommend additional languages to meet emerging needs or request exceptions to policy for especially meritorious individual cases to the Office of the Deputy Assistant Secretary of Defense for Military Personnel Policy.

Category 1

Albanian	Dhivehi (language of	Portuguese
Bengali	Maldives)	Sinhalese
Bulgarian	Haitian-Creole	Tagalog
Cebuano	Hungarian	Tamil
Czech	Malayalam	Thai
	Polish	

Category 2

Amharic	Igbo	Sindhi
Arabic	Indonesian	Somali
Azerbaijani	Kashmiri	Swahili
Burmese	Kurdish	Tajik
Cambodian-Khmer	Lao	Turkish
French (limited to	Malay	Turkmen
individuals possessing	Moro	Ukrainian
citizenship from an	Nepalese	Urdu
African country)	Pahari	Uzbek
Georgian	Punjabi	Yoruba
Hausa	Pushtu (aka Pashto)	
Hindi	Serbo-Croatian	

Security and Suitability Screening Requirements

1. Applicability. Services may not deviate from the following requirements without written approval from the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) in coordination with the Under Secretary of Defense for Intelligence (USD(I)).
2. Initial Screening. Prior to shipping to basic training or serving for any period of time on active duty in the Armed Forces, each MAVNI applicant must satisfactorily complete all security screening requirements. Services shall clearly annotate MAVNI in all Service Component Accessions Systems and use the Joint Personnel Adjudication System (JPAS) (or its successor, the Defense Information System for Security (DISS)) Agency Use Block and indicate MAVNI to ensure the Department's ability to track MAVNI's period of military service. Sequencing of security screening (NIACs, Counterintelligence (CI)-Security Interviews, Tier 3 or Tier 5 background investigations, polygraphs) as applicable is critical and provided at Enclosure 2.

a. National Intelligence Agency Check (NIAC): The NIAC will include at a minimum a name check of the following databases:

- i. CIA External Name Trace System
- ii. PORTICO (USD(I)-approved CI information system)
- iii. National Crime Information Center
- iv. Defense Central Index of Investigations
- v. FBI Checks (Name and Foreign Terrorism Tracking Task Force)
- vi. Foreign Travel (Advance Passenger Information System or similar system when available)
- vii. Public Records, Commercial Data, Social Media (as appropriate)

Services will forward the results of the NIAC to the DoD Consolidated Adjudications Facility (CAF) leading to a National Security Determination in support of a suitability for service determination.

b. CI-Security Interview: The Service counterintelligence element will conduct the CI-Security Interview. The CI-Security Interview will be based upon the findings of the completed NIAC, a review of the subjects SF-86, and standard questions from the Services and the DoD CAF. Results of the CI-Security Interview will be forwarded to the DoD CAF to support the National Security Determination.

c. Military Suitability Determination: The DoD CAF will render a National Security Determination based on 13 National Adjudicative Guidelines. JPAS will then be coded as "No Determination Made" (MAVNIs are not eligible for a security clearance during their initial accession, see Para 4 below for security clearance eligibility requirements). The DoD CAF will forward a notification to the Service recruiting command, via the Case Adjudication Tracking System, with one of the following decisions: 1) The subject has a non-favorable national security determination based on unmitigated derogatory or missing information or; 2) A non-favorable national security determination solely because of citizenship with the absence, or successful mitigation, of other derogatory information. If derogatory information was revealed, the DoD CAF will provide information to the accessing service via the Case Adjudication Tracking System. The accessing service will use this information to then render the final military suitability determination in accordance with DoDI 1304.26 and any service specific policies.

d. Health Care Professionals and Category 1 Language Requirements: Will have a completed Tier 3 background investigation, a completed NIAC, a completed CI-security interview, a National Security Determination by the DoD CAF, and a favorable military suitability determination rendered by the Service accession organization. If derogatory information is revealed in the background investigation or NIAC and cannot be mitigated, the DoD CAF may request a polygraph examination as applicable. The Military Service may either administer a polygraph to resolve the issue or separate the individual. Applicants refusing to consent to a polygraph examination will be separated. A Category 1 MAVNI's country of origin should be taken into consideration to determine whether a Tier 5 investigation is more appropriate vice a Tier 3 investigation.

e. Category 2 Language Requirements: Will have a completed Tier 5 background investigation, a completed NIAC, a completed CI-security interview, a National Security Determination by the DoD CAF, and a favorable military suitability determination rendered by the service accession organization. If derogatory information is revealed in the background investigation or NIAC and cannot be mitigated, the DoD CAF may request a polygraph examination as applicable. The Military Service may either administer a polygraph to resolve the issue or separate the individual. Applicants refusing to consent to a polygraph examination will be separated.

3. Continuous Monitoring (CM). The Services will execute annual comprehensive counterintelligence CM throughout each MAVNI's period of military service. Services shall use the JPAS (or its successor DISS) to record completion of annual CM and vetting status throughout their periods of military and government service.

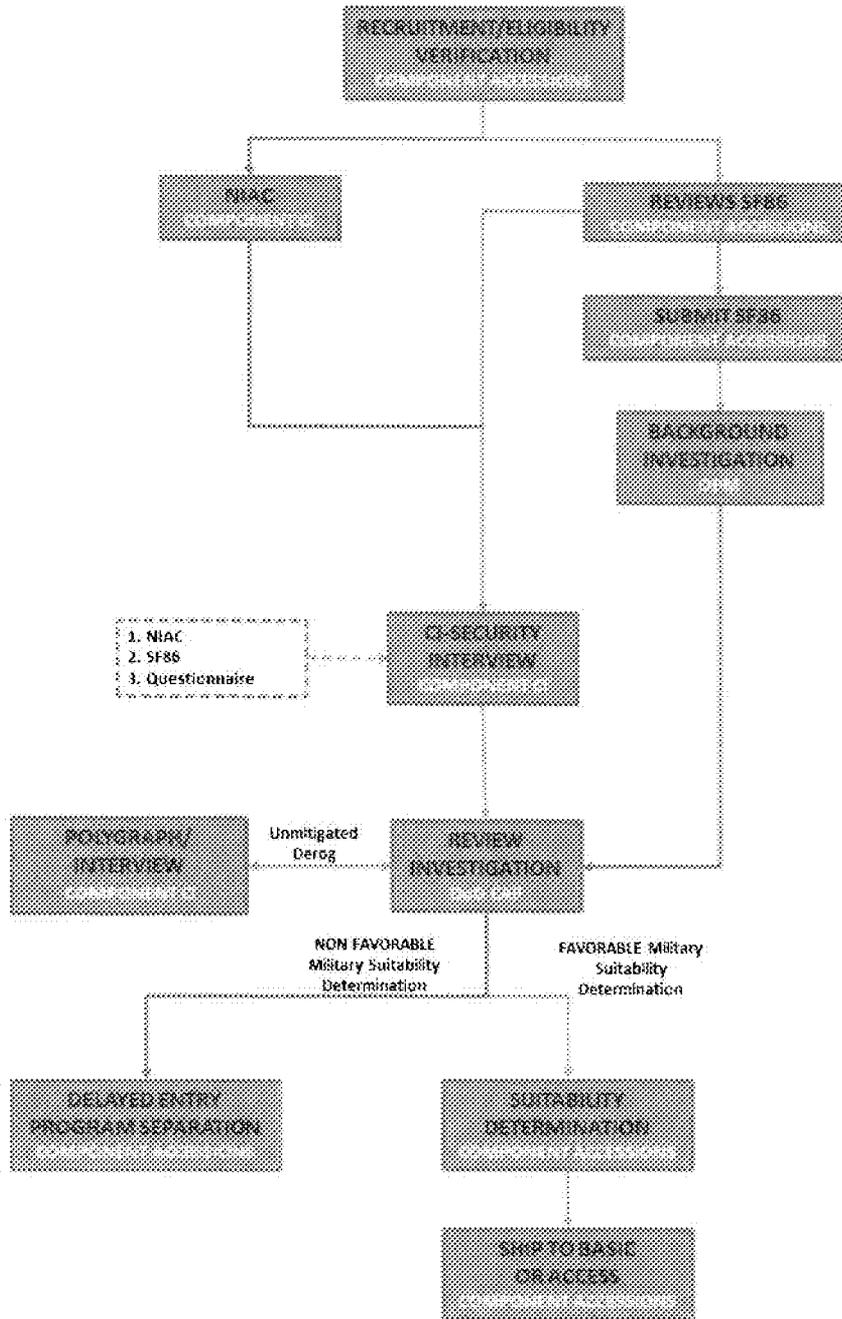
a. Continuous Monitoring requirements: The Service CI-element will conduct, at a minimum, a NIAC on each MAVNI serving, annually. Any derogatory information identified by CM (or separately by the unit) will be reported per DoDI 5200.02. If the CAF cannot mitigate derogatory information, the DoD CAF may request a CI-security interview and/or a polygraph examination, as applicable. The Military Service may administer a polygraph and/or interview to resolve the issue or separate the individual. Service members refusing to consent to a polygraph examination and/or interview will be separated. This process will serve as CM until further capabilities are available.

b. Reporting requirements: Annually in September, each Service Deputy Chief of Staff for Manpower and Personnel will submit a comprehensive report of all MAVNIs serving in all Components to its Service CI-element, USD(I), and USD(P&R). An initial submission is due to those organizations within 60 days of the date of this memorandum. The listing shall include at a minimum the name, DoD ID number, job title, unit of assignment, country of origin, native language, and security clearance classification if any. This reporting requirement is intended to inform and facilitate Service CI-elements execution of CM.

4. Security Clearance Eligibility Requirements. MAVNIs will be designated in JPAS (or its successor DISS) as not eligible for an interim security clearance or access until the completion of first enlistment and a positive national security eligibility determination is made by the DoD CAF. Commands may request eligibility for a clearance for MAVNIs through its Service security manager after ensuring MAVNIs have completed the first enlistment and meet all other requirements for a clearance. The DoD CAF is responsible for adjudicating completed personnel security background investigations to render a determination of each individual's eligibility to access classified information and may require the Military Components to submit a request for an updated background investigation, updated CI-security interview, or NIAC as

applicable, prior to rendering a security clearance eligibility determination. If the CAF cannot mitigate derogatory information, the DoD CAF may request a CI-security interview and/or a polygraph examination, as applicable. The Military Service may administer a polygraph and/or interview to resolve the issue or separate the individual.

DoD MAVNI Security and Suitability Sequence Map





UNDER SECRETARY OF DEFENSE
4080 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4080

SEP 25 2014

MEMORANDUM FOR SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
SECRETARY OF THE AIR FORCE

SUBJECT: Military Accessions Vital to National Interest Program Changes

The Military Accessions Vital to National Interest pilot program is currently set to expire on September 30, 2014. This memorandum extends the Military Accessions Vital to National Interest pilot program through the end of Fiscal Year 2016, and expands the categories of individuals who are eligible to be considered for enlistment under the Military Accessions Vital to National Interest program.

In addition to the categories of individuals specified as eligible in the Military Accessions Vital to National Interest program memorandum dated May 16, 2012, individuals who have been granted deferred action by the Department of Homeland Security pursuant to the Deferred Action for Childhood Arrivals process are now also eligible for consideration. All other eligibility criteria remain in force. The Military Departments shall review and ensure that all program guidelines have been implemented and are in effect before commencing Military Accessions Vital to National Interest recruiting programs for Fiscal Year 2015.

If a Military Service desires an increase to its previously approved maximum number of accessions under this program, a written request should be submitted to the Under Secretary of Defense for Personnel and Readiness.


Jessica L. Wright

cc:

Chairman of the Joint Chiefs of Staff
Chief of the National Guard Bureau
Assistant Secretary of the Army for
Manpower and Reserve Affairs
Assistant Secretary of the Navy for
Manpower and Reserve Affairs
Assistant Secretary of the Air Force for
Manpower and Reserve Affairs



INTELLIGENCE

UNDER SECRETARY OF DEFENSE
5000 DEFENSE PENTAGON
WASHINGTON, DC 20301-5000

FEB 17 2010

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR PERSONNEL
AND READINESS

SUBJECT: Military Accessions Vital to the National Interest Personnel (MAVNI)

The Secretary of Defense established the MAVNI Pilot Program on November 25, 2008, allowing the military services to recruit certain legal aliens whose skills were considered vital to the national interest, in return for expedited citizenship processing. The pilot program focused on critical health care professionals and individuals with specific language and or cultural backgrounds. As of December 2009, the Army, Navy, and Air Force had filled approximately 754 out of 1,000 authorized billets.

I am concerned that personnel on active duty under this program did not undergo counterintelligence-focused screening as part of their security vetting process. This lapse creates an unacceptable vulnerability that could have a serious impact on the safety and security of our personnel, equipment, and operations. To mitigate that vulnerability, I recommend your office take immediate steps to direct the Army, Navy, and Air Force to conduct a comprehensive counterintelligence-focused security review of all personnel who entered active duty under the MAVNI program. My points of contact are Mr. Stan Sims, Director, Security at (703) 607-0089 and Mr. Toby Sullivan, Director, Counterintelligence at (703) 697-5216.



James R. Clapper, Jr.





UNDER SECRETARY OF DEFENSE
 4000 DEFENSE PENTAGON
 WASHINGTON, D.C. 20301-4000

PERSONNEL AND
 READINESS

ACTION MEMO

FOR: DEPUTY SECRETARY OF DEFENSE

FROM: Jo Ann Rooney, Acting Under Secretary of Defense (Personnel and Readiness)

[Handwritten signature] 4/16/12

SUBJECT: Reinstatement of Military Accessions Vital to National Interest Pilot Program

- Request signature on memo to Service Secretaries to reinstate the Military Accessions Vital to National Interest (MAVNI) pilot program for 2 full years from date of memo (TAB A).
- Your predecessor approved a MAVNI extension on August 17, 2010, (TAB B) until December 31, 2011. Resumption of recruiting under the extension was subject to approval by the Under Secretary of Defense for Intelligence (USD(I)) of enhanced security and counterintelligence screening protocols for applicants.
- The USD(I) finalized those screening protocols on February 16, 2012, and provided them to the Service Secretaries (TAB C). This will allow recruiting under the pilot to resume. It is necessary to continue this program as a pilot in order to properly test and evaluate the efficacy of the program with the new screening protocols.
- The program expired on December 31, 2011.
- The memo at TAB A reinstates MAVNI for 2 years from the date signed, allowing a full 2-year authority for the Services to recruit under the pilot program. All other provisions in the August 17, 2010, memo will remain in effect.

RECOMMENDATION: Sign the memorandum at TAB A.

COORDINATION: TAB D

Attachments:
 As stated

Prepared by: Ms. Gail Lovisone, 571-256-0592.

SD CA		DSD SA	<i>[Handwritten initials]</i>
SD SMA		DSD SMA	<i>[Handwritten initials]</i>
SD MA		DSD MA	<i>[Handwritten initials]</i>
TSA	<i>[Handwritten initials]</i>	DSD CA	
SA			
ES	<i>[Handwritten initials]</i>	ESS	
ESR	<i>[Handwritten initials]</i>	ESB	<input checked="" type="checkbox"/>

[Handwritten initials]



OSD004502-12



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

MAY 16 2012

MEMORANDUM FOR SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
SECRETARY OF THE AIR FORCE

SUBJECT: Reinstatement of Military Accessions Vital to National Interest Pilot Program

On August 17, 2010, the Department issued guidance extending the Military Accessions Vital to National Interest (MAVNI) Pilot Program until December 31, 2011 (TAB A). However, resumption of recruiting under the pilot was delayed pending finalization of enhanced security protocols and monitoring.

The required review has been completed allowing recruiting to resume (TAB B). The MAVNI Pilot Program is reinstated and will remain in effect for two years from the date of this memorandum. All other provisions in the August 17, 2010, memorandum remain in effect.

A handwritten signature in black ink, appearing to read "Robert B. Carter".

Attachments:
As stated

cc:
CJCS
USD (Policy)
USD (Personnel and Readiness)
USD (Intelligence)



OSD004502-12

TAB A



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

AUG 17 2010

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Two-Year Extension of Military Accessions Vital to National Interest (MAVNI) Pilot Program

The MAVNI pilot program is extended to December 31, 2011. It appears that the early results from the pilot program are promising and that this timely initiative may yield needed improvements in the areas of health care and specific language/associated culture capabilities required to sustain effective military operations. In light of recent events, the MAVNI program requires additional security reviews to assure the safety and security of our personnel, equipment and operations. Services may extend the MAVNI pilot program provided that all MAVNI applicants are subjected to a Single Scope Background Investigation, and each Service establishes a comprehensive counterintelligence-focused security review and monitoring program for MAVNI recruits. Each Service shall submit a security review and monitoring plan to the Office of the Under Secretary of Defense for Intelligence for review and approval within 60 days of this memo. These measures shall also be applied to all Accessions that have been recruited under the MAVNI pilot program to date.

As in the first year of the pilot program, the application of this limited authority under title 10, U.S. Code, §504(b)(2), is contingent upon a case-by-case determination that each such enlistment is vital to the national interest. Your exercise of this authority regarding health care professionals shall be limited to those holding medical specialties for which a Service has a critical shortfall. The recruitment of persons with special language and associated cultural backgrounds shall be limited to those with qualifications necessary for present and future military operations, and for which the Department currently has a critical shortfall. Persons enlisted under this program may be screened and identified for special operations and special operations support career fields eligibility and, if eligible, assignment priority shall be to such a unit. Persons under this program shall not be assigned to career fields that require security clearances at the time of enlistment. MAVNI recruits shall not be considered for security clearances or for positions within the intelligence community until they have served in the military and lived within the U.S. for a sufficient time period whereby a thorough background investigation and monitoring can be conducted. The attachments provide further guidance regarding eligibility for participation in this pilot program.



OSD 04464-10



As stated, pilot authority under this program shall continue through December, 2011, with annual authorizations as stated in Attachment 1. The Under Secretary of Defense for Personnel and Readiness shall develop guidelines to ensure that each of you and interested parties external to the Department remain abreast of program execution.

A handwritten signature in black ink, appearing to read "W. L. Byrnes". The signature is written in a cursive style with a large, prominent "W" and "B".

Attachments:
As stated

cc:
CJCS
USD(P)
USD(P&R)

Attachment 1
Annual MAVNI Maximum Accessions:

- Army – 1,000 (Health Care Professionals and Enlisted with Language/Culture)
- Navy – 250 (Health Care Professionals and Enlisted with Language/Culture)
- Marine Corps – 125 (Enlisted with Language/Culture only)
- Air Force – 125 (Health Care Professionals and Enlisted with Language/Culture)

Secretaries of the Military Departments shall determine the distribution of the authorizations between health care professionals and enlistments of persons with specific language/associated culture capabilities, with health care professionals comprising at least 10 percent of all accessions for Army and Navy. At least one half of enlistments of persons with language skills must be at least level 2 on all modalities tested.

Attachment 2
Program Eligibility

Overall Eligibility:

1. The alien must be in one of the following categories at time of enlistment
 - a. asylee, refugee, Temporary Protected Status, or
 - b. nonimmigrant categories E, F, H, I, J, K, L, M, O, P, Q, R, S, T, TC, TD, TN, U, or V.
2. The alien must have been in valid status in one of those categories for at least the 2 years immediately prior to the enlistment date, but it does not have to be the same category as the one held on the date of enlistment.
3. An alien who may be eligible on the basis of a nonimmigrant category at time of enlistment (see 1.b. above) must not have had any single absence from the United States of more than 90 days during the 2 year period immediately preceding the date of enlistment.
4. An applicant who is eligible under 1-3 above is not rendered ineligible by virtue of having a pending application for adjustment of status to lawful permanent residence. In the specific case of an alien with H nonimmigrant status at the time of filing a pending application for adjustment of status who has lost such status while his or her application for adjustment was pending, and who is otherwise eligible for enlistment under the MAVNI program, the military Service may on a case by case basis waive the requirement that the alien be in a status described in 1 above at the time of enlistment.

Program Specific Eligibility (Services may add additional requirements)

- **Health Care Professionals**
 - Applicants must be recruited specifically to fill medical specialties wherein the Service has a critical shortfall.
 - Applicants must meet all qualification criteria required for their medical specialty.
 - Applicants must meet the criteria required for foreign-trained DoD medical personnel recruited under other authorities.

- Applicants must demonstrate proficiency in English – reading, speaking, and listening – on a standardized test in accordance with all existing Service criteria for Commissioned Officers.
- Applicants must commit to at least three years of active duty or at least 6 years in the Selected Reserve.
- **Enlisted Individuals with Special Language and Culture Backgrounds**
 - Enlistments must be for at least four years of active duty service, and enlistees must:
 - Possess specific language with associated culture capabilities in a language critical to DoD (attachment 3), and
 - Demonstrate language proficiency at the 2/2/2 level on the Defense Language Proficiency Test or 2/2 on the Oral Proficiency Interview; or as needed for the career field, but not at less than 1+ on any modality.

Attachment 3
Eligible Languages

Services may recommend additional languages to meet emerging needs or request exceptions to policy for especially meritorious individual cases to the ODUSD (MPP).

Albanian	Malayalam
Amharic	Moro
Arabic	Nepalese
Azerbaijani	Persian [Dari & Farsi]
Bengali	Polish
Burmese	Portuguese
Cambodian-Khmer	Punjabi
Cebuano	Pushtu (aka Pashto)
Chinese	Russian
Czech	Serbo-Croatian
French (limited to individuals possessing citizenship from an African country)	Sindhi
Haitian-Creole	Sinhalese
Hausa	Somali
Hindi	Swahili
Hungarian	Tagalog
Igbo	Tajik
Indonesian	Tamil
Korean	Thai
Kurdish	Turkish
Lao	Turkmen
Malay	Urdu
	Uzbek
	Yoruba

TAB B



INTELLIGENCE

UNDER SECRETARY OF DEFENSE
5000 DEFENSE PENTAGON
WASHINGTON, DC 20301-5000

FEB 16 2012

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Military Accessions Vital to the National Interest (MAVNI) Program Security Reviews and Monitoring Programs

The August 17, 2010, Deputy Secretary of Defense memorandum authorized a 2-year extension to the MAVNI pilot program through December 31, 2011 (TAB A) and the Office of the Under Secretary of Defense (Personnel and Readiness) is pursuing a further extension. The 2010 extension contains a number of provisions designed to strengthen the program and mitigate potential counterintelligence (CI) and security concerns, to include initiating a single scope background investigation (SSBI) for all MAVNI applicants. The Military Departments are responsible for establishing comprehensive CI-focused security reviews and ongoing monitoring programs for the length of each MAVNI recruit's enlistment in accordance with the attached guidelines (TAB B).

As prescribed in the Deputy Secretary's memorandum, MAVNI applicants shall not be assigned to duties that require a security clearance at the time of enlistment or induction, nor shall they be considered for security clearances or for positions in the intelligence community until they have served in the military and lived in the United States for a sufficient time period whereby a thorough background investigation and monitoring can be conducted. MAVNI participants will be eligible for Secret clearances upon meeting the following minimum requirements in accordance with DoD 5200.2-R, Personnel Security Program:

- Attainment of U.S. citizenship.
- Favorable adjudication of an SSBI.
- Residency in the United States for 2 years prior to enlistment, plus a minimum of 1 year of military service (the military service requirement does not apply to health care professionals commissioned under MAVNI).
- For assignment to positions in the Intelligence Community or positions requiring a Top Secret security clearance (including access to sensitive compartmented information), the U.S. residency requirement is 5 years, of which 2 must be in military service. In addition to the above citizenship and investigative requirements, MAVNI personnel requiring Top Secret security clearances may be subject to a polygraph.

The SSBI must provide full investigative coverage if a MAVNI participant's assigned duties include providing assistance in a military mission where the unauthorized disclosure or manipulation of information could: (1) jeopardize human life or safety, (2) cause grave damage to intelligence sources and methods vital to national security, or (3) compromise technologies,



operational plans, or security procedures vital to the strategic advantage of the United States and its allies. If the SSBI reveals derogatory information that cannot be mitigated, an issue-specific polygraph examination to resolve any remaining personnel security issues may be offered to applicants, subject to their voluntary consent.

Component Senior Intelligence Officials or Combatant Commands may waive the clearance-specific residency and time in service requirements under compelling operational needs. The Military Departments and Combatant Commands will provide the Office of the Under Secretary of Defense for Intelligence a copy of all waivers granted under this authority. The original eligibility requirement of 2 years' U.S. residency for all MAVNI program applicants may not be waived. Component Senior Intelligence Officials will ensure their component's MAVNI screening and monitoring plan conforms to these guidelines prior to implementing the MAVNI program.

My point of contact for MAVNI background investigations is Mr. Steve Lewis at (703) 604-2768 or stephen.lewis@osd.mil. For CI screening and monitoring of MAVNI personnel, please contact Ms. Angela Recker at (703) 697-4853 or Angela.Recker@osd.mil.



Michael G. Vickers

Attachments:

As stated

cc:

Joint Staff

Combatant Commands

TAB C

Military Accessions Vital to the National Interest (MAVNI) Program Counterintelligence-Focused Security Review and Monitoring Guidelines

CI-focused Security Review

A CI-focused security review for all MAVNI program participants (new MAVNI applicants and those currently on active duty through the MAVNI program) will include:

Name Checks of Federal Databases

- CIA External Name Trace System
- PORTICO (USD(I)-approved CI information system)
- National Crime Information Center
- Defense Central Index of Investigations
- FBI National Name Check
- FBI Foreign Terrorism Tracking Task Force Checks

CI Interview

In coordination with the appropriate recruiting command, an issue-oriented CI interview may be conducted if there are significant foreign influence or foreign preference concerns returned from any of the databases, and/or issues raised in the SSBI that cannot be mitigated in accordance with DoD 5200.2-R, paragraph C2.1.3, Military Service Standard. The results of these checks will be provided to the appropriate Service CI organization conducting the interview.

MAVNI applicants may be administered an issue-specific polygraph examination with their consent or at their request if the CI/security interview fails to resolve questionable information.

Monitoring Plan

A MAVNI monitoring plan will include, at a minimum, annual checks via the Automated Continuous Evaluation System (ACES). Based on questionable results of any ACES checks, an issue-oriented interview may be conducted by CI or security personnel.

TAB D

TAB D

COORDINATION

**REINSTATEMENT OF MILITARY ACCESSIONS VITAL TO NATIONAL INTEREST
(MANVI) PROGRAM**

Army	<u>John M. McHugh</u>	<u>9 MAR 2012</u>
Navy	<u>Robert O. Work</u>	<u>15 MAR 2012</u>
Air Force	<u>Michael Donley</u>	<u>9 MAY 2012</u>
USD Intelligence	<u>Michael Vickers</u>	<u>4 MAR 2012</u>
General Counsel	<u>Jeh Johnson</u>	<u>6 DEC 2011</u>
Legislative Affairs	<u>Eric Pierce</u>	<u>8 DEC 2011</u>

d. All chaplains are addressed as "Chaplain," regardless of military grade or professional title. When a chaplain is addressed in writing, grade is indicated in parentheses; for example, Chaplain (Major), John F. Doe.

e. Conferring honorary titles of military grade upon civilians is prohibited. However, honorary titles already conferred will not be withdrawn.

Table 1-1 Grades, Army	
General officers	
Grade: General of the Army Pay grade: Special Title of address: General Abbreviation: GA (See table note 1)	Grade: Major General Pay grade: O-8 Title of address: General Abbreviation: MG
Grade: General Pay grade: O-10 Title of address: General Abbreviation: GEN	Grade: Brigadier General Pay grade: O-7 Title of address: General Abbreviation: BG
Grade: Lieutenant General Pay grade: O-9 Title of address: General Abbreviation: LTG	
Senior field grade officers	
Grade: Colonel Pay grade: O-6 Title of address: Colonel Abbreviation: COL	
Field grade officers	
Grade: Lieutenant Colonel Pay grade: O-5 Title of address: Colonel Abbreviation: LTC	Grade: Major Pay grade: O-4 Title of address: Major Abbreviation: MAJ
Company grade officers	
Grade: Captain Pay grade: O-3 Title of address: Captain Abbreviation: CPT	Grade: Second Lieutenant Pay grade: O-1 Title of address: Lieutenant Abbreviation: 2LT
Grade: First Lieutenant Pay grade: O-2 Title of address: Lieutenant Abbreviation: 1LT	
Senior field grade warrant officers	
Grade: Chief Warrant Officer, Five Pay grade: W-5 Title of address: Mr./Mrs./Miss/Ms. Abbreviation: CW5	
Field grade warrant officers	
Grade: Chief Warrant Officer, Four Pay grade: W-4 Title of address: Mr./Mrs./Miss/Ms. Abbreviation: CW4	Grade: Chief Warrant Officer, Three Pay grade: W-3 Title of address: Mr./Mrs./Miss/Ms. Abbreviation: CW3
Company grade warrant officers	

branch, branch or FA generalist assignments, or joint coded positions. Emphasis is placed on joint duty assignments for those officers without a joint qualifying tour.

b. Promotion. Cohort year group officers are normally considered for promotion to colonel in the primary zone in their 21st year of service. Below-the-zone selection is possible, and normally officers will be considered 1 year prior to their primary zone consideration.

3–8. Colonel development

Those officers selected for promotion to colonel continue their senior field grade phase that concludes with their separation or retirement from active duty or selection for promotion to brigadier general. Attaining the grade of colonel is realized by a select few and truly constitutes the elite of the officer corps. As colonels, their maximum contribution to the Army is made as commanders and senior staff officers.

a. Development. The general professional development goals for colonels are to further enhance branch or FA skill proficiency through additional senior level assignments and schooling.

(1) *Branch assignments.* Many colonels can expect to receive assignments to branch coded positions at the brigade, division, corps, and echelons above corps in the TOE environment. TDA organizations throughout the Army also need the expertise of senior field grade officers. Almost 70 percent of the colonel authorizations are in the TDA structure.

(2) *Functional area assignments.* Under OPMS, FA officers work predominantly in their specialties after selection for promotion to major. Having risen above their peers at the grade of major and lieutenant colonel, those promoted to colonel are truly the world class specialists in their respective fields. These officers will serve primarily in senior managerial billets across the Army coded for their specialty.

(3) *Joint duty assignment.* The JDAL contains a number of colonel billets in branch and FA positions. Officers who did not serve as majors or lieutenant colonels in a JDAL billet should continue to seek joint development. Colonels who completed the requirements for joint qualified officer designation, may serve second and third tours in positions coded "Joint Critical." (For more information, see para 3–13, which details the joint duty program.)

(4) *Senior Service College.* The annual SSC selection board reviews the files of colonels until their 23rd year of service. Officers must be JPME I qualified to be eligible for SSC attendance consideration. The majority of colonels will either attend the resident training or be awarded MEL SSC certification from the U.S. Army War College Distance Education Course during the latter 3 years of their eligibility window.

(5) *Centralized command selection.* Some officers are selected for command at the colonel level. Most positions are branch coded and branch officers compete within designated categories for these positions. An HQDA-level board also selects Army Acquisition Corps program managers. Officers are eligible for colonel command selection until their 26th year of service. The HQDA command boards meet annually to select promotable lieutenant colonels and serving colonels for assignment to command positions during the following fiscal year (FY). The opportunity varies by branch and ranges from 16 percent to 50 percent. The command board prepares a slate to category and an initial slate to units. The final slate to unit is prepared by Officer Personnel Management Directorate. Slates are approved by the CSA and are coordinated with the ACOMs, ASCCs, and DRUs. The majority of officers in a cohort year group do not command; they make their maximum contribution to the Army in other important branch or FA senior staff assignments.

(6) *Former brigade commander assignments.* Colonels completing brigade command are assigned to positions designated by the CSA, as requiring the skills of former commanders. These post-command assignments may be to branch, branch or FA generalist assignments, or joint coded positions. Emphasis is placed on joint duty assignments for those officers without a joint qualifying tour.

b. Promotion. Promotion to general officer is managed separately and is beyond the scope of this pamphlet.

3–9. Warrant officer definitions

The Army warrant officer is a technical expert, combat leader, trainer, and advisor. Through progressive levels of expertise in assignments, training, and education, the warrant officer administers, manages, maintains, operates, and integrates Army systems and equipment across unified land operations. Warrant officers are innovative integrators of emerging technologies, dynamic teachers, confident warfighters, and developers of specialized teams of Soldiers. They support a wide range of Army missions throughout their career. Warrant officers in the Army are assessed with specific levels of technical ability. They refine their technical expertise and develop their leadership and management skills through tiered progressive assignment and education. The following are specific characteristics and responsibilities of the separate, successive warrant officer grades—

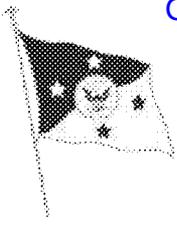
a. Warrant officer one and chief warrant officer two. A WO1 is an officer appointed by warrant with the requisite authority pursuant to assignment level and position given by the President of the United States. CW2s and above are commissioned officers with the requisite authority pursuant to assignment level and position as given by the President of the United States. WO1's and CW2's primary focus is becoming proficient and working on those systems linked directly

NAVY LEADER DEVELOPMENT FRAMEWORK

VERSION 3.0



MAY 2019



CHIEF OF NAVAL OPERATIONS

April 6, 2018

The Charge of Command

Ref: (a) 10 U.S.C. §5947
(b) U.S. Navy Regulations (1990)

Encl: (1) ADM Ernest King CINCLANT Serial 053 of January 21, 1941
(2) Hobson's Choice (Wall Street Journal, 1952)

The Privilege of Command

1. As a prospective or serving Commander or Commanding Officer, you have been identified as worthy of the privilege of command. The decision to select you for command was not made lightly; you were selected based on your demonstrated past performance and the **trust and confidence** that senior Navy officers have in you to lead Sailors under your charge.
2. Command is the foundation upon which our Navy rests. **Authority, responsibility, accountability, and expertise** are four essential principles at the heart of command. Effective command is at risk if any of these principles is lacking or out of balance.
3. You accept the extraordinary responsibility of command with full regard for its consequences. It is the duty of every Commanding Officer to understand his or her authorities and responsibilities prior to assuming command, which are clearly laid out in statute and regulations as outlined below.

The Scope of Command

1. "**All Commanding Officers and others in authority** in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the naval service, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge." (Ref (a))
2. "**Commanders** shall be responsible for the satisfactory accomplishment of the mission and duties assigned to their commands. Their authority shall be commensurate with their responsibilities. Normally, commanders shall exercise authority through their immediate subordinate commanders." (Ref (b), Paragraph 0702)
3. "The responsibility of the **Commanding Officer** for his or her command is absolute, except when, and to the extent to which, he or she has been relieved therefrom by competent authority, or as provided otherwise in these regulations. The authority of the Commanding Officer is commensurate with his or her responsibility. While the Commanding Officer may, at his or her discretion, and when not contrary to law or regulations, delegate authority to subordinates for the execution of details, such delegation of authority shall in no way relieve the commanding officer of continued responsibility for the safety, well-being and efficiency of the entire command." (Ref (b), Paragraph 0802)

The Standards of Command

1. There are two standards to measure officers in command. The first is the standard for criminal behavior, which should be well known to you. The second — and higher standard — is trust and confidence, both with the American people we are sworn to protect and across all levels of the chain-of-command.
2. **A Commander's competence and character lead to trust and confidence.** Commanders can only feel comfortable delegating their authority — sending subordinate Commanding Officers and their teams over the horizon and into harm's way — with the knowledge that those CO's are both technically competent and share their values. If so, their teams will win — performing at or near their theoretical limits — and they will always come back stronger than when they left.
3. Trust and confidence are the two coins of the realm that enable decentralized command and operations at sea; they are the key to our effectiveness as a force. Work hard to build and guard trust and confidence.



J.M. RICHARDSON
Admiral, U.S. Navy

INTRODUCTION

The Design for Maintaining Maritime Superiority, Version 2.0 (Design 2.0) makes clear that our Navy faces a competitive security environment unlike the past 25 years. Prevailing in an environment with this pace and complexity demands agility and urgency. It also demands maximum performance from our most important asset: our Sailors.

In support of Design 2.0, we will be a dominant naval force, composed of outstanding leaders and teams, armed with the best equipment, that learns and adapts faster than our rivals. Every person and every unit in the Navy will maximize their potential and be ready for decisive combat operations.

To win, our leaders must enable our teams to think more clearly, learn more rapidly, and make better decisions more quickly and more accurately than our adversaries. We must create opportunities to become better leaders and to make our teams stronger. We must be engaged leaders laser-focused on building winning people and teams.

As effective Navy leaders, we must demonstrate a deliberate commitment to grow personally and professionally throughout our careers. We work from a foundation of humility, embracing our core values of honor, courage, and commitment. We pursue excellence in accordance with our core attributes of integrity, accountability, initiative, and toughness. We commit to improving competence, character, and connections in ourselves and in our teams. We set ambitious goals and then inspire our teams to achieve the best possible performance.

Serving as a leader in America's Navy requires a dedicated and coherent approach that starts on day one and continues throughout our careers. The Navy Leadership Development Framework describes how to achieve this imperative.



WHY LEADER DEVELOPMENT 3.0?

The Navy Leadership Development Framework is being updated to Version 3.0 for two key reasons:

First, the Design for Maintaining Maritime Superiority has been updated to Version 2.0. Design 2.0 contains bold and ambitious new goals, including goals that affect leader development. Because the Framework is tied to the Design, it should be updated to account for where we are today.

Second, the two lanes—character and competence—from NLDF 2.0 are being expanded to include a third lane: connections. When we deepen and expand our connections, we learn faster and build the resilience that leads to toughness. We also improve information-sharing across the Navy, which is critical in a rapidly changing environment. We strengthen the bonds of trust and confidence.

In this document, we outline how our Navy will develop leaders who demonstrate operational excellence, strong character, and resilience through community at every level of seniority. The specifics of leader development will be shaped by community leaders to be consistent with this Framework, but the fundamental concepts discussed in this Framework apply to the entire Navy Team. Read it, talk about it, and put it to use.

CHARACTER - COMPETENCE - CONNECTIONS



THE GOAL

When we imagine our truly world-class leaders—those consistently at the top of the pack, victorious in our most challenging contests—we see that they embody an essential quality:

Navy leaders inspire us to relentlessly chase “best ever” performance. They study, innovate, experiment, practice, sustain, seize every moment, expend every effort—all to outfox our competition.

They connect, communicate, challenge, train, and recover with us. Our Navy leaders are humble; they are open to our meaningful feedback. They are ready to learn and make all of us better. When they win, they are grateful, and spent from their effort.

Navy leaders form our teams into a community, with a deeply shared commitment, dedicated to the pursuit of victory.

We all need to be Navy leaders, and we must all have this drive. Each of us must ask an important question: Are we ready to dedicate ourselves to pursue “best ever” performance? If the answer is yes, we can be a Navy leader. The stakes are too high, and the security of the nation is too important. We must serve at our limits and inspire others to be the best in the world.



THREE LANES ON THE PATH

Keeping this inspiration and drive as our North Star, our Navy approaches leader development by traveling down a path with three lanes. The farther we travel down the path, the more accomplished we become as leaders.

Lane 1 develops operational and warfighting **competence**. We must become experts at our jobs as we grow. An incompetent leader is a recipe for disaster.

Lane 2 develops **character**. We must continuously strengthen our ability to behave consistently with our core values of honor, courage, and commitment. This keeps us worthy to lead our Sailors.

Lane 3 develops intellectual and personal **connections**. Intellectual connections improve competence by sharing mental models, comparing notes, improving our ability to anticipate our teammates' next move. Personal connections strengthen our character and resilience by building relationships. We share what we experience, and seek to understand what's going on in others' lives. Not only in mind, but in body and spirit as well. Personal connections—relationships—should certainly expand and deepen within our Navy Team, but can and should also include our families, our friends, our churches, our health clubs, and other communities. Personal and intellectual connections are essential to achieving the highest levels of performance.



As *junior* leaders, at the beginning of the path, development is biased toward *individual competence, personal character, and building connections between a new leader and their team and with other junior leaders*. We learn basic individual and team skills, and we learn to lead ourselves. We find mentors.

As we mature as leaders, and move further down the path, leader development becomes less about our individual performance and skill, and *more about strengthening the performance and character of our teams, and deepening our connections within the team and with other leaders*.

It bears repeating: *Senior leaders are judged by the performance and character of their teams*. The standard for personal performance and character remains extremely high—this is a given. What distinguishes senior leaders is their ability to consistently and sustainably inspire our teams to constantly improve, to continuously perform at “best ever” levels, and to win. To do this effectively, we must build strong connections with other leaders and teams. A senior leader who is not connected to others will become a liability, will be too weak to withstand challenges, and will risk moving all of us away from our goal.

Near the end of the path, a Navy leader comes to embody the Navy’s competence to execute our mission, the Navy’s character to behave consistently with our values, and the Navy’s connections with our Sailors and the American people. A senior leader and the Navy are seen as one.

A QUICK WORD ABOUT COMPLIANCE AND CREATIVITY

It’s not uncommon for discussions to frame the matters of compliance and creativity as being in tension—operational creativity can be seen in opposition to procedural compliance. A fully-developed approach to leadership, however, must recognize the value of both compliance and creativity. Properly, they reinforce each other. We must know the fundamental, even physical elements of the trade in order to improvise safely and effectively. Compliance precedes and then leads to creativity.

If we reduce leadership to either compliance or creativity, we limit our effectiveness and cede advantage to the enemy. As Navy leaders, we must create space for creativity and we must also understand the unique and irreplaceable importance of compliance. Compliance and creativity must both be nurtured in a top-performing team. The science of war is the soil in which the art of war takes root and grows.

THREE METHODS TO PROGRESS DOWN THE PATH

Our journey of leader development starts with our internal drive to bring a team to “best ever” levels of performance. This drives us down the path and its three lanes—competence, character, and connections. To aid progress down this path, the Navy has three approaches that, when combined, offer a rich environment for growth:

Schools that offer education and certification

On-the-job training and qualification in our workspaces

Self-guided learning through reading and other forms of self-study

These three venues—formal schools, on-the-job training, and self-guided learning—move us forward in our development as leaders. Navy leaders progress along the general paths shown in Appendices 1 and 2. Each community has its own specifically tailored plan to develop leaders according to these paths.

Self-guided learning doesn't require solitude. There is much to gain from taking college courses at night or online, attending lectures, joining professional societies, or participating in innovation opportunities. The intensity of our self-guided learning efforts is perhaps the most direct reflection of our drive to be the best leaders possible. Leaders with the passion to make ourselves and our teams the best do not wait for formal training or formal avenues—we get to it on our own.



GROWING COMPETENCE



We begin to become familiar in our chosen fields through formal accession and initial skill-centered schools. This is followed by on-the-job training (including qualifications and milestones, scenario-based and technical training, and operations), and self-study activities that develop and deepen our technical expertise. Up to the level of Major Command or its equivalent, each community provides a specific program aimed at producing operational experts.

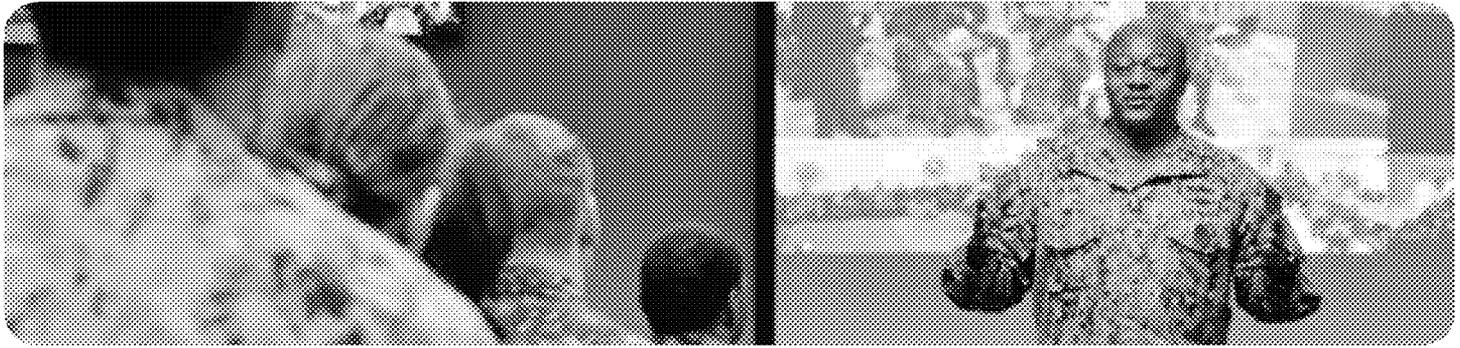
Schools: At each step in our career paths, we can expect to receive a combination of formal schooling and training. Formal education at the entry levels includes recruit and officer candidate training, more advanced A-schools, and officer warfare schools. As our careers progress, these schools are followed by additional formal education opportunities at every stage of leadership.

On-the-job training: On-the-job training, to include achieving qualifications, is a blend of command training, coaching, encouragement, and self-motivation. Each successive qualification is an important step.

Self-guided learning: To be world-class leaders, Sailors must strive on their own to expand on the knowledge provided in schools and on-the-job training. Once they have achieved the qualifications expected for a tour, they should look for opportunities to gain additional qualifications. They study the history of their profession. They learn their shipmate's job. They learn their boss's job. They prepare themselves for the unexpected. The CNO's Professional Reading Program provides a jumping-off point to build knowledge about competence, character, and connections—free, online access can be found at: www.navy.mil/ah_online/CNO-ReadingProgram/

We should read, cross-train, and build our breadth of experience at every opportunity. This is what will keep us the best Navy in the world.

BUILDING CHARACTER



Character development also consists of formal schools, on-the-job training, and self-study. The Naval War College supports our Navy's character education and training; they help integrate the competence, character, and connections lanes into a coherent path of leader development. The College will exercise this responsibility in partnership with other parts of the Navy—including community leaders (TYCOMs) and operational commands—coordinating and supporting their leader development efforts.

Schools: Entry-level schools lay the foundation for character by making our institutional values and expectations clear. Within the enlisted community, each successive promotion includes local classes that consist of formal lectures, small group discussions, and coaching. For our senior most enlisted, these classes are capped off by the Senior Enlisted Academy, which is guided by the goals established in "Laying the Keel." Officers participate in entry-level character development and receive further education at the Naval Leadership & Ethics Center, the College of Leadership and Ethics at the Naval War College, and as part of formal courses at every level from Division Officer to Major Command.

On-the-job training: Every day, we put what we learn into practice. There are a multitude of opportunities to strengthen each other's character. In both formal and informal settings, we should take time to discuss the importance of integrity and accountability. Character applies in an operational setting—it's not just for the classroom. The best leaders mention it at pre-execution briefs, during execution, and during debriefs. We get out in front and help our teammates avoid bad decisions, which reflects the power of connections. The strongest messages come through our personal examples.

Self-guided learning: Self-study is also important in character development. There's so much to absorb by reading books, articles, and blogs. The CNO's Professional Reading Program, mentioned previously, is just one of many tools available to help us take charge of our own leader development. As we all can discover new ideas that help us build winning teams of character, some of us may choose to further contribute by writing and sharing experiences or insights. Such initiatives help the entire Navy.

EXPANDING AND DEEPENING CONNECTIONS



Highly-connected teams build commitment and toughness by developing a sense of belonging and cohesion. This increases the level of energy and effort we bring to our mission. Connections expand our competence and strengthen our character. Connectedness supports competence by allowing team members to better understand professional developments within the Navy. It allows us to share experiences, learn from each other, and develop levels of common understanding that make us better able to operate as teams, even when we are separated in space and time.

Connectedness supports character by fostering an environment of trust, where team members freely discuss mistakes in order to get better. Connections enable honest assessment and feedback, promoting rapid learning. Connectedness also allows us to anticipate the needs of others and bolster social relationships. It enables us to support each other professionally and personally. It makes us more resilient as individuals and teams through the trials that inevitably arise. Just as with competence and character, connections are fostered in formal schools, in on-the-job training, and in self-study.

Schools: Formal schools set the conditions for connections to develop among peer groups, teachers, and mentors. Whether it's initial accessions training or more advanced formal schooling, the shared experiences in formal schools encourage connections: Schools can be one of the earliest places in which connections develop. Teachers set some of our first examples as leaders. They facilitate relationships, both with them and with others. They show us how to lead through an open exchange of an ideas. We, as classmates, learn from and help one another. The mental models taught in formal schools allow team members to approach new challenges with a common frame of reference. That common view allows us to respond in ways that are consistent with those of our teammates.

On-the-job training: Continued training within individual units increases both the breadth and depth of the connections we forge in formal schooling. As our relationships deepen, they lead to unit cohesion—the force that compels teammates to commit to one another every day. The connections promoted by on-the-job training allow teams to best execute the Plan, Practice, Perform, Progress, and Promulgate (P5) cycle through an open and supportive climate. We should think carefully about the means we use to connect, ensuring they match our particular circumstances. Just as the increasing rate of technological creation and adoption affects the global security environment, technological changes also affect the ways we connect with one another. Social media and other technologies provide easier means to connect over long distances, but taken too far, they can also foster feelings of isolation. Leadership is a human endeavor. Technology has its place, but it is often a poor substitute for person-to-person connections.

Self-guided learning: Connectedness is one area where self-directed development can be most useful. We can and should make connections in many ways. We have many places to cultivate connections: our families, our friends, our faith, our hobbies and interests, and our profession. All serve to strengthen our commitment and toughness, and to serve as a source of strength, insight, and comfort for others. Finally, as described in “One Navy Team” at the end of this Framework, our teams are the strongest when they are diverse. Diverse groups make more effective decisions in matters of competence and more ethical decisions in matters of character. We can’t understand what is in our shipmate’s head if we are closed to others’ points of view or life experiences. Our competitive advantage as Sailors will be in creativity, innovation, and agility—all allowing us to make better decisions in combat.



MENTORSHIP AND ADVOCACY

A discussion about leader development must address mentors. Much of what's been discussed so far has been about teachers, coaches, and trainers. Teachers focus on transferring knowledge from themselves to their students. Coaches and trainers develop operational habits and skills through "sets and reps"—drills and routines that perfect our habits. Mentors do all of the above and more, in a way that is more personal, involved, and longer term. This special connection helps protégés develop competency and character. Mentors probe deeply into their protégés' strengths and weaknesses, challenging them to be more well-rounded and ever better.

Mentorship strengthens both the protégé and the mentor. When we mentor, we devote ourselves to our protégés' growth and success. We transfer energy from within ourselves to our charges. We form productive mentor-protégé relationships when development comes from loyalty—from mentor to protégé and from protégé to mentor—beyond that of a teaching or coaching relationship. This is extremely important in leader development. The farther we travel down the three-lane path, the more valuable mentors can be. It's important to seek opportunities to mentor and be mentored. These connections can be decisive.

Advocacy activity moves mentorship into the public sphere. By advocating for our protégés, we move into action. We scan the environment for professional opportunities (projects, jobs, workshops) for which our protégés would be well matched—where they would do well and also grow. But there's more. We then contact the decision-makers for that opportunity—make a phone call, send an email, have a conversation—and recommend our protégé for the position. This active step is important, requiring a further degree of dedication on our part that makes our personal commitment public.



One last thought to close the circle: Consistent with the One Navy Team memo on diversity and inclusion, mentors and advocates should deliberately evaluate their groups of protégés. Are they a diverse group? Do they represent the true spectrum of talent and perspectives of the people we're sworn to defend? To the protégés, mentors are a gateway to a new community, offering insight they could never acquire on their own. Mentors can ensure that newcomers to a group feel welcome and like they belong. To the community, mentors can demonstrate why their protégés deserve seats at the table. Therefore, as Navy leaders, we have a moral and strategic obligation to mentor a diverse population—and to ensure that they are connected. This supports their growth, the growth of our Navy, and our own growth as well.

WAY AHEAD

The refinement and execution of strategies to implement this Framework are an essential next step. Each community lead, as designated by the Chief of Naval Personnel, will create a strategy to develop leaders up to Major Command or its equivalent. As directed in NLDF 1.0 and 2.0, each community lead will, on a semi-annual basis, continue to brief its leader development program to the Chief of Naval Operations or Vice Chief of Naval Operations. The Naval War College and the emerging Navy University system will supplement and support each community in its leader development, and they will maintain a strategy for leader development beyond Major Command. The Naval War College will also hold semi-annual briefs to the Chief of Naval Operations or Vice Chief of Naval Operations, to track the program's progress.



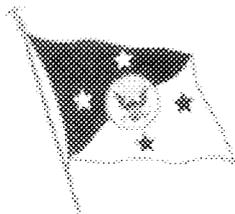
CONCLUSION

World-class leadership is our Navy's decisive advantage. First and foremost, Navy leaders must have a burning drive to develop people and teams who consistently and sustainably deliver maximum performance. The Navy has a robust program of schools, on-the-job training, and opportunities for self-guided learning. As we deliberately work to develop each aspect of leadership, over time, competence, character, and connectedness become three inseparable lanes of the path we travel. Moving down this path becomes the most challenging journey we can take as Navy leaders. Per Design 2.0, our Navy will produce leaders and teams who learn rapidly, make high-quality decisions, and control the high end of maritime conflict. Following the path outlined in this Framework will get us there.



JOHN M. RICHARDSON
Admiral, U.S. Navy
Chief of Naval Operations





CHIEF OF NAVAL OPERATIONS

September 27, 2016

One Navy Team

"A Design for Maintaining Maritime Superiority" speaks to the operational and warfighting advantage strengthened by developing high performing, fast learning teams. Leveraging our diversity - from around the country and around the world -- is key to reaching our potential and maintaining our advantage against our adversaries.

Respect for the dignity of all in the Navy Team, as well as our many partners, is essential to conducting ourselves according to our core attributes of accountability, integrity, toughness and initiative, as the expression of our core values of honor, courage, and commitment.

In our Navy, we have individuals from many different cultures, ethnicities, and histories. We must recognize this advantage and include the broadest-possible spectrum of people and perspectives.

As well, we often work with organizations that have different cultures than ours. Expanding and strengthening our partnerships requires us to welcome these partners as far as possible into our trust and confidence. We must work hard to forge unity of effort as one team.

Generating success as a team means going beyond merely understanding the unique perspectives of different people and cultures - understanding is too passive. Achieving top performance is enhanced when leaders tap into the energy and capability of an actively inclusive team.

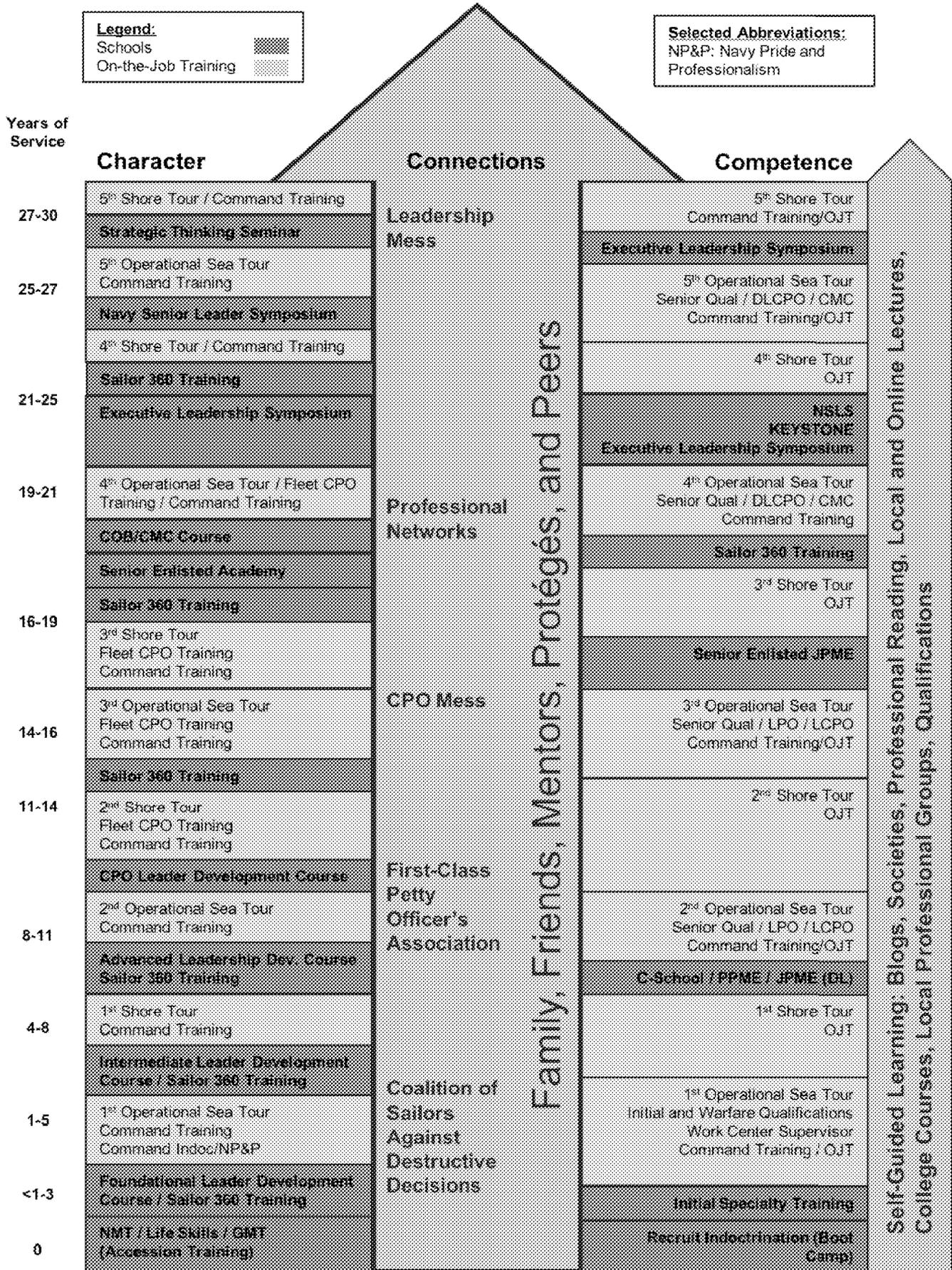
This is harder than it sounds. We all have built-in biases that unconsciously influence our choices and decisions. Putting measures in place to help us overcome these biases will help us first to form a diverse team and then to include that team to achieve the fullest advantage.

Trust is the foundation of strong teams -- we cannot win tough fights without it. In our business, trust is earned by demonstrating competence and character. We welcome verification and validation of that trust. Including diverse views and perspectives, and appreciating everyone for what they bring to the team, helps us improve trust - and therefore performance - throughout all phases of naval operations. Creativity and new ideas are important in the beginning, when our plans are just forming, to ensure we don't miss something. During execution, we must communicate openly, trust each other, and hold each other accountable. Finally, we should listen intently to all contributions during rigorous post-event assessments. Different perspectives shine lights into our blind spots and illuminate things we wouldn't otherwise see. In this way, we will learn and improve faster.

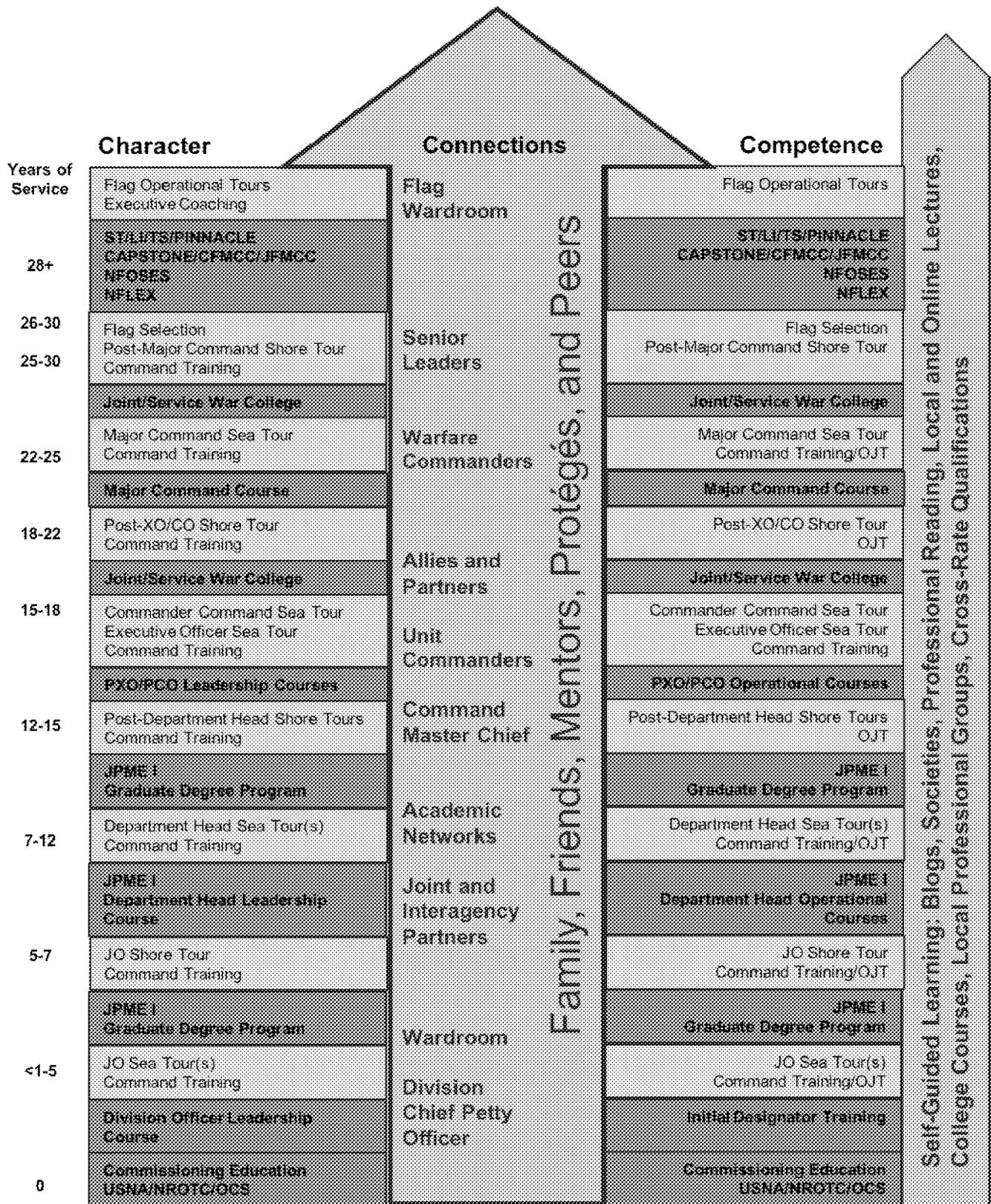
Actively being inclusive and open to diverse perspectives will produce leaders and teams who learn and adapt to achieve maximum possible performance, and who achieve and maintain high standards, to be ready for decisive operations and combat. Let's get to it.

A handwritten signature in black ink, appearing to read "J. M. Richardson".

J. M. RICHARDSON
Admiral, U.S. Navy



Legend:	
Schools	
On-the-Job Training	



Officer Leader Development Path

United States Army - O-6 Colonel

← Lieutenant Colonel (O-5)

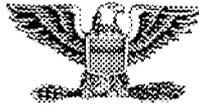
O-6 Colonel

Brigadier General (O-7) →

Yearly Base Pay	Monthly Base Pay	Hourly Base Pay *
\$83,174 - \$147,244	\$6,931.20 - \$12,270.30	\$43.32 - \$76.69



Army Colonel - Rank Details



Colonel (COL)

Classification	Field Officer
Abbreviation	COL
NATO Code	OF-5
Service	United States Army
Address	Colonel (last name)

What are a Colonel's Responsibilities?

Colonels are commissioned officers in the United States Army, serving in the grade of O-6. They receive their commission upon appointment by the Secretary of the Army.

Their primary function of Colonels is to serve as commanders of brigade-sized elements (around 5000 soldiers).

Soldiers holding the rank of Colonel can also serve as staff officers or as commanders of smaller units in specialized branches, such as law or medicine.

Regardless of the size of the command they hold, Colonels are the final authority on everything that occurs in units they hold charge of. They are responsible for everything their units do or fail to do.

Colonels are the highest-ranking officers in the slate of field-grade officers.

Holding of the rank of Colonel is a highly prestigious position, it is a highly respected job and difficult to attain, achieved only by the most qualified of officers.

What is a Colonel's Paygrade?

A Colonel is considered a Field Officer, with a paygrade of O-6. The civilian equivalent of this military rank is roughly GS-15 under the federal government's General Schedule payscale.

On this page you can learn more about a Colonel's payscale, the process of becoming a Colonel, and the history of the rank in the United States Army.



Army Colonel Pay Calculator

Starting pay for a Colonel is \$6,931.20 per month, with raises for experience resulting in a maximum base pay of \$12,270.30 per month. You can use the simple calculator below to see basic and drill pay for a Colonel, or visit our Army pay calculator for a more detailed salary estimate.

Basic Pay:

\$6,931.20 / month

(\$83,174.40 / year)

Drill Pay:

\$231.04 / drill

[Learn more](#)

For an O-6 Colonel with
2 or less years of experience.

Use the slider below to calculate the basic pay and drill pay for an O-6 Colonel at varying years in his or her military career.



2 or less years

Over 40 years

*For O6 and Below is Limited to Level V of the Executive Schedule in Effect During 2020 (\$13,341.60)

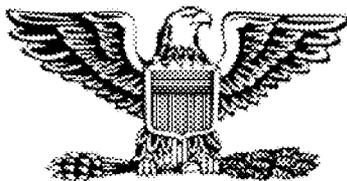


Equivalent Ranks to an Army Colonel

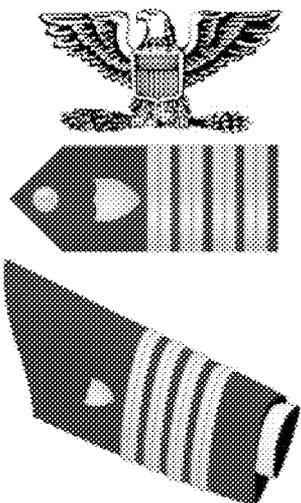
A Colonel is a Field Officer, with a military paygrade of O-6. The civilian equivalent of this military rank is roughly GS-15 under the federal government's General Schedule payscale.

The table below lists the equivalent ranks of an Army Colonel, and their insignia, in the other four branches of the United States' Armed Services.

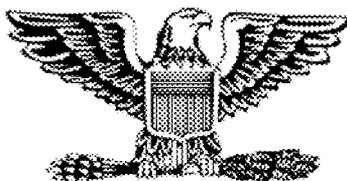
Air Force



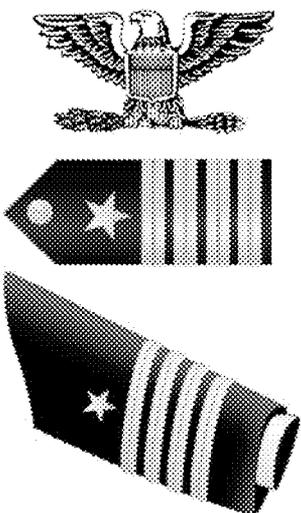
Coast Guard



Marine Corps



Navy



Colonel

Captain

Colonel

Captain

🔍 All Army Ranks

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Source: www.federalpay.org/military/army/colonel



Request for Certification of Military or Naval Service

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form N-426
OMB No. 1615-0053
Expires 08/31/2017

Persons who are serving or have served under specified conditions in the U.S. Armed Forces are granted certain exemptions from the general requirements for naturalization. To establish eligibility, the law requires the department with custody of the service record to certify whether the service member served honorably, and whether each separation from the service was under honorable conditions. USCIS requests certification of the service member's military service. Recruiters are not authorized to certify this request. **Submit this request with Form N-400, Application for Naturalization.**

Instructions: Requestors must complete Parts 1. - 4. Certifying officials must complete Parts 5. - 8.

Part 1. Information About You

1. Alien Registration Number (A-Number) (if any) 2. Military Service Number
 ▶ A-

3. Names Used During Military Service
 List all names you have used, including your maiden name (if any). If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

Family Name (Last Name)	Given Name (First Name)	Middle Name
<input type="text"/>	<input type="text"/>	<input type="text"/>

4. U.S. Social Security Number (if any) 5. USCIS ELIS Account Number (if any) 6. Date of Birth (mm/dd/yyyy)
 ▶ ▶

7. Place of Birth (city and country)

8. Physical Address

Street Number and Name				Apt.	Ste.	Flr.	Number
<input type="text"/>				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
City or Town	County	State	ZIP Code + 4				
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>				
Province or Region (foreign address only)		Country (foreign address only)		Postal Code (foreign address only)			
<input type="text"/>		<input type="text"/>		<input type="text"/>			

Part 2. Enlistment Information

1. Where did you enlist?

City	State	Country
<input type="text" value="Nashville"/>	<input type="text" value="TN"/>	<input type="text" value="USA"/>

2. Have you reenlisted? Yes No

3. Where did you reenlist?

City	State	Country
<input type="text"/>	<input type="text"/>	<input type="text"/>

Part 3. Periods of Military Service (To be completed by requestor)

Provide all periods of service. If you need extra space to complete this section, use the space provided in **Part 9. Additional Information**.

Military Service	Branch of Service	Date Service Began (mm/dd/yyyy)	Date Service Ended (mm/dd/yyyy)	Type of Service (include all active, reserve, and National Guard Service)
Military Service 1	US Army	03/11/2016	present	<input type="checkbox"/> Active Duty <input checked="" type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 2				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 3				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*

* Selected Reserve of the Ready Reserve Members: (1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training at least 14 days a year or (2) participate in training at encampments, maneuvers, outdoor target practice, or other exercises at least 15 days each year. (10 U.S.C. 10143)

Part 4. Requestor's Contact Information, Certification, and Signature

Requestor's Contact Information

- 1. Requestor's Daytime Telephone Number
- 2. Requestor's Mobile Telephone Number (if any)
- 3. Requestor's Email Address (if any)

Requestor's Certification

I authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that the information in my request and any document submitted with my request were provided by me and are complete, true, and correct.

Requestor's Signature

- 4. Requestor's Signature Date of Signature (mm/dd/yyyy)

NOTE TO ALL REQUESTORS: USCIS may deny your request if you do not completely fill out this request or fail to submit required documents listed in the instructions.

Part 5. Character of Service (To be completed by Certifying Official)

State whether the requestor served honorably or is currently serving honorably for each period of military service the requestor served (refer to **Part 3. Periods of Military Service**). If you answer "No," provide details in **Part 7. Remarks**.

- 1. Honorable Period of Military Service 1 Yes No
- 2. Honorable Period of Military Service 2 Yes No
- 3. Honorable Period of Military Service 3 Yes No

Part 6. Separation Information

- 1. Is the requestor separated? Yes No
- 2. If separated, select discharge type: Honorable Other (provide details in **Part 7. Remarks**)
- 3. Was the requestor discharged on account of alienage? Yes No
If you answer "Yes," provide details in **Part 7. Remarks**.

Part 7. Remarks

Provide any **derogatory information** in your records relating to the service member's character, loyalty to the United States, disciplinary action, convictions, other than honorable discharges, or other matters concerning his or her fitness for citizenship. If you need extra space to complete this section, use the space provided in **Part 9. Additional Information**.

None

Part 8. Certification (To be completed by Certifying Official)

I am authorized to certify that the information given here concerning the service of the person named on this request is correct according to the records of the

U.S. Army Reserve
Name of Department

Official Signature

[Redacted Signature]

Name and Title

MAJ [Redacted Title]

Daytime Telephone Number

[Redacted Telephone Number]

Email Address (if any)

[Redacted Email Address]

Date (mm/dd/yyyy)

03/04/2017

Seal, if available (No state-issued notary public seals accepted.)

Part 9. Additional Information

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1. Family Name (Last Name) Given Name (First Name) Middle Name

2. A-Number (if any) ▶ A-

3. A. Page Number B. Part Number C. Item Number

D. _____

4. A. Page Number B. Part Number C. Item Number

D. _____

5. A. Page Number B. Part Number C. Item Number

D. _____

6. A. Page Number B. Part Number C. Item Number

D. _____

Part 3. Periods of Military Service (To be completed by requestor)

Provide all periods of service. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

Military Service	Branch of Service	Date Service Began (mm/dd/yyyy)	Date Service Ended (mm/dd/yyyy)	Type of Service (include all active, reserve, and National Guard Service)
Military Service 1	Army	03/03/2016	03/03/2022	<input type="checkbox"/> Active Duty <input checked="" type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 2				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 3				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*

* Selected Reserve of the Ready Reserve Members: (1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training at least 14 days a year or (2) participate in training at encampments, maneuvers, outdoor target practice, or other exercises at least 15 days each year. (10 U.S.C. 10143)

Part 4. Requestor's Contact Information, Certification, and Signature

Requestor's Contact Information

- Requestor's Daytime Telephone Number
- Requestor's Mobile Telephone Number (if any)
- Requestor's Email Address (if any)

Requestor's Certification

I authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that the information in my request and any document submitted with my request were provided by me and are complete, true, and correct.

Requestor's Signature

- Requestor's Signature Date of Signature (mm/dd/yyyy)

NOTE TO ALL REQUESTORS: USCIS may deny your request if you do not completely fill out this request or fail to submit required documents listed in the instructions.

Part 5. Character of Service (To be completed by Certifying Official)

State whether the requestor served honorably or is currently serving honorably for each period of military service the requestor served (refer to Part 3. Periods of Military Service). If you answer "No," provide details in Part 7. Remarks.

- Honorable Period of Military Service 1 Yes No
- Honorable Period of Military Service 2 Yes No
- Honorable Period of Military Service 3 Yes No

Part 6. Separation Information

- 1. Is the requestor separated? Yes No
- 2. If separated, select discharge type: Honorable Other (provide details in Part 7. Remarks)
- 3. Was the requestor discharged on account of alienage? Yes No
If you answer "Yes," provide details in Part 7. Remarks.

Part 7. Remarks

Provide any derogatory information in your records relating to the service member's character, loyalty to the United States, disciplinary action, convictions, other than honorable discharges, or other matters concerning his or her fitness for citizenship. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

Part 8. Certification (To be completed by Certifying Official)

I am authorized to certify that the information given here concerning the service of the person named on this request is correct according to the records of the

957th PA Co. Name of Department

Official Signature [Redacted]

Name and Title [Redacted] A/3 Platoon Sgt.

Daytime Telephone Number [Redacted]

Email Address (if any) [Redacted]

Seal, if available (No state-issued notary public seals accepted.)

Date (mm/dd/yyyy) 08/09/2017

Part 9. Additional Information

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the Page Number, Part Number, and Item Number to which your answer refers; and sign and date each sheet.

1. Family Name (Last Name) Given Name (First Name) Middle Name

2. A-Number (if any) ▶ A-

3. A. Page Number B. Part Number C. Item Number

D. I am currently serving in the Army and my service will end on 03/03/2022. I put the end date as I was not able to type "Present" in the box.

4. A. Page Number B. Part Number C. Item Number

D.

5. A. Page Number B. Part Number C. Item Number

D.

6. A. Page Number B. Part Number C. Item Number

D.

Part 3. Periods of Military Service (To be completed by requestor)

Provide all periods of service. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

Military Service	Branch of Service	Date Service Began (mm/dd/yyyy)	Date Service Ended (mm/dd/yyyy)	Type of Service (includes all active, reserve, and National Guard Service)
Military Service 1	Army	12/21/2015	Current	<input type="checkbox"/> Active Duty <input checked="" type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 2				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 3				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*

* Selected Reserves of the Ready Reserve Members: (1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training at least 14 days a year or (2) participate in training at encampments, maneuvers, outdoor target practice, or other exercises at least 15 days each year. (10 U.S.C. 10143)

Part 4. Requestor's Contact Information, Certification, and Signature

Requestor's Contact Information

- 1. Requestor's Daytime Telephone Number
- 2. Requestor's Mobile Telephone Number (if any)
- 3. Requestor's Email Address (if any)

Requestor's Certification

I authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that the information in my request and any document submitted with my request were provided by me and are complete, true, and correct.

Requestor's Signature

- 4. Requestor's Signature Date of Signature (mm/dd/yyyy)

NOTE TO ALL REQUESTORS: USCIS may deny your request if you do not completely fill out this request or fail to submit required documents listed in the instructions.

Part 5. Character of Service (To be completed by Certifying Official)

State whether the requestor served honorably or is currently serving honorably for each period of military service the requestor served (refer to Part 3. Periods of Military Service). If you answer "No," provide details in Part 7. Remarks.

- 1. Honorable Period of Military Service 1 Yes No
- 2. Honorable Period of Military Service 2 Yes No
- 3. Honorable Period of Military Service 3 Yes No

Part 6. Separation Information

- 1. Is the requestor separated? Yes No
 - 2. If separated, select discharge type: Honorable Other (provide details in Part 7. Remarks)
 - 3. Was the requestor discharged on account of absence? Yes No
- If you answer "Yes," provide details in Part 7. Remarks.

Part 7. Remarks

Provide any derogatory information in your records relating to the service member's character, loyalty in the United States, disciplinary action, convictions, other than honorable discharges, or other matters concerning his or her fitness for citizenship. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

Part 8. Certification (To be completed by Certifying Official)

I am authorized to certify that the information given here concerning the service of the person named on this request is correct according to the records of the

United States Army Reserve Alpha Co. 345 CS H Jacksonville, FL 32212
Name of Department

Official Signature	Name and Title
	Staff Administrator
Daytime Telephone Number	Email Address (if any)

Date (mm/dd/yyyy)
02/09/2017

Seal, if available (No state-issued notary public seals accepted.)

Part 9 Additional Information

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the Page Number, Part Number, and Item Number to which your answer refers; and sign and date each sheet.

1. Family Name (Last Name) Given Name (First Name) Middle Name

2. A-Number (if any) ▶ A-

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3. A. Page Number B. Part Number C. Item Number

D.

4. A. Page Number B. Part Number C. Item Number

D.

5. A. Page Number B. Part Number C. Item Number

D.

6. A. Page Number B. Part Number C. Item Number

D.

Part 3. Periods of Military Service (To be completed by requestor)

Provide all periods of service. If you need extra space to complete this section, use the space provided in **Part 9. Additional Information**.

Military Service	Branch of Service	Date Service Began (mm/dd/yyyy)	Date Service Ended (mm/dd/yyyy)	Type of Service (include all active, reserve, and National Guard Service)
Military Service 1	ARMY	03/17/2016	03/16/2024	<input type="checkbox"/> Active Duty <input checked="" type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 2				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 3				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*

* Selected Reserve of the Ready Reserve Members: (1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training at least 14 days a year or (2) participate in training at encampments, maneuvers, outdoor target practice, or other exercises at least 15 days each year. (10 U.S.C. 10143)

Part 4. Requestor's Contact Information, Certification, and Signature

Requestor's Contact Information

- Requestor's Daytime Telephone Number
- Requestor's Mobile Telephone Number (if any)
- Requestor's Email Address (if any)

Requestor's Certification

I authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that the information in my request and any document submitted with my request were provided by me and are complete, true, and correct.

Requestor's Signature

- Requestor's Signature Date of Signature (mm/dd/yyyy)

NOTE TO ALL REQUESTORS: USCIS may deny your request if you do not completely fill out this request or fail to submit required documents listed in the instructions.

Part 5. Character of Service (To be completed by Certifying Official)

State whether the requestor served honorably or is currently serving honorably for each period of military service the requestor served (refer to **Part 3. Periods of Military Service**). If you answer "No," provide details in **Part 7. Remarks**.

- Honorable Period of Military Service 1 Yes No
- Honorable Period of Military Service 2 Yes No
- Honorable Period of Military Service 3 Yes No

Part 6. Separation Information

- 1. Is the requestor separated? Yes No
- 2. If separated, select discharge type: *N/A* Honorable Other (provide details in Part 7. Remarks)
- 3. Was the requestor discharged on account of alienage? *N/A* Yes No
If you answer "Yes," provide details in Part 7. Remarks.

Part 7. Remarks

Provide any derogatory information in your records relating to the service member's character, loyalty to the United States, disciplinary action, convictions, other than honorable discharges, or other matters concerning his or her fitness for citizenship. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

N/A

Part 8. Certification (To be completed by Certifying Official)

I am authorized to certify that the information given here concerning the service of the person named on this request is correct according to the records of the

United States Army Reserves

Name of Department

Official Signature

[Redacted Signature]

Name and Title

[Redacted Name] / UNIT ADMINISTRATOR

Daytime Telephone Number

[Redacted Telephone Number]

Email Address (if any)

[Redacted Email Address]

Date (mm/dd/yyyy)

02/11/2017

Seal, if available (No state-issued notary public seals accepted.)

Part 9. Additional Information

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the Page Number, Part Number, and Item Number to which your answer refers; and sign and date each sheet.

1. Family Name (Last Name)	Given Name (First Name)	Middle Name
[REDACTED]	[REDACTED]	N/A

2. A-Number (if any) ▶ A- [REDACTED]

3. A. Page Number B. Part Number C. Item Number

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D. _____

4. A. Page Number B. Part Number C. Item Number

--	--	--

D. _____

5. A. Page Number B. Part Number C. Item Number

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D. _____

6. A. Page Number B. Part Number C. Item Number

--	--	--

D. _____

Part 3. Periods of Military Service (To be completed by requestor)

Provide all periods of service. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

Military Service	Branch of Service	Date Service Began (mm/dd/yyyy)	Date Service Ended (mm/dd/yyyy)	Type of Service (include all active, reserve, and National Guard Service)
Military Service 1	ARMY	04/14/2016	04/14/2024	<input type="checkbox"/> Active Duty <input checked="" type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 2				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 3				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*

* Selected Reserve of the Ready Reserve Members: (1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training at least 14 days a year or (2) participate in training at encampments, maneuvers, outdoor target practice, or other exercises at least 15 days each year. (10 U.S.C. 10143)

Part 4. Requestor's Contact Information, Certification, and Signature

Requestor's Contact Information

- 1. Requestor's Daytime Telephone Number
- 2. Requestor's Mobile Telephone Number (if any)
- 3. Requestor's Email Address (if any)

Requestor's Certification

I authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.
 I certify, under penalty of perjury, that the information in my request and any document submitted with my request were provided by me and are complete, true, and correct.

Requestor's Signature

- 4. Requestor's Signature Date of Signature (mm/dd/yyyy)

NOTE TO ALL REQUESTORS: USCIS may deny your request if you do not completely fill out this request or fail to submit required documents listed in the instructions.

Part 5. Character of Service (To be completed by Certifying Official)

State whether the requestor served honorably or is currently serving honorably for each period of military service the requestor served (refer to Part 3. Periods of Military Service). If you answer "No," provide details in Part 7. Remarks.

- 1. Honorable Period of Military Service 1 Yes No
- 2. Honorable Period of Military Service 2 Yes No
- 3. Honorable Period of Military Service 3 Yes No

Part 6. Separation Information

- 1. Is the requestor separated? Yes No
 - 2. If separated, select discharge type: Honorable Other (provide details in Part 7. Remarks)
 - 3. Was the requestor discharged on account of alienage? Yes No
- If you answer "Yes," provide details in Part 7. Remarks.

Part 7. Remarks

Provide any derogatory information in your records relating to the service member's character, loyalty to the United States, disciplinary action, convictions, other than honorable discharges, or other matters concerning his or her fitness for citizenship. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

Part 8. Certification (To be completed by Certifying Official)

I am authorized to certify that the information given here concerning the service of the person named on this request is correct according to the records of the

United States Army Reserve, 90th Aviation Support Battalion
Name of Department

Official Signature [Redacted] Name and Title [Redacted] Unit Administrator

Daytime Telephone Number [Redacted] Email Address (if any) [Redacted]

Date (mm/dd/yyyy)
04/08/2017

Seal, if available (No state-issued notary public seals accepted.)

Part 9. Additional Information

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the Page Number, Part Number, and Item Number to which your answer refers; and sign and date each sheet.

1. Family Name (Last Name) Given Name (First Name) Middle Name

2. A-Number (if any) ▶ A-

3. A. Page Number B. Part Number C. Item Number

D.

4. A. Page Number B. Part Number C. Item Number

D.

5. A. Page Number B. Part Number C. Item Number

D.

6. A. Page Number B. Part Number C. Item Number

D.

Part 3. Periods of Military Service (To be completed by requestor)

Provide all periods of service. If you need extra space to complete this section, use the space provided in Part 9, Additional Information.

Military Service	Branch of Service	Date Service Began (mm/dd/yyyy)	Date Service Ended (mm/dd/yyyy)	Type of Service (include all active, reserve, and National Guard Service)
Military Service 1	Army	03/03/2016		<input type="checkbox"/> Active Duty <input checked="" type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 2				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 3				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*

* Selected Reserve of the Ready Reserve Members: (1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training at least 14 days a year or (2) participate in training at encampments, maneuvers, outdoor target practice, or other exercises at least 15 days each year. (10 U.S.C. 10143)

Part 4. Requestor's Contact Information, Certification, and Signature

Requestor's Contact Information

- Requestor's Daytime Telephone Number: [Redacted]
- Requestor's Mobile Telephone Number (if any): [Redacted]
- Requestor's Email Address (if any): [Redacted]

Requestor's Certification

I authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that the information in my request and any document submitted with my request were provided by me and are complete, true, and correct.

Requestor's Signature

- Requestor's Signature: [Redacted] Date of Signature (mm/dd/yyyy): 12/07/2016

NOTE TO ALL REQUESTORS: USCIS may deny your request if you do not completely fill out this request or fail to submit required documents listed in the instructions.

Part 5. Character of Service (To be completed by Certifying Officer)

State whether the requestor served honorably or is currently serving honorably for each period of military service the requestor served (refer to Part 3, Periods of Military Service). If you answer "No," provide details in Part 7, Remarks.

- Honorable Period of Military Service 1: Yes No
- Honorable Period of Military Service 2: Yes No
- Honorable Period of Military Service 3: Yes No

Meets CIS requirements
MAY 31 2017

Part 6. Separation Information

- 1. Is the requestor separated? Yes No
 - 2. If separated, select discharge type: Honorable Other (provide details in **Part 7. Remarks**)
 - 3. Was the requestor discharged on account of alienage? Yes No
- If you answer "Yes," provide details in **Part 7. Remarks**.

Part 7. Remarks

Provide any derogatory information in your records relating to the service member's character, loyalty to the United States, disciplinary action, convictions, other than honorable discharges, or other matters concerning his or her fitness for citizenship. If you need extra space to complete this section, use the space provided in **Part 9. Additional Information**.

Part 8. Certification (To be completed by Certifying Official)

I am authorized to certify that the information given here concerning the service of the person named on this request is correct according to the records of the

340TH EN CO U.S. Army Reserves, New Kensington
Name of Department

Name and Title

Email Address (if any)

Date (mm/dd/yyyy)

12/07/2016

N-426 Certification
Meets CIS Requirements
MAY 31 2017

Confirmed
Unit
Adm.

OK to move forward

Part 3. Periods of Military Service (To be completed by requestor)

Provide all periods of service. If you need extra space to complete this section, use the space provided in **Part 9. Additional Information**.

Military Service	Branch of Service	Date Service Began (mm/dd/yyyy)	Date Service Ended (mm/dd/yyyy)	Type of Service (include all active, reserve, and National Guard Service)
Military Service 1	Army	03/17/2016	continue	<input type="checkbox"/> Active Duty <input checked="" type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 2				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 3				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*

* Selected Reserve of the Ready Reserve Members: (1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training at least 14 days a year or (2) participate in training at encampments, maneuvers, outdoor target practice, or other exercises at least 15 days each year. (10 U.S.C. 10143)

Part 4. Requestor's Contact Information, Certification, and Signature

Requestor's Contact Information

- 1. Requestor's Daytime Telephone Number
- 2. Requestor's Mobile Telephone Number (if any)
- 3. Requestor's Email Address (if any)

Requestor's Certification

I authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that the information in my request and any document submitted with my request were provided by me and are complete, true, and correct.

Requestor's Signature

- 4. Requestor's Signature Date of Signature (mm/dd/yyyy)

NOTE TO ALL REQUESTORS: USCIS may deny your request if you do not completely fill out this request or fail to submit required documents listed in the instructions.

Part 5. Character of Service (To be completed by Certifying Official)

State whether the requestor served honorably or is currently serving honorably for each period of military service the requestor served (refer to **Part 3. Periods of Military Service**). If you answer "No," provide details in **Part 7. Remarks**.

- 1. Honorable Period of Military Service 1 Yes No
- 2. Honorable Period of Military Service 2 Yes No
- 3. Honorable Period of Military Service 3 Yes No

Part 6. Separation Information

- 1. Is the requestor separated? Yes No
 - 2. If separated, select discharge type: Honorable Other (provide details in **Part 7. Remarks**)
 - 3. Was the requestor discharged on account of alienage? Yes No
- If you answer "Yes," provide details in **Part 7. Remarks**.

Part 7. Remarks

Provide any derogatory information in your records relating to the service member's character, loyalty to the United States, disciplinary action, convictions, other than honorable discharges, or other matters concerning his or her fitness for citizenship. If you need extra space to complete this section, use the space provided in **Part 9. Additional Information**.

Part 8. Certification (To be completed by Certifying Official)

I am authorized to certify that the information given here concerning the service of the person named on this request is correct according to the records of the

United States Army : 805th Military Police Company
Name of Department

Name and Title
[Redacted]

Name and Title
[Redacted] : Personnel NCO

Email Address (if any)
[Redacted]

Email Address (if any)
[Redacted]

Date (mm/dd/yyyy)
12/20/2016

Seal, if available (No state-issued notary public seals accepted.)

Part 9. Additional Information

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1. Family Name (Last Name) Given Name (First Name) Middle Name

2. A-Number (if any) ▶ A-

3. A. Page Number B. Part Number C. Item Number

D.

4. A. Page Number B. Part Number C. Item Number

D.

5. A. Page Number B. Part Number C. Item Number

D.

6. A. Page Number B. Part Number C. Item Number

D.



Request for Certification of Military or Naval Service

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form N-426
OMB No. 1615-0053
Expires 08/31/2017

Persons who are serving or have served under specified conditions in the U.S. Armed Forces are granted certain exemptions from the general requirements for naturalization. To establish eligibility, the law requires the department with custody of the service record to certify whether the service member served honorably, and whether each separation from the service was under honorable conditions. USCIS requests certification of the service member's military service. Recruiters are not authorized to certify this request. **Submit this request with Form N-400, Application for Naturalization.**

Instructions: Requestors must complete Parts 1. - 4. Certifying officials must complete Parts 5. - 8.

Part 1. Information About You

1. Alien Registration Number (A-Number) (if any) 2. Military Service Number
 ▶ A- [REDACTED] [REDACTED]

3. Names Used During Military Service
 List all names you have used, including your maiden name (if any). If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

Family Name (Last Name)	Given Name (First Name)	Middle Name
[REDACTED]	[REDACTED]	[REDACTED]

4. U.S. Social Security Number (if any) 5. USCIS ELIS Account Number (if any) 6. Date of Birth (mm/dd/yyyy)
 ▶ [REDACTED] ▶ [REDACTED] [REDACTED]

7. Place of Birth (city and country)
 [REDACTED]

8. Physical Address

Street Number and Name [REDACTED]	Apt.	Ste.	Flr.	Number [REDACTED]
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
City or Town [REDACTED]	County [REDACTED]	State [REDACTED]	ZIP Code + 4 [REDACTED]	
Province or Region (foreign address only) [REDACTED]	Country (foreign address only) [REDACTED]	Postal Code (foreign address only) NA		

Part 2. Enlistment Information

1. Where did you enlist?

City Cleveland	State OH	Country United States
-------------------	-------------	--------------------------

2. Have you reenlisted? Yes No

3. Where did you reenlist?

City	State	Country

Part 3. Periods of Military Service (To be completed by requestor)

Provide all periods of service. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

Military Service	Branch of Service	Date Service Began (mm/dd/yyyy)	Date Service Ended (mm/dd/yyyy)	Type of Service (include all active, reserve, and National Guard Service)
Military Service 1	Reserve	02/23/2016	N/A	<input type="checkbox"/> Active Duty <input checked="" type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 2				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 3				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*

* Selected Reserve of the Ready Reserve Members: (1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training at least 14 days a year or (2) participate in training at encampments, maneuvers, outdoor target practice, or other exercises at least 15 days each year. (10 U.S.C. 10143)

Part 4. Requestor's Contact Information, Certification, and Signature

Requestor's Contact Information

- 1. Requestor's Daytime Telephone Number
- 2. Requestor's Mobile Telephone Number (if any)
- 3. Requestor's Email Address (if any)

Requestor's Certification

I authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that the information in my request and any document submitted with my request were provided by me and are complete, true, and correct.

Requestor's Signature

- 4. Requestor's Signature Date of Signature (mm/dd/yyyy)

NOTE TO ALL REQUESTORS: USCIS may deny your request if you do not completely fill out this request or fail to submit required documents listed in the instructions.

Part 5. Character of Service (To be completed by Certifying Official)

State whether the requestor served honorably or is currently serving honorably for each period of military service the requestor served (refer to Part 3. Periods of Military Service). If you answer "No," provide details in Part 7. Remarks.

- 1. Honorable Period of Military Service 1 Yes No
- 2. Honorable Period of Military Service 2 Yes No
- 3. Honorable Period of Military Service 3 Yes No

Part 6. Separation Information

- 1. Is the requestor separated? Yes No
 - 2. If separated, select discharge type: Honorable Other (provide details in Part 7. Remarks)
 - 3. Was the requestor discharged on account of alienage? Yes No
- If you answer "Yes," provide details in Part 7. Remarks.

Part 7. Remarks

Provide any derogatory information in your records relating to the service member's character, loyalty to the United States, disciplinary action, convictions, other than honorable discharges, or other matters concerning his or her fitness for citizenship. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

Part 8. Certification (To be completed by Certifying Official)

I am authorized to certify that the information given here concerning the service of the person named on this request is correct according to the records of the

US ARMY RESERVES
Name of Department

Official Signature

Name and Title

[Redacted Signature]

[Redacted Name] / SGT ADMIN

Daytime

Email Address (if any)

[Redacted Daytime]

[Redacted Email]

Date (mm/dd/yyyy)

01/08/2016

Seal, if available (No state-issued notary public seals accepted.)

Part 9. Additional Information

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1. Family Name (Last Name) Given Name (First Name) Middle Name

2. A-Number (if any) ▶ A-

3. A. Page Number B. Part Number C. Item Number

D. _____

4. A. Page Number B. Part Number C. Item Number

D. _____

5. A. Page Number B. Part Number C. Item Number

D. _____

6. A. Page Number B. Part Number C. Item Number

D. _____



Request for Certification of Military or Naval Service

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form N-426
OMB No. 1615-0053
Expires 08/31/2017

Persons who are serving or have served under specified conditions in the U.S. Armed Forces are granted certain exemptions from the general requirements for naturalization. To establish eligibility, the law requires the department with custody of the service record to certify whether the service member served honorably, and whether each separation from the service was under honorable conditions. USCIS requests certification of the service member's military service. Recruiters are **not** authorized to certify this request. **Submit** this request with Form N-400, Application for Naturalization.

Instructions: Requestors must complete Parts 1. - 4. Certifying officials must complete Parts 5. - 8.

Part 1. Information About You

1. Alien Registration Number (A-Number) (if any) 2. Military Service Number
 ▶ A-

3. Names Used During Military Service

List all names you have used, including your maiden name (if any). If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

Family Name (Last Name)	Given Name (First Name)	Middle Name
<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>

4. U.S. Social Security Number (if any) 5. USCIS ELIS Account Number (if any) 6. Date of Birth (mm/dd/yyyy)
 ▶ ▶

7. Place of Birth (city and country)

8. Physical Address

Street Number and Name <input type="text" value=""/>		Apt. Ste. Flr. Number
		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="text" value=""/>
City or Town <input type="text" value=""/>	County <input type="text" value=""/>	State <input type="text" value=""/>
		ZIP Code + 4 <input type="text" value=""/>
Province or Region (foreign address only) <input type="text" value=""/>	Country (foreign address only) <input type="text" value="USA"/>	Postal Code (foreign address only) <input type="text" value=""/>

Part 2. Enlistment Information

1. Where did you enlist?

City <input type="text" value="Richmond"/>	State <input type="text" value="VA"/>	Country <input type="text" value="USA"/>
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2. Have you reenlisted? Yes No

3. Where did you reenlist?

City <input type="text" value=""/>	State <input type="text" value=""/>	Country <input type="text" value=""/>
---------------------------------------	--	--

Part 9. Additional Information

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the Page Number, Part Number, and Item Number to which your answer refers; and sign and date each sheet.

1. Family Name (Last Name) Given Name (First Name) Middle Name

2. A-Number (if any) ▶ A-

3. A. Page Number B. Part Number C. Item Number

D.

4. A. Page Number B. Part Number C. Item Number

D.

5. A. Page Number B. Part Number C. Item Number

D.

6. A. Page Number B. Part Number C. Item Number

D.

Part 6. Separation Information

- 1. Is the requestor separated? Yes No
 - 2. If separated, select discharge type: Honorable Other (provide details in Part 7. Remarks)
 - 3. Was the requestor discharged on account of alienage? Yes No
- If you answer "Yes," provide details in Part 7. Remarks.

Part 7. Remarks

Provide any derogatory information in your records relating to the service member's character, loyalty to the United States, disciplinary action, convictions, other than honorable discharges, or other matters concerning his or her fitness for citizenship. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

Part 8. Certification (To be completed by Certifying Official)

I am authorized to certify that the information given here concerning the service of the person named on this request is correct according to the records of the

7457th Medical Backfill Battalion Richmond, VA 23224
Name of Department



Name and Title
Battalion Commander



Date (mm/dd/yyyy)
04/28/2017

Seal, if available (No state-issued notary public seals accepted.)

Part 3. Periods of Military Service (To be completed by requestor)

Provide all periods of service. If you need extra space to complete this section, use the space provided in **Part 9. Additional Information**.

Military Service	Branch of Service	Date Service Began (mm/dd/yyyy)	Date Service Ended (mm/dd/yyyy)	Type of Service (include all active, reserve, and National Guard Service)
Military Service 1	Army Reserve	03/31/2017		<input type="checkbox"/> Active Duty <input checked="" type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 2				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 3				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*

* Selected Reserve of the Ready Reserve Members: (1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training at least 14 days a year or (2) participate in training at encampments, maneuvers, outdoor target practice, or other exercises at least 15 days each year. (10 U.S.C. 10143)

Part 4. Requestor's Contact Information, Certification, and Signature

Requestor's Contact Information

- Requestor's Daytime Telephone Number
- Requestor's Mobile Telephone Number (if any)
- Requestor's Email Address (if any)

Requestor's Certification

I authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that the information in my request and any document submitted with my request were provided by me and are complete, true, and correct.

Requestor's Signature

- Requestor's Signature
- Date of Signature (mm/dd/yyyy)

NOTE TO ALL REQUESTORS: USCIS may deny your request if you do not completely fill out this request or fail to submit required documents listed in the instructions.

Part 5. Character of Service (To be completed by Certifying Official)

State whether the requestor served honorably or is currently serving honorably for each period of military service the requestor served (refer to **Part 3. Periods of Military Service**). If you answer "No," provide details in **Part 7. Remarks**.

- Honorable Period of Military Service 1 Yes No
- Honorable Period of Military Service 2 Yes No
- Honorable Period of Military Service 3 Yes No



**Request for Certification
of Military or Naval Service**

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form N-426
OMB No. 1615-0053
Expires 08/31/2017

Persons who are serving or have served under specified conditions in the U.S. Armed Forces are granted certain exemptions from the general requirements for naturalization. To establish eligibility, the law requires the department with custody of the service record to certify whether the service member served honorably, and whether each separation from the service was under honorable conditions. USCIS requests certification of the service member's military service. Recruiters are **not** authorized to certify this request. **Submit this request with Form N-400, Application for Naturalization.**

Instructions: Requestors must complete **Parts 1 - 4**. Certifying officials must complete **Parts 5 - 8**.

Part 1. Information About You

1. Alien Registration Number (A-Number) (if any) 2. Military Service Number
▶ A- [REDACTED] [REDACTED]

3. Names Used During Military Service
List all names you have used, including your maiden name (if any). If you need extra space to complete this section, use the space provided in Part 9, Additional Information.
Family Name (Last Name) Given Name (First Name) Middle Name
[REDACTED] [REDACTED] [REDACTED]

4. U.S. Social Security Number (if any) 5. USCIS ELIS Account Number (if any) 6. Date of Birth (mm/dd/yyyy)
▶ [REDACTED] ▶ [REDACTED] [REDACTED]

7. Place of Birth (city and country)
[REDACTED]

8. Physical Address
Street Number and Name Apt. Ste. Flr. Number
[REDACTED] [REDACTED] [REDACTED]
City or Town County State ZIP Code + 4
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Province or Region (foreign address only) Country (foreign address only) Postal Code (foreign address only)
[REDACTED] USA [REDACTED]

Part 2. Enlistment Information

1. Where did you enlist? Meets CIS Requirements
City State Country
BOSTON MA UNITED STATES
DEC 15 2016
PRL/NBC

2. Have you reenlisted? Yes No

3. Where did you reenlist?
City State Country
[REDACTED] [REDACTED] [REDACTED]

Part 3. Periods of Military Service (To be completed by requestor)

Provide all periods of service. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

Military Service	Branch of Service	Date Service Began (mm/dd/yyyy)	Date Service Ended (mm/dd/yyyy)	Type of Service (include all active, reserve, and National Guard Service)
Military Service 1	USAR	03/31/2016		<input type="checkbox"/> Active Duty <input checked="" type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 2				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 3				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*

* Selected Reserve of the Ready Reserve Members: (1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training at least 14 days a year or (2) participate in training at encampments, maneuvers, outdoor target practice, or other exercises at least 15 days each year. (10 U.S.C. 10143)

Part 4. Requestor's Contact Information, Certification, and Signature

Requestor's Contact Information

- Requestor's Daytime Telephone Number
- Requestor's Mobile Telephone Number (if any)
- Requestor's Email Address (if any)

Requestor's Certification

I authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that the information in my request and any document submitted with my request were provided by me and are complete, true, and correct.

Requestor's Signature

- Date of Signature (mm/dd/yyyy)

NO [REDACTED] if you do not completely fill out this request or fail to submit required documents listed in the instructions.

Part 5. Character of Service (To be completed by Certifying Official)

State whether the requestor served honorably or is currently serving honorably for each period of military service the requestor served (refer to Part 3. Periods of Military Service). If you answer "No," provide details in Part 7. Remarks.

- Honorable Period of Military Service 1 Yes No
- Honorable Period of Military Service 2 Yes No
- Honorable Period of Military Service 3 Yes No

Part 6. Separation Information

- 1. Is the requestor separated? Yes No
 - 2. If separated, select discharge type: Honorable Other (provide details in Part 7. Remarks)
 - 3. Was the requestor discharged on account of alienage? Yes No
- If you answer "Yes," provide details in Part 7. Remarks.

Part 7. Remarks

Provide any derogatory information in your records relating to the service member's character, loyalty to the United States, disciplinary action, convictions, other than honorable discharges, or other matters concerning his or her fitness for citizenship. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

NONE

ENP

Part 8. Certification (To be completed by Certifying Official)

I am authorized to certify that the information given here concerning the service of the person named on this request is correct according to the records of the

325th TRANSPORTATION COMPANY

Name of Department

Name and Title

ISG

Email Address (if any)

Date (mm/dd/yyyy)

12/03/2016

Seal, if available (No state-issued notary public seals accepted.)



Request for Certification of Military or Naval Service

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form N-426
OMB No. 1615-0053
Expires 08/31/2017

Persons who are serving or have served under specified conditions in the U.S. Armed Forces are granted certain exemptions from the general requirements for naturalization. To establish eligibility, the law requires the department with custody of the service record to certify whether the service member served honorably, and whether each separation from the service was under honorable conditions. USCIS requests certification of the service member's military service. Recruiters are **not** authorized to certify this request. **Submit this request with Form N-400, Application for Naturalization.**

Instructions: Requestors must complete **Parts 1 - 4**. Certifying officials must complete **Parts 5 - 8**.

Part 1. Information About You

1. Alien Registration Number (A-Number) (if any) 2. Military Service Number
 ▶ A-

3. Names Used During Military Service
 List all names you have used, including your maiden name (if any). If you need extra space to complete this section, use the space provided in **Part 9, Additional Information**.

Family Name (Last Name)	Given Name (First Name)	Middle Name
<input type="text"/>	<input type="text"/>	<input type="text"/>

4. U.S. Social Security Number (if any) 5. USCIS ELIS Account Number (if any) 6. Date of Birth (mm/dd/yyyy)
 ▶ ▶

7. Place of Birth (city and country)

8. Physical Address

Street Number and Name <input type="text"/>	Apt. <input type="checkbox"/>	Ste. <input type="checkbox"/>	Flr. <input type="checkbox"/>	Number <input type="text"/>
City or Town <input type="text"/>	County <input type="text"/>	State <input type="text"/>	ZIP Code + 4 <input type="text"/>	
Province or Region (foreign address only) <input type="text"/>	Country (foreign address only) USA	Postal Code (foreign address only) <input type="text"/>		

Part 2. Enlistment Information

1. Where did you enlist?

City <input type="text"/>	State <input type="text"/>	Country <input type="text"/>	N-426 <small>and Regulation</small> Meets CIS Requirements MAR 21 2017 <i>MVA</i> <i>BO</i>
<input type="text"/>	<input type="text"/>	<input type="text"/>	

2. Have you reenlisted? Yes No

3. Where did you reenlist?

City <input type="text"/>	State <input type="text"/>	Country <input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Part 3. Periods of Military Service (To be completed by requestor)

Provide all periods of service. If you need extra space to complete this section, use the space provided in **Part 9. Additional Information**.

Military Service	Branch of Service	Date Service Began (mm/dd/yyyy)	Date Service Ended (mm/dd/yyyy)	Type of Service (include all active, reserve, and National Guard Service)
Military Service 1	Army	04/08/2016		<input type="checkbox"/> Active Duty <input checked="" type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 2				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*
Military Service 3				<input type="checkbox"/> Active Duty <input type="checkbox"/> Selected Reserve of the Ready Reserve*

* Selected Reserve of the Ready Reserve Members: (1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training at least 14 days a year or (2) participate in training at encampments, maneuvers, outdoor target practice, or other exercises at least 15 days each year. (10 U.S.C. 10143)

Part 4. Requestor's Contact Information, Certification, and Signature

Requestor's Contact Information

- Requestor's Daytime Telephone Number
- Requestor's Mobile Telephone Number (if any)
- Requestor's Email Address (if any)

Requestor's Certification

I authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that the information in my request and any document submitted with my request were provided by me and are complete, true, and correct.

Requestor's Signature

- Requestor's Signature Date of Signature (mm/dd/yyyy)

NOTE TO ALL REQUESTORS: USCIS may deny your request if you do not completely fill out this request or fail to submit required documents listed in the instructions.

Part 5. Character of Service (To be completed by Certifying Official)

State whether the requestor served honorably or is currently serving honorably for each period of military service the requestor served (refer to **Part 3. Periods of Military Service**). If you answer "No," provide details in **Part 7. Remarks**.

- Honorable Period of Military Service 1 Yes No
- Honorable Period of Military Service 2 Yes No
- Honorable Period of Military Service 3 Yes No

Part 6. Separation Information

- 1. Is the requestor separated? Yes No
 - 2. If separated, select discharge type: Honorable Other (provide details in Part 7. Remarks)
 - 3. Was the requestor discharged on account of alienage? Yes No
- If you answer "Yes," provide details in Part 7. Remarks.

Part 7. Remarks

Provide any derogatory information in your records relating to the service member's character, loyalty to the United States, disciplinary action, convictions, other than honorable discharges, or other matters concerning his or her fitness for citizenship. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

Part 8. Certification (To be completed by Certifying Official)

I am authorized to certify that the information given here concerning the service of the person named on this request is correct according to the records of the

unit Personnel Records

Name of Department

Name and Title

MSG

Email Address (if any)

Date (mm/dd/yyyy)

02/22/2017

Seal, if available (No state-issued notary public seals accepted.)

Part 9. Additional Information

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the Page Number, Part Number, and Item Number to which your answer refers; and sign and date each sheet.

1. Family Name (Last Name) Given Name (First Name) Middle Name

2. A-Number (if any) ▶ A-

3. A. Page Number B. Part Number C. Item Number

D. _____

4. A. Page Number B. Part Number C. Item Number

D. _____

5. A. Page Number B. Part Number C. Item Number

D. _____

6. A. Page Number B. Part Number C. Item Number

D. _____

