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## Abuse of Title or Authority (military)

Depending on the nature of the complaint, you may submit a Commanding Officer's Request Mast chit, NAVREGS Article 1150 (Redress of Wrong Committed by a Superior), or UCMJ Article 138 (Complaint of Wrongs Against the Commanding Officer).

### What is abuse of authority?

Abuse of authority and position is an arbitrary or capricious exercise of power by a military member, federal official or employee that injures or adversely affects the rights of a subordinate by tyrannical, careless or capricious conduct or continuous and/or severe abusive language.

Abuse of position includes a wide range of subjects such as improper use of title/position/rank (see [Ethics](#)). Abuse of position may involve discrimination, i.e., creation of a hostile work environment, see Equal Employment.

**Military Members:** Many complaints are best addressed within the chain of command. For example, complaints of wrongs may be handled through the Division or Command Master Chief, Division or Department Head, Commanding Officer's Request Mast, NAVREGS Article 1150 (Redress of Wrong Committed by a Superior), UCMJ Article 138 (Complaint of Wrongs Against the Commanding Officer). Before filing an Article 138 or 1150, we recommend you consult with a Legal Officer or Judge Advocate.

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### What are the applicable statutes and regulations applicable to military members?

U. S. Navy Regulations, [Chapter 8](#), Article 802, The Commanding Officer, Responsibility of the Commanding Officer

U. S. Navy Regulations, [Chapter 10](#), Article 1023, Precedence, Authority and Command. Persons in authority are forbidden to injure their subordinates by tyrannical or capricious conduct, or by abusive language.

U.S. Navy Regulations, [Chapter 11](#), Article 1111, Pecuniary Dealings with Enlisted Persons

U. S. Navy Regulations, [Chapter 11](#), Article 1131, Requirement of Exemplary Conduct

U. S. Navy Regulations, [Chapter 11, Article 1151](#), and [OPNAVINST 3120.32C](#), Section 510.59 set forth the basic regulations for processing of request mast for military personnel.

U. S. Navy Regulations, [Article 1150](#) (Redress of Wrong Committed by a Superior) and Manual of the Judge Advocate General, Chapter 3 (Complaint of Wrongs Against the Commanding Officer)

Joint Ethics Regulation, [DoD 5500-R, Chapter 2, Section 3, 2-304, Use of Military Title by Retirees or Reserves](#)

[Uniformed Code of Military Justice](#), Article 138, Complaint of Wrongs Against the Commanding Officer

[5 C.F.R. § 2635.701 through 2635.705](#), Misuse of Position

[DoD Directive 7050.6](#), (Whistleblower Protection)

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### **To whom do you refer allegations of abuse of authority?**

Report complaints to your immediate supervisor in the chain of command. Refer to the [4-Step Hotline Complaint Procedure](#) for more information related to how to file a complaint using your chain of command.

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### **Abuse of Title or Authority (Civilian)**

Contact the Human Resource Office or the Human Resource Service Center (HRSC) that services your command for information on how to proceed.

### **What is abuse of authority ?**

Abuse of authority and position is an arbitrary or capricious exercise of power by a federal official or employee that adversely affects the rights of a subordinate by tyrannical, careless or capricious conduct or continuous and/or severe abusive language as defined by the Merit System Protection Board.

Abuse of position includes a wide range of subjects such as improper use of title/position/grade. Abuse of position may involve discrimination, i.e., creation of a hostile work environment, see [Equal Employment Opportunity](#) (EEO).

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### **What are the statutes and regulations applicable to Navy civilian employees?**

- [Joint Ethics Regulation](#)

DoD 5500.7-R: Use of - Section 2-304, M

- [Alternative Dispute Resolution \(ADR\)](#) (Q & A for ADR on this website)

[SECNAVINST 5800.13](#)

- [Navy Administrative Grievance Procedure \(Q & A for AGP on this website\)](#)

[SECNAV Instruction 12771.1](#), Department of the Navy Administrative Grievance System

[DoD 1400.25-M](#), Subchapter 771, Administrative Grievance System

See [Civilian Personnel Matters](#) for more information about complaint resolution processes available to Navy civilian employees.

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### **To whom do you refer allegations of abuse of title, position and authority?**

Several alternatives are available to Navy civilian employees for resolving issues or conflicts in the workplace. Contact your Human Resource Office or the Human Resource Service Center (HRSC) that services your command if you have questions or wish to file a complaint. See the list of [HRSCs](#).

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## Administrative Grievance Procedure

Review the Navy's Civilian Employee Grievance System.

### What does the Administrative Grievance Procedure provide to Navy civilian employees?

The Administrative Grievance Procedure (AGP) provides an employee, or group of employees, personal relief in matters of concern or dissatisfaction related to their employment. The AGP covers employment issues that are under the control of the activity head and are not covered by statutory appeals processes.

AGP provides Navy civilian employees a process to submit a complaint and receive fair consideration, which may involve hearings, fact-finding and other information-gathering techniques. In non-union settings, the administrative grievance procedure is generally available for matters not ordinarily appealable elsewhere. See also [Alternative Dispute Resolution](#) on this website.

**Exception:** DON employees who are represented by a union are obligated to follow the grievance procedures set forth in the applicable collective bargaining agreement. Copies of those documents are available through the HRO's Labor Relations staff.

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### What regulations/statutes apply to the Department of the Navy Administrative Grievance Procedure (AGP)?

[SECNAV Instruction 12771.1](#), DON Administrative Grievance Procedure

[DoD 1400.25-M](#), Subchapter 771, Administrative Grievance Procedure

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### To whom may I submit a grievance using AGP?

DoD employees are entitled to present grievances and to communicate with supervisors or managers and officials in their servicing Civilian Personnel Office.

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### Are employees allowed to use official time to prepare a grievance?

Yes. Employees should be given a reasonable amount of official time to prepare a grievance and to communicate with management and personnel officials. Employees should also be given full access to relevant information and given copies of information if providing this information is not unduly burdensome.

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### Who is covered under AGP?

Current appropriated-fund, non-bargaining unit DoD employees (defined in 5 U.S.C. 2105 (reference c))

- DoD employees with respect to matters arising during their previous employment at the activity, provided a remedy is available consistent with applicable law and regulation.
- Bargaining unit employees if a matter covered by AGP cannot be grieved under a negotiated grievance procedure (NGP) because an NGP is not in effect at the time or because it does not cover the matter being grieved.

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**Who/what is not covered under AGP?**

- Reinstatement and transfer eligible's who have applied for a position under a merit promotion program.
- Non-citizens recruited overseas and appointed to overseas positions.
- Non-appropriated fund employees.

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**How does the problem solving process work?**

DoD employees are encouraged to resolve problems by first presenting an **informal** complaint to their immediate supervisor. If the problem stems from action/inaction of the immediate supervisor, the employee may present the matter to the next level supervisor.

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**Is there a time limit within which to present the issue for resolution using the problem solving technique?**

Yes. The employee must present the problem within 15 days following the date or event that the employee believes created the problem, or the date the employee became aware of (or reasonably should have become aware of) the act or event. If the problem persists over a period of time, the employee may present it at any time.

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**Is there a time limit within which the supervisor must address the problem presented by an employee?**

Yes. The supervisor must attempt to resolve the problem within 5 days, and no later than 30 days, from the date the problem is first brought to the supervisor's attention, even though it may not be covered by grievance process. These time limits may be extended by mutual agreement of all parties.

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**Does the problem have to be submitted in writing?**

No. However, if the employee submits the complaint in writing, the supervisor must respond in writing.

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**How does the formal complaint process work?**

An employee may file a formal, written grievance with the designated deciding official (or any official designated to accept grievances on behalf of the deciding official) when the problem is not solved using the problem-solving process, or if the employee chooses to bypass that process and invoke the grievance process.

If the employee already used the problem-solving process, he/she must file a grievance no later than 15 days from the conclusion of that process; otherwise, the employee present the problem within 15 days following the date or event that the employee believes created the problem, or the date the employee became aware of (or reasonably should have become aware of) the act or event.

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**What information must the employee present in his/her formal grievance?**

- A sufficiently detailed statement of specific issue(s)
- The specific remedy sought
- Copies of any documents related to the grievance

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**May an employee raise an issue previously raised in another grievance, appeal, complaint, or other dispute resolution process?**  
No.

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**How much time does the deciding official have to make a decision regarding the grievance?**

Generally, no more than 60 days from the filing of the grievance except under circumstances that the parties agree to extend the time limit to accommodate resolution of the dispute. If the deciding official does not render a decision within 90 days, the grievant may request a review by higher authority.

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**Is the deciding official's decision regarding to the merits of the grievance final?**

Yes. The deciding official's decision on the merits of the grievance is final and not subject to further review.

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**Who should I contact for more information about the how to file a grievance?**

Your local Human Resource Office or Human Resource Service Center.

**Websites:**

Navy [HRO reference library](#)

[Civilian Human Resource Library](#)

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## **Administrative Separation**

Contact the Naval Legal Service Office for advice.

**What is an Administrative Separation from naval service?**

Separation is a general term that includes discharge, release from active duty, transfer to the Fleet Reserve or Retired List, release from custody and control of the military services, transfer to the Individual Ready Reserve (IRR), and like changes in active or reserve status.

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**What is an Administrative Separation Board or Board of Inquiry?**

Administrative Separation Boards (Admin Boards) and Boards of Inquiry (BoI) are forums in which a member of the military service may be processed for an administrative discharge. They are not punitive in nature

- Admin Boards are for enlisted personnel and are governed by Chapter 19 of the Naval Military Personnel Manual (MILPERSMAN) for the Navy, Chapter 12 of the Coast Guard Personnel Manual, or the Marine Corps Enlisted

Separations Manual (MARCORSEPMAN) for the Marine Corps.

- BOIs are governed by SECNAVINST 1920.6B.

The Board's determination about whether misconduct occurred is based upon a preponderance of the evidence standard. The Board **is not** bound by a finding of guilty at a prior mast proceeding; however, the Board **is** bound if the service person has been convicted at a court-martial or by a civilian court and processed for commission of a serious offense referring to the same misconduct.

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### **What are the applicable rules, standards, regulations pertaining to administrative separations?**

[SECNAVINST 1910.4B](#), Enlisted Administrative Separations\_

[SECNAVINST 1920.6B](#), Administrative Separation of Officers

[MILPERSMAN section 1920](#), for officers

[MILPERSMAN section 1910](#), for enlisted

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### **What are the two types of separations given by the Navy to enlisted members?**

Punitive discharge and administrative separation. Different rules apply to officer separations.

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### **What are the types of administrative discharges?**

There are four types of administrative separations: honorable, general under honorable conditions, other than honorable, and entry level separation.

The type and characterization of the separation received may affect your veteran's benefits, future enlistment in the military, or civilian employment.

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### **What should I do if I am told I am being processed for Administrative Separation?**

When you are notified that you are being processed for administrative separation, you have a right to consult with counsel. You may have the right to request an administrative separation board, which is a hearing to fight the separation or characterization, or the right to request review of the decision to process you for separation.

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### **What is the difference between an Administrative Separation Code and a Reenlistment Code?**

Administrative Separation Codes and Reenlistment Codes are not the same. Administrative Separation Codes are used to represent the reason the service member is leaving the military service, i.e., 213, Discharge for retirement as an officer. The reenlistment codes represent an enlisted member's ability to return to military service, i.e., RE-1, fully qualified for reenlistment versus RE-4, ineligible for reenlistment.

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### Does the IG investigate matters involving Administrative Separations?

No. A military member who has been administratively separated must first attempt to resolve the issue through the chain of command before bringing the matter to the attention of the Board for Correction of Naval Records (read more about the [Board for Correction of Naval Records](#)). (use back arrow to return)

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### Where can I find more information about Administrative Separations?

Contact your Naval Legal Service Office or Staff Judge Advocate to discuss your Administrative Separation.

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### To whom do I submit a complaint about an Administrative Separation?

If your command has notified you that you are being processed for an Administrative Separation contact your Naval Legal Service Office or Staff Judge Advocate. The General Court Martial Authority has review authority of proposed Administrative Separations.

If you believe you were improperly separated from the Naval service, contact the Board for Correction of Naval Records.

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### Where can I get more information about Administrative Separations?

[BCNR website](#)

**BCNR's Voice #:** (703) 614-1402

**BCNR's DSN #:** 224-1402 or 224-9857

**BCNR's FAX #:** (703) 614-9857

#### **Mailing Address:**

Board for Correction of Naval Records  
2 Navy Annex, Room 2432  
Washington, DC 20370-5100

See also, Naval Discharge Review Board.

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**Adverse Personnel Action (military)**

Appeal Adverse Personnel Actions using the processes outlined under [Adverse Personnel Action](#).

Report an Adverse Personnel Action taken in retaliation for other complaints you made to DoD IG or the Naval Inspector General. See Whistleblower.

### **What is an adverse personnel action?**

Administrative or disciplinary action to include bad evaluations, letters of caution, removal from a supervisory position, non-judicial punishment (NJP), court-martial, and detachment for cause.

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### **Does the IG investigate adverse personnel actions?**

The IG will consider a case for investigation only when coupled with a non-frivolous allegation that the chain of command is unable or unwilling to address the matter fairly and impartially. The fact that an individual believes he/she has been "wronged" by the "system" and is dissatisfied with the outcome of a decision or appeal is not itself sufficient basis to justify an IG investigation. Marine Corps IGs are not ombudsmen or advocates for individuals. Nor are we a substitute for using a DON chain of command dispute/resolution system.

Generally, Marine Corps IGs refer complainants to other redress or appeal channels as provided by specific law or regulation. However, we do reserve the right to investigate any matter brought to our attention.

See more information about processes available to resolve the following issues: (use back arrow to return)

- [Fitness Reports and Evaluations](#)
- [Non-Judicial Punishment](#)
- [Show Cause](#)
- [Detach for Cause](#)
- [Request Mast](#)
- [Complaint of Wrongs Against the Commanding Officer](#)
- [Redress of Wrongs Committed by a Superior](#)
- [Administrative Separation](#)

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### **Under what circumstances will the IG investigate a complaint concerning an adverse personnel matter?**

The IG will consider conducting an investigation into an adverse personnel matter only when coupled with a non-frivolous allegation that the chain of command is unable or unwilling to address the matter fairly and impartially for reasons related to conflicts of interest or personal impropriety, such as reprisal for Whistleblowing or cooperating with an investigation. We will also consider the matter for investigation if the complainant can provide evidence that the command committed a significant error or omitted essential and material facts that would substantially affect the outcome of the decision.

If you feel an adverse personnel action was taken in retaliation for other complaints you made, review the information on this website about [Whistleblower Protection](#).

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### **What other processes are available to me to complain about an adverse personnel action?**

#### **Officer**



[NAVREGS 1122](#), Adverse Matter in Officer Fitness Reports and Enlisted Performance Evaluation Reports

[BUPERS INSTRUCTION 1610.10](#), Navy Performance Evaluation and Counseling System

## **Enlisted**

[MILPERSMAN 1160-050](#), Voluntary or Involuntary Extension of Enlisted Personnel Beyond Expiration of Enlistment, Fulfillment of Service Obligation, or Expiration of Tour of Active Service.

[MILPERSMAN 1160-040, Extension of Enlistments](#)

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### **To whom do I submit a complaint about an adverse personnel action?**

Depending on the process you chose above to address your complaint. Generally, these processes have built-in appeal processes.

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### **Adverse Personnel Action (Civilian)** *(see also Civilian Personnel Matters)*

Contact the Human Resource Office or the Human Resource Service Center (HRSC) that services your command for information on how to proceed.

### **What is an adverse personnel action?**

Any disciplinary action.

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## Adultery

Report offenses to personnel within the chain of command authorized to receive complaints.

### What are the applicable regulations?

For **military members**, adultery is charged under this general regulation:

[Uniform Code of Military Justice, Article 134](#)

Adulterous relationships between DoD civilian employees or a DoD civilian and a military member (other than Flag Officers, Commanding Officers, and Senior Executive Service Personnel) fall under the following:

[Standards of Conduct for Executive Branch Employees](#), 5 C.F.R. Part 2635

[DoD Directive 5500.7-R](#), Office of Government Ethics Regulation "Standards of Ethical Conduct for Employees in the Executive Branch"

For DoD civilians, adultery is not actionable unless the behavior is work-related.

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### To whom do I report violations?

Report allegations of adultery to anyone in the chain of command authorized to take complaints.

Fraternization is defined as a personal relationship between an officer and enlisted member that has crossed the boundary of a senior-subordinate working relationship and doesn't respect differences in grade or rank. Such relationships are prejudicial to good order and discipline and violate long-standing traditions of the naval service.

The Navy and Marine Corps prohibit personal and business relationships between officers and enlisted members, calling them prejudicial to good order and discipline. Personal relationships include dating, cohabitation and any sexual relationship. Business relationships include loaning and borrowing money and business partnerships.

The policy also covers relationships between enlisted members and between officers. It puts chiefs (E-7 through E-9) in a separate personnel category and prohibits them from personal relationships with enlisted members E-1 through E-6 in the same command.

**Exception:** Allegations concerning Flag Officers, Commanding Officers, and Senior Executive Service Personnel should be submitted to the IGMC.

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## Alcohol and Drug Related Problems

If an employee is abusive in the workplace and the behavior is associated with drug/alcohol abuse, report the matter to the employee's immediate supervisor.

If you know someone that is experiencing problems in the workplace related to drug/alcohol abuse contact the command Drug and Alcohol Program Advisor (DAPA).

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**What are the applicable instructions that addresses drug and alcohol abuse prevention?**

[OPNAVINST 5350.4C, Drug and Alcohol Abuse Prevention and Control](#)

NAVMC 2931, Drug and Alcohol Abuse Prevention

[MCO P1700.24B, Paragraph 3011, Personal Serviced Manual](#)

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**What is the applicable Navy instruction that addresses possession or use of alcoholic beverages on board any ship, craft, aircraft, or vehicle of the Department of the Navy?**

U.S. Navy Regulations, Article 1162, Alcoholic Beverages

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**Who do I contact regarding alcohol/drug related problems in the workplace?**

If your supervisor is **abusive in the workplace** and known to have an alcohol/drug related problem, refer your complaint to his/her immediate supervisor in the chain of command.

If someone has an alcohol/drug related problem that affects his/her ability to perform the job, contact the command Substance Abuse Counseling Officer (SACO).

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### **Alternate Dispute Resolution (ADR)**

Contact the Human Resource Office, Human Resource Service Center, or ADR Regional Coordinator, for information and guidance as to how to proceed.

**What is Alternative Dispute Resolution?**

Any procedure which is used in lieu of a formal process or litigation to resolve conflicts and issues in controversy, including, but not limited to, partnering, conciliation, facilitation, mediation, ombudsmanship, fact finding, mini-trials, neutral evaluation, and arbitration or any combination thereof. The Department of the Navy highly recommends employees use ADR as a means of solving problems.

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**What regulations/statutes apply to Alternative Dispute Resolution?**

**What kind of issues can be raised using Alternative Dispute Resolution?**

Any issue where there is disagreement between the DON and a person(s) outside the department or between two or more persons within the department.

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**What are the 8 principles of conflict resolution?**

1. Think before reacting
2. Listen attentively
3. Assure a fair process
4. Attack the problem
5. Use direct communication
6. Look for interests
7. Focus on the future
8. Options for mutual gain

Learn more about these [principals of conflict resolution](#)

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**Who can use Alternative Dispute Resolution?**

All DON employees.

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**What are some Alternative Dispute Resolution techniques?**

The use of a neutral third party a facilitator; seeking advice from the neutral third party, or use the neutral third party as a decision-maker. See more ADR techniques on the [Office of Civilian Human Resources website](#).

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**How do I obtain more information about Alternative Dispute Resolution?**

List of [regional Alternative Dispute Resolution Coordinators](#) on the [Department of the Navy's Alternative Dispute Resolution website](#).

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Report ADA violations to your chain of command within 10 working days of the possible violation. The chain of command is responsible for reporting ADA violations to the Financial, Management, and Comptroller ( FM & C.)

### **What is the Antideficiency Act?**

The Antideficiency Act is the basic federal fiscal law preventing the over expenditure of funds. The Act was established by Congress to make it illegal to spend more money than was available in an appropriation.

See the [Antideficiency Act Quiz](#) prepared by Naval Sea Systems Command to train you how to recognize an Antideficiency Act violation.

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### **What statutes/regulations apply to Antideficiency Act violations?**

[DoD Instruction 7000.14](#), "DoD Financial Management Policy and Procedures" established the criteria for enforcing requirements, principles, standards, systems, procedure, and practices necessary to comply with financial management statutory and regulatory requirements applicable to DoD.

[SECNAVINST 7000.27](#), Comptroller Organizations (Outlines Commanding Officer's responsibility for having a system of administrative controls on obligations and expenditures from each appropriation.)

[31 U.S.C. §§ 1341](#), Limitations on Expending and Obligating Amounts at the Appropriation Level

31 U.S.C. 1342, Limitation on Voluntary Services

31 U.S.C. 1349 - 1351, Disciplinary Action, Criminal Penalties, Reports

31 U.S.C. 1517, May not Obligate or Expend More Funds than Apportioned

31 U.S.C. 1518-1519, Disciplinary Action Criminal Penalties

Related Statutes:

31 U.S.C. 1301(a) Must Use Correct Appropriation

31 U.S.C. Bona Fide Need

10 U.S.C. 2805, Unspecified Minor Construction Thresholds

[More information on this website](#) about how Antideficiency Act violations occur, the law, and training to recognize a violation. (use back arrow to return)

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### **What are the leading causes of an Antideficiency Act violation?**

- Expense/investment criteria
- Minor construction/family housing
- Availability as to purpose
- Exceeding authorized amount
- Obligations in advance of an appropriation
- Bona fide needs

- Upward obligation adjustments
- Obligating documents not recorded
- Someone not doing their job properly

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**What action does the Naval Inspector General take upon receipt of a potential Antideficiency Act violation?**

Upon receipt of a complaint that alleges potential violations of the Antideficiency Act, USMC IG either conducts a preliminary inquiry or tasks the Echelon 2 command to conduct a preliminary inquiry into the circumstances surrounding the complaint.

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**Where can I find more information about Navy policy regarding preventing and investigating ADA violations?**

[DoD FMR](#)

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**Who should I contact if I become aware of a potential Antideficiency Act violation?**

Report ADA violations to your chain of command within 10 working days of the possible violation.

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**Appearance of Impropriety****What is appearance of impropriety?**

Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

The appearance of impropriety means that an ordinary person, without knowledge of the facts, would assume that something he/she saw or heard was inappropriate or a violation of a rule/regulation.

For instance, an individual who observes a government vehicle at a private storage facility may assume the driver is using a government vehicle for personal use. However, a person with knowledge of the facts or circumstances may know that the driver is picking up government property stored at the warehouse.

Based on this standard, before you submit a complaint, you should have sufficient information in support of your allegation to meet the "reasonable man standard."

Violations which fall under this category generally are ethics or standards of conduct violations.

**The appearance of impropriety only applies if the wrongdoing does not violate a specific law/rule/regulation.**

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**What are the applicable statutes/regulations?**

[Standards of Ethical Conduct for Employees of the Executive Branch](#)

[5 C.F.R. 2635, 101\(b\)\(14\)](#)

[DoD Directive 5500.7-R](#), Section 2-100 and 5-300 through 303, Office of Government Ethics Regulation "Standards of Ethical Conduct for Employees in the Executive Branch"

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**Who should I contact if I want to submit a complaint regarding appearance of impropriety?**

Refer to the chain of command before bringing the matter to the attention of the local Command Inspector General.

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**Awards and Medals (Military)**

Bring the issue to the attention of the chain of command, i.e. Commanding Officer, Director, or Supervisor.  
Contact the Board for Correction of Naval Records (if discharged).

**What are the statutes/regulations pertaining to inquiries about service awards?**

[SECNAV Instruction 1650.1F](#), Navy and Marine Corps Awards Manual

Personal awards fall under the purview of the Commanding Officer, Director or Supervisor. Personal awards are not an entitlement. Questions regarding the status of an award should be directed to the chain of command.

Unit award information may be obtained from the [Chief of Naval Operations, Awards and Special Projects Branch website](#) at the following address:

Chief of Naval Operations  
Awards and Special Projects Branch (Code N09B33)  
2000 Navy Pentagon  
Washington DC 20350-2000

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**How do Veterans obtain replacement medals?**

Veterans are entitled to one replacement set of their medals. To request medals, send a Standard Form 180, to the address below. Please write, "Do not open in mailroom" on the outer envelope. The form may be obtained from the [National Personnel Record Center website](#).

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**Who do I contact if I have a question or concern about an award or medal?**

Bring complaints regarding awards and medals to the attention of your chain of command, i.e., Commanding Officer, Director, or Supervisor.

If you are no longer assigned to the command, see information about which office to contact. See [Complaint Processes \(BCNR\)](#).

Chief of Naval Operations webpage publishes information about unit awards and whether or not you qualify.

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### **Awards (Navy Civilian Employees)**

Bring the issue to the attention of your local Human Resource Office.

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### **Basic Allowance for Housing (BAH)**

If you are military member who has questions regarding BAH issues,

seek assistance from your consolidated administrative support unit or through your chain of command.

Report fraudulent receipt of BAH to your chain of command or to the local Command Inspector General.

### **What is BAH?**

BAH is compensation for housing costs to a military member based on geographic duty location, pay grade, and dependency status. The intent of BAH is to provide uniformed service members accurate and equitable housing compensation based on housing costs in local civilian housing markets, and is payable when government quarters are not provided.

Misuse of BAH occurs when a military member improperly receives housing compensation when he/she is not entitled to it based on current status, i.e., married, single, location, etc.

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### **How do I determine how much I should be receiving in BAH?**

[BAH Rates](#) based on zip code.

[BAH information](#) regarding junior enlisted married military members.

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### **What rules/regulations/statutes apply to BAH?**



DoD Financial Management Regulation, Volume 7A, Chapter 26, [Basic Allowance for Housing](#)

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**Who do I contact regarding allegations of BAH fraud?**

Report the allegation to the Commanding Officer or to the local Command Inspector General.

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**Behavioral Health Issues**

If you need immediate assistance or if you know someone who needs assistance, contact the chain of command (Chaplain, unit 1stSgt or SgtMaj) or any of the crisis hotlines.

**Does the Department of the Navy (DON) maintain a crisis phone line for callers in need of immediate assistance?**

DON does not maintain a 24-hour crisis phone line.

However, if you need immediate help you should call 911. If you need assistance during working hours contact your Fleet and Family Service Center or the appropriate local authority. The Fleet and Family Service Centers offer trained professional help to assist Navy members and their families in need. Review the [List of Navy Fleet and Family Service Centers](#) and contact the one nearest you for assistance. If you are not located near a Navy military installation, you may want to contact the nearest [Family Service Center](#).

If you need assistance during off-duty hours, you should contact the appropriate local authority.

**Suicide Hotline:** Call the National Hopeline Network at 1-800-Suicide (1-800-784-2433).

**Rape:** Contact your Local Area Rape Crisis Center which you can locate in the are telephone directory, by contacting the local police, or by entering your zip code and state at <http://www.rainn.org/counseling.html>.

National Sexual Assault Hotline 1-800-656-HOPE

**Domestic Violence:** National Domestic Violence Hotline at 1-800-799-7233 or 1-800-787-3244 (TTY)

**Child Abuse:** National Child Abuse Hotline at 1-800-422-4453

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**What are the applicable Navy regulations?**

**Suicide Prevention:**

- 021127Z SEP 03 [NAVADMIN 242/03](#), Subject: Suicide Prevention

- [NAVADMIN 192/03](#) Subject: New Navy Suicide Prevention Video

**Tobacco Cessation:**

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[SECNAVINST 5100.13C](#), Navy and Marine Corps Tobacco Policy

ALNAV 131/93 -Smoking Policy for DoN Spaces

NAVOP 991/94 - Smokeless Tobacco Policy

[OPNAV 6100.2](#), Health Promotion Program

Other Health Promotion Instructions are available at the [Navy Environmental Health Center website](#).

### **Coping with Traumatic Events:**

The [BUPERS Website](#) offers assistance and training materials to commands and military members and their families.

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### **Who do I call for assistance?**

The Bureau of Naval Personnel provides information on its website, <http://www.bupers.navy.mil>, to assist military members and their families with health-related issues such as suicide prevention, stress management, depression, tobacco cessation, physical readiness, and coping with traumatic events.

If you or someone you know assigned to the Navy wishes to seek help regarding any of these issues, contact BUPERS at the numbers listed below. Someone will provide you assistance or direct you to the appropriate office.

For assistance with issues related to suicide prevention, stress, tobacco cessation, etc., contact the Navy Personnel Command:

Navy Personnel Command  
Behavioral Health PERS 601  
5720 Integrity Dr  
Millington, TN 38055-6010

**Voice:** (901) 874-4256; DSN 882-4256

**Fax:** (901) 874-6839; DSN 882-6839

**E-mail:** [p601b@bupers.navy.mil](mailto:p601b@bupers.navy.mil)

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### **Board of Correction for Naval Records**

BCNR reviews all re-enlistment codes, all general courts-martial discharges, all physical or medical disability discharges, administrative discharges over 15 years old and Summary and Special Courts-Martial discharges over 15 years old.

#### **What is the Board for Correction of Naval Records?**

The "Board" is composed of senior level employees of the Navy department appointed by the Secretary's designee for BCNR matters, the Assistant Secretary for Manpower and Reserve Affairs. The Board consists of a Chairman and approximately 45 members.

BCNR reviews all re-enlistment codes, all general courts-martial discharges, all physical or medical disability discharges,

administrative discharges over 15 years old and Summary and Special Courts-Martial discharges over 15 years old. Requests for a change of a Navy reenlistment code must be submitted first to the Bureau of Naval Personnel (Pers-254). Requests involving Marine Corps reenlistment codes should first be sent to Headquarters Marine Corps (Code MMER).

Requests by Marine Corps personnel to remove or change of a fitness report must be submitted first to the Performance Evaluation Review Board at Headquarters Marine Corps in accordance with MCO 161O.11A (NOTAL).

Applications for correction of a record must be filed within 3 years after discovery of the alleged error or injustice.

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### **What are the applicable statutes/regulations?**

The Secretary of the Navy is authorized under 10 U.S.C. § 1552, as implemented by SECNAVINST 5420.193, to correct Navy members' service records when "necessary to correct an error or remove an injustice." This includes fitness reports, performance evaluations, courts-martial, punitive letters, derogatory information, etc.

The instruction includes an overview of the application procedures, an application form (DD Form 149), and a guide to assist in completion of the form.

[U.S. Navy Regulations Article 1126](#), Correction of Naval Records

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

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### **What is the mission of BCNR?**

To hear and adjudicate claims of present and former members of the Navy and Marine Corps.

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### **What is the function of BCNR?**

The function of the Board is to consider applications properly before it for the purpose of determining the existence of an error or injustice and, when appropriate, to make recommendations to the Secretary and to make final determinations on matters delegated to the Board.

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### **What kinds of issues does BCNR review?**

With respect to administrative and special courts-martial discharges, BCNR is the highest level of review within the Department of the Navy. It is the "court of last review".

**You must first attempt to resolve your issue at the lowest level before making application to BCNR for relief.** Applications that cannot be corrected in the normal chain of command or through other administrative action come before the board for possible review.

Navy and Marine Corps members who request review or upgrade of a discharge should seek redress from BCNR for all reenlistment codes, general court martial discharges and ALL discharges older than 15 years. For administrative and special courts-martial discharges within 15 years you should request review from the Naval Discharge Review Board (NDRB).

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### **What issues does BCNR take for final action?**

**SECNAV gave BCNR authority to take final action on the following issues:**

1. Leave adjustments (including restoration of leave, election of cash settlement for unused leave vice election to carry forward unused leave to a new enlistment or vice versa).
2. Retroactive advancements (enlisted).
3. Enlistment/re-enlistments in higher grades.
4. Entitlement to basic allowances for subsistence's including commuted rations), family separation allowance, travel allowance (including dislocation allowance, dependents' travel, member's own travel expenses; temporary lodging, housing, cost of living, evacuation, mileage and trailer allowances; shipment of privately owned vehicle and household goods and per diem).
5. Survivor Benefit Plan, Retired Servicemen's Family Protection Plan elections.
6. Physical disability retirements (including discharge for physical disability with severance pay).
7. Service re-enlistment/variable re-enlistment and proficiency pay entitlements. Regular re-enlistment and combat arms enlistment bonuses.
8. Changes in home of record.
9. Reserve participation/retirement credits.

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**What issues does the Secretary of the Navy take for final action?**

- **Contracts and Pay**

10. Entitlement to three months constructive service (show discharged and re-enlisted within three months of normal end of obligated service).
11. Change term of enlistment contract (enlisted and officer).
12. Change date of discharge, length of service, etc. (for entitlement to Veterans Administration benefits) and other changes in discharge or enlistment dates.
13. Allowances listed in Department of Defense, Military Pay and Allowances entitlement Manual and Joint Travel Regulations (including basic allowance for quarters, clothing allowance for enlisted members and uniform and equipment allowances for officers).
14. Special pay items listed in DoD PM including medical, dental and optometry pay, continuation pay for medical officers, variable incentive pay for medical officers, foreign duty pay, diving duty pay continuation pay for nuclear qualified officers and enlisted).
15. Incentive pay items listed in DoD PM (including flight pay, aviation career incentive pay, submarine pay, parachute duty pay , flight deck duty pay , experimental stress duty pay and leprosarium duty).
16. Readjustment pay.
17. Severance pay (other than disability).
18. Miscellaneous payments listed in Dodd PM (including contract cancellation pay and allowances, lump-sum reserve bonus, contract surgeons and allowance for recruiting expenses).

19. Other pay cases; changing USN to USNR or vice versa.

- **Removal of Material**

20. Remove officer fitness report (memo required) and or failure of selection.

21. Remove FITREP on file; (no memo required).

22. Remove letter of reprimand or other derogatory material. Remove medical diagnosis/miscellaneous medical material. Remove derogatory material (show not previously considered for promotion).

22. Remove failure of selection (show not previously considered for promotion).

24. Remove or modify Navy petty officer or Marine non-commissioned officer evaluation reports. remove enlisted fitness reports (Marine) and be considered for remedial promotion board.

25. Delete or modify conduct marks.

26. Expunge record of non-judicial punishment.

27. Show not reduced in rank/rate.

28. Remove mark of desertion; change absent without leave or desertion status.

29. Review clemency discharge.

- **Review of Discharge of Involuntary Separations**

30. Review dishonorable discharge (issued by general court-martial only).

31. Review dismissal issued by general court-martial only).

32. Review bad conduct discharge (BCD).

33. Review BCD (special court-martial (SPCM). Review BCD SPCM (appeal from Navy Discharge Review Board (NDRB) decision).

34. Review BCD (summary court-martial).

35. Review undesirable discharge (UD) (under other than honorable conditions). Review UD (appeal from NDRB decision).

36. Review reason for discharge. Review discharge for medical reason.

38. Set aside involuntary retirement discharge separation. Set aside orders for discharge where petitioner is being retained on active duty by court order.

39. Change retirement date for officer or enlisted.

- **Changes in DORs Adjustments of Lineal List**

40. Show continuous service conditions (re-enlistment within three months; enlisted).

41. Change date of acceptance of appointment commission (officer).
  42. Change date of rank and effective date of promotion (or appointment ) and adjust lineal position in accordance with previous BCNR decision (officer).
  43. Other changes in date of rank and effective date of promotion (officer).
  44. Adjust lineal list and or date of rank only (officer).
  45. Adjust base pay entry date (includes Judge Advocate General Corps ;and Naval reserve Officers Training Corps cases).
  46. Show appointed to higher grad officer).
  47. Show no time lost.
  48. Show advanced to higher enlisted rank/rate.
  49. Show injury incurred in line of duty, not as a result of own misconduct.
  - 50 Other requests and augmentations
  51. Void enlistment.
  52. Show transferred to retired list retired reserve.
  53. Show transferred to Fleet Reserve Association.
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### **Who can provide me with advice as to how to petition BCNR?**

Most applicants represent themselves, however you may want to retain the services of a private attorney if your case involves complex factual or legal issues. You are responsible for paying for legal advice you receive from a private attorney and you will not be reimbursed from the Navy even if BCNR finds an error or injustice in your record.

Veterans' service organizations, such as American Legion, Veterans of Foreign Wars, Disabled American Veterans, Paralyzed Veterans of America, Vietnam Veterans of America and the Order of the Purple Heart, at the local, state and national level will also provide consultations or act as your representative before BCNR.

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### **What is the 7-step process BCNR follows when reviewing an application?**

**Step 1:** Applicant, heir or legal representative submits an Application for Correction of Military or Naval Records under the Provisions of Title 10 U.S.C. § 1552 (DD Form 149) and supporting brief to the Board.

**Step 2:** All pertinent records are assembled from various sources including Veterans Administration.

**Step 3:** Appropriate military office may be asked by the Board to provide an "advisory opinion" regarding the claim's merit.

**Step 4:** Examiner reviews applicant's military record, application, brief and any advisory opinion and prepares a summary.

**Step 5:** Board reviews the case and decides if a hearing should be granted or decided without a formal hearing.

**Step 6:** Board's recommendation is forwarded to Secretary of the Navy for his approval. SECNAV may or may not support the Board's decision.

**Step 7:** If SECNAV agrees with the Board, the Navy will implement the correction, including any monetary relief by the appropriate disbursing activity.

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### What happens if BCNR denies my petition?

If the three-member panel denies your application you will be notified in writing of their decision and the reason for its action.

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### Can I appeal the Board's decision?

You may request reconsideration of the decision upon presentation of new and material evidence or other matter not previously considered.

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### How do I contact the Board for Correction of Naval Records?

Board for Correction of Naval Records (BCNR) [website](#):

**BCNR's Voice #:** (703) 614-1402

**BCNR's DSN #:** 224-1402 or 224-9857

**BCNR's FAX #:** (703) 614-9857

#### Mailing Address:

Board for Correction of Naval Records  
2 Navy Annex, Room 2432  
Washington, DC 20370-5100

Report minor violations to the employee's supervisor and more serious allegations to the local IG. See Fraud and Procurement Fraud.

**What are bribes, kickbacks, and gratuities?**

Giving, offering, promising, soliciting demanding, receiving or accepting directly or indirectly, with wrongful or dishonest intent anything of value, to or by a public official, to influence an official act or public official to commit fraud or violate the law, or testimony as a public official, in return for being influenced, to perform such actions.

It is prohibited for any person to provide, attempt to provide or offer to provide any kickback; to solicit, accept, or attempt to accept any kickback; or to include, directly or indirectly, a subcontractor to a prime contractor or a higher tier subcontractor or in the contract price charged by a prime contractor to the United States.

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**What are the applicable statutes/regulations?**

[5 C.F.R. § 2635](#), Standards of Ethical Conduct for Employees of the Executive Branch

[18 U.S.C. § 201](#), Federal Anti-Bribery Act

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**Who should I contact if I want to submit a complaint regarding bribes, kickbacks, and gratuities?**

Report minor violations to the employee's supervisor and more serious allegations to the local Command Inspector General.

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**Certification Lists**

**To whom do I complain about mishandling of selection/certification lists?**

Bring matters concerning alleged management improper handling of selection/ certification lists to the Human Resource Center or discuss the issue with your supervisor.

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**Chain of Command Matters**

Report matters of concern to the immediate supervisor, department head, Commanding Officer.

**When should I use my chain of command to resolve a complaint?**

Report allegations that, on their face, constitute inappropriate conduct to the chain of command for inquiry or action; e.g., counseling for



unsatisfactory performance, minor time and attendance violations, minor disciplinary infractions to include theft, minor travel errors or credit card abuse, denial of leave, disparate treatment, medical and/or dental issues, letters of appreciation, awards and medals, adultery, Freedom of Information Act or Privacy Act violations, and family and spousal support.

See [Adverse Personnel Actions](#) (military members) for specific grievance procedures for military members and [Adverse Personnel Actions](#) (Navy civilian employees)

**Note:** U.S. Navy Regulations make Commanders and Commanding Officers responsible for the integrity and efficiency of their organizations. Many DoN organizations have IGs, or other departments/offices and investigative personnel who do not carry the title, but are assigned to perform a similar function or service.

If your command does not have an IG, contact Command and Evaluation Personnel, Equal Opportunity, Safety and/or Environmental Officer, or your Human Resources Office.

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### **Change to a Navy Instruction / Regulation or Current Policy Guidance**

Submit suggested changes/revisions to the command responsible for promulgation of the instruction/regulation.

#### **Does the IG investigate Navy policy matters?**

Generally, the IG does not investigate policy matters unless the complainant can provide evidence that instructions/regulations conflict with one another or if they are being improperly applied.

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#### **To whom do I complain about Navy policy matters?**

Report complaints pertaining to policy matters to the command responsible for promulgation of the instruction/regulation.

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### **Civilian Personnel Matters**

Report the issue to the immediate supervisor and attempt resolution using the available alternate [dispute resolution procedures](#). Contact your Human Resource Office or Human Resource Service Center for guidance concerning available grievance process.

#### **Does the IG investigate complaints concerning Navy civilian employee employment conditions?**

The IG complaint process does not cover matters concerning employment conditions of Marine Corps civilian employees. These matters must be processed using appropriate civilian grievance, complaint, or appeal systems as described below.

Human Resource Offices are responsible for investigating allegations of unfair personnel hiring and promotion practices such as pre-selection, non-selection or favoritism, as well as personnel issues/problems arising in the workplace.

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### **Where can I get more information about the complaint processes available to Marine Corps civilian employees?**

**See information on this website** on the following conflict resolution topics: (use back arrow to return to this page)

[Alternative Dispute Resolution \(ADR\)](#)

[Department of the Navy Formal Administrative Grievance Procedure \(AGP\)](#)

[Merit System Protection Board \(MSPB\)](#)

[Negotiated Grievance Procedure](#) (contractors) (DoN OCHR website)

[Equal Employment Opportunity Complaints](#) (DoN OCHR website)

[Classification Appeals](#) (See classification appeals at <http://www.opm.gov/classapp/>)

[Quality of Work life Initiatives](#) (Family-friendly workplace programs) (DoN OCHR)

[Civilian Human Resources Manual \(CHRM\)](#)

\*[See issues](#) related to Adverse Personnel Action's addressed in OPM's newsletter which summarizes administrative cases and court decisions. (OPM)

Report Civilian (Non-Appropriated Fund) employees employment issues or reprisal to DoD IG.

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### **What are the applicable instructions?**

[Civil Service Reform Act of 1978 \(CSRA\)](#)

- [Grievance Procedure, 5 U.S.C. § 7121](#)

- Disciplinary Action, 5 U.S.C. § 1215

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[Suspension and Removal, 5 U.S.C. § 7532](#)

- [Prohibited Personnel Practices, 5 U.S.C. § 2302](#)

- [Merit System Protection Board, Office of Special Counsel & Employee Right of Action, 5 U.S.C. 1221](#)

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### **Where can I get more information about the National Security Personnel System?**

[NSPS website](#)

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## Claims for Injury, Death, or Property Damage

Seek private legal counsel for assistance if you are considering filing a claim against the Navy for injury or death that resulted from the negligence of a Navy employee.

Navy civilian employees with complaints concerning work-related injuries may consider filing a [worker's compensation](#) claim.

### Which Navy offices have responsibility for processing claims for death, damage, or personal injury? [top ▲](#)

The Office of the Judge Advocate General, Claims, Investigations and Tort Litigation Division, is responsible for worldwide for processing claims brought under the various statutes and regulations. OJAG has delegated responsibility for the adjudication of claims to the Naval Legal Service Offices located worldwide.

Manual of the Judge Advocate General, [Chapter 8, General Claims Provisions](#)

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### What are the statutes that apply to the processing of claims filed against the Navy?

#### **Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 1346(b), 2671-2680**

Limited waiver of U.S. sovereign immunity for damages for personal injury, death, or property damage caused by negligence of Federal employees acting within the scope of employment.

#### **Military Claims Act (MCA), 10 U.S.C. § 2733**

Similar to FTCA but applies worldwide (FTCA does not); claimants have not right to sue.

#### **Military Personnel and Civilian Employees' Claims Act (PCA), 31 U.S.C. § 3721**

Gratuitous act to compensate Navy military and civilians for loss, damage, or destruction of personal property "incident to service."

#### **Foreign Claims Act (FCA), 10 U.S.C. § 2734**

Provides for settlement of claims of inhabitants of foreign countries for property damage, personal injury, or death occurring outside the U.S. and caused either by members or civilians of U.S. Armed Forces or by the non-combat activities of these Forces in foreign countries.

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### Whom do I contact if I wish to submit a claim for death, damage, or personal injury?

Private legal counsel for advice as to how to proceed.

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### To which office do I submit a complaint?

Contact the Naval Legal Service Office located nearest you for assistance in determining to which office you should submit a claim.

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## Classification of Positions

Report the issue to your immediate supervisor first. Seek assistance on how to proceed from the Human Resource Office of Human Resource Service Center.

### What does classification of position mean as it applies to Navy civilian employees?

Navy employees who feel their position is improperly classified can appeal the pay plan, series, title, or grade level at any time. General Schedule employees can appeal to either the [Department of Defense](#) or to the [Office of Personnel Management](#). Federal Wage System employees must first appeal these matters to the DoD then to OPM after receiving DoD's decision.

Supervisors must ensure employees have copies of their position descriptions (PDs) and shall objectively, expeditiously, and fairly consider employee concerns over the accuracy of their PDs, the classification of their positions and formal classification appeals.

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### What are the applicable regulations concerning classification of positions for Navy civilian employees (except as noted in the instruction SC511.42)

[DoD 1400.25-M](#), Classification Program

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### To whom do I report concerns regarding a classification of a position?

Report concerns over the accuracy of a PD to your immediate supervisor. If you wish to pursue the matter further, report your concerns to your local Human Resource Office, or the servicing Human Resource Service Center. HRO/HRSC personnel will direct you to use the appropriate dispute resolution procedure.

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### Where can I get more information regarding classification appeals?

[OPM website](#)

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## Clearance Revocation or Suspension

Report a violation or dissatisfaction with removal/suspension of a security clearance to the Commanding Officer and your security officer.

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## Clemency

Contact the Naval Council of Personnel Boards (NCPB).

### Which Navy organization addresses issues related to clemency and parole?

The Naval Council of Personnel Boards (NCPB) is an administrative activity within the Department of the Navy assigned to the Assistant Secretary of the Navy per [SECNAVINST 5420.135D](#) to administer and supervise the Physical Evaluation Board (PEB), the Naval Discharge Review Board (NDRB), and the Clemency and Parole Board.

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### What are the applicable instructions/directives?

SECNAV Instruction 5815.3J, Department of the Navy Clemency and Parole Systems

[DoD Directive 1325.4, Confinement of Military Prisoners and Administration of Military Correctional Programs and Facilities](#)

[BUPERS Instruction 5450.45B, Missions and Functions of the Navy and Marine Corps Appellate Review Authority](#)

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### To whom do I report complaints related to clemency and parole?

[Naval Council of Personnel Board](#) Naval Clemency and Parole Board

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### Website:

[Naval Council of Personnel Board](#)

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## Combat-Related Special Compensation

Contact the Naval Council of Personnel Boards (NCPB).

Appeal to the Principle Deputy Under Secretary of Defense (Personnel and Readiness).

### What are the statutes/regulations applicable to Special Compensation for Combat-Related Disabilities?

[10 U.S.C. § 1413a](#) Veterans' Combat-Related Special Compensation

On December 2, 2002, Public Law 107-314 (the Bob Stump National Defense Authorization Act for Fiscal Year 2003) amended Chapter 71 of title 10, United States Code (U.S.C.) by inserting Section 1413a, Special Compensation for Certain Combat-Related disabled uniformed services retirees. CRSC provides compensation to certain retirees with combat-related disabilities that qualify. For those who qualify, CRSC pay is exempt from Federal income tax under 26 U.S.C. 104. It is **not** retired pay or subject to survivor benefit provisions of chapter 73, Title 10.

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## Who can apply for compensation for CRSC?

A retired member must meet each of the four following preliminary conditions to meet CRSC criteria:

1. Have 20 or more years of service in the Uniformed Services for purposes of computing retired pay.

**Note:** Members retired under the Temporary Early Retirement Authority (TERA) are not eligible, even if they have subsequently served in Public And Community Service positions that are creditable for re-computation of retired pay (unless the member was recalled to active duty long enough to accumulate 20 years or more of service).

2. Is in a retired status or has been transferred to the Navy or Marine Corps Fleet Reserve.

3. Is entitled to retired pay, notwithstanding that such retired pay may be reduced due to receipt of VA disability compensation.

4. Has a qualifying disability rating (percentage). A retiree must have a current combined VA disability rating of at least 10% disabling if the retiree has been awarded a Purple Heart or a current combined VA disability rating of at least 60% disabling.

If a disabled Navy or Marine Corps retiree meets the CRSC Criteria above, the NCPB will determine whether the member's disability qualifies him/her for the special compensation.

**Note:** A combat-related disability is a an assigned medical diagnosis code from the VA Schedule for Rating Disabilities (VASRD) that was incurred: As a direct result of armed conflict; while engaged in hazardous service, in the performance of duty under conditions simulating war, or through an instrumentality of war. The NCPB will determine whether a disability is combat-related under these conditions using the definitions and criteria provided by OSD.

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## How do I apply for compensation for CRSC?

Eligible retired service members must file an application with the Military Department from which the member retired in accordance with the procedures prescribed by the Office of the Secretary of Defense (OSD). For Navy and Marine Corps retirees, the Naval Council of Personnel Boards (NCPB) in Washington, D.C., is the designated agency. The disabled retiree must apply under the OSD provisions, meet the CRSC criteria, and have a qualifying combat-related disability.

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## If I do not agree with NCPD's decision regarding whether or not an injury is combat-related, to whom do I appeal?

A member whose application has been denied by NCPB based on a determination that a disability is not combat-related may appeal the determination directly to the Principle Deputy Undersecretary of Defense (Personnel and Readiness) – PDUSD (P&R). The member may provide any written information he/she believes the PDUSD(P&R) should consider, but not any information that he/she has not previously provided to the NCPB for consideration in their determinations (such information should first be provided to the NCPB with a request for reconsideration). Appeals will be submitted to:

Director of Compensation, Room 2B279  
Attention: CRSC Appeals  
4000 Defense Pentagon  
Washington, DC 20301-4000

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## How else may I get information pertaining to CRSC?

For more information write:

Department of the Navy  
Naval Council of Personnel Boards

Combat-Related Special Compensation Branch  
720 Kennon Street SE Ste 309  
Washington Navy Yard, DC 20374-5023

**Websites:**

[Naval Council of Personnel Boards Combat Related Special Compensation \(CRSC\)](#)

[Office of the Secretary of Defense information pertaining to CRSC](#)

[Defense Manpower Data Center \(DMDC\) website](#)

[Shift Colors website](#)

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### Compensatory Time (Civilian)

Report violations pertaining to misuse of compensatory time and documentation to the chain of command. If the wrongdoing continues to occur and management fails to take action, report both to the Command Inspector General.

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### Complaint of Wrong (Article 138)

File a complaint with your Commanding Officer.

### What is a 138 complaint?

An Article 138 complaint is a formal complaint against a Commanding Officer. Any member of the Armed Forces who believes he/she has been wronged by his Commanding Officer and the Commanding Officer has refused redress, may complain to any supervisor commissioned officer, who forwards the complaint to the officer exercising general court-martial jurisdiction over the officer against whom it is made.

Before a military may submit an Article 138 complaint, he/she must request, in writing, that the CO address the wrong. The CO must act upon this request for redress in a timely manner (ordinarily within 30 days) and notify the complainant in writing of the action taken. The Article 138 complaint may include a broad range of subjects but does not include issues covered by specific appellate authority (Mast, Old Evals/FITREPS).

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### What regulations/statutes apply to Article 138?

- UCMJ Article 138
  - JAGMAN, Chapter 3, Complaint of Wrongs
  - 10 U.S.C. § 938
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**Who can file an Article 138?**

Any member of the armed forces who believes himself /herself wronged by his/her Commanding Officer may file an Article 138. A complaint may be filed against a single superior.

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**With whom can I file an Article 138 complaint?**

An Article 138 may be made to any superior commissioned officer.

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**How much time do I have to file an Article 138 complaint?**

The complainant has 90 days after the discovery of the alleged wrongdoing to file a complaint. If you do not file the complaint within this time period, your complaint may be denied solely because it was untimely filed.

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**Is there a time limit within which the Commanding Officer must respond to a complaint?**

The CO must forward the complaint to the General Court Martial Authority (GCMA) within 10 days of receipt.

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**Can I withdraw a complaint once it's filed?**

Yes, you may withdraw the complaint at any time. The withdrawal must be in writing and signed by the complainant. The letter is maintained in a file for 2 years from the date of withdrawal.

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**Complaint of Wrong (Article 1150)**

File a complaint with a superior outside the Chain of Command.

**What regulations/statutes apply to Article 1150?**

Navy Regulations Article 1150, Complaint of Wrongs Against a Superior

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**Who may file an Article 1150?**

Any person in the Marine Corps who considers him or herself wronged by an act, omission, decision or order of a person who is superior in rank or command may report the wrong to the proper authority for redress.

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**How much time do I have to file an Article 1150 complaint?**

Generally, 90 days.

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**About what matters may I file an Article 1150 complaint?**



First, follow Request Mast procedures to resolve your complaint. If you are unable to get the issue resolved, you may consider filing an 1150 against the Superior. The report should clearly identify the superior against whom it is made, the wrong complained of and the redress desired.

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### **What matters are not appropriate for an Article 1150 complaint?**

Article 1150 complaints of wrongs are inapplicable to several circumstances outlined in the JAGMAN, for example, findings of administrative separation boards, non-judicial punishments and courts-martial.

Note: The complainant may be held accountable by the officer responsible for the resolution of the report if the complaint is found to be frivolous or false.

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### **What if the superior is not in the same chain of command?**

If the superior is not in the same chain of command, the complaint will be forwarded via the complainant's CO, to the officer exercising General Court Martial Authority (GCMA) over the superior. The GCMA is required to look into the matter.

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### **What if I feel the resolution of my issue was unjust?**

You may file an Article 138 complaint against the Commanding Officer.

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### **What if I feel the command did not follow the correct procedures when it addressed by Article 1150 complaint?**

Contact your local Command Inspector General or call the office of the Inspector General for Marine Corps Matters.

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### **Who can help me if I wish to file an Article 1150 complaint?**

Your legal officer, command Staff Judge Advocate, or a defense counsel to receive further guidance on complaints of wrongs.

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## **Complaints (Contract Violations)**

Report the matter to the contracting officer, or, if unknown, to the Regional Commander or Military Installation Commanding Office.

### **What are the applicable regulations/statutes?**

[Federal Acquisition Regulation](#), Part 33, Protests, Disputes and Appeals (select under Current FAR select PDF or HTML version)

Part 33.103 Protests to the Agency

Part 33.104 Protests to GAO

NAVSUPINST 4200.85C, Department of the Navy Simplified Acquisition Procedures

Federal Acquisition Regulations, Simplified Acquisition Procedures

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**To whom do I report contract violations?**

Report contract violations to the contracting officer, if unknown, to the Regional Commander or Station Commanding Officer.

For violations concerning procurement fraud, contact your local IG. See more information about [Procurement Fraud](#) on this website.

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**Where can I find more information about contract violations?**

**Website:**

[DoD IG website](#) - for specific information about Fraud Alerts which should be reported to the Defense Criminal Investigative Service (DCIS).

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**Conflicts of Interest**

First bring the matter to the employee's supervisor or others in the chain of command, then the local Command Inspector General.

**What are conflicts of interest?**

Conflicts of interests occur when an employee's official actions affect or appear to affect his/her private interests, financial or non-financial.

**General Rule:**

You should avoid situations where your official actions affect your private interests, financial or non-financial.

**Statutory Prohibition:**

You may not participate personally and substantially in a matter in which you, your spouse, minor child or general partner has a financial interest. This prohibition also applies if an organization in which you serve as an officer, director, trustee, or employee has a financial interest; or if a person or organization with which you are negotiating for future employment has a financial interest.

Conflicts of interest include a broad range of violations such as bribes, gratuities, offerings, solicitations, gifts from outside sources, gifts to superiors, etc. which involve improper conduct or influence of a government official.

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**What regulations/statutes apply to conflicts of interest?**

Generally,

[DoD 5500.7-R, Joint Ethics Regulation, Sec. 2-100 and 5-300 through 303, Standards of Ethical Conduct for Employees of the Executive Branch](#)

U.S. Navy Regulations, [Chapter 11](#), General Regulations; Section 2 Standards of Conduct

Specifically,

Impartiality Standard	5 C.F.R. 2635.502
Purchase of Forfeited Property	5 C.F.R. 3801.104
Extraordinary Payments	5 C.F.R. 2635.503
Acts affecting a personal financial interest	18 U.S.C. § 208
Remedies for Conflicts	5 C.F.R. 2634.1001-1004 18 U.S.C. § 208(b)(1) 5 C.F.R. 2635.502(d) 5 C.F.R. 2640.201-202
Nepotism	5 U.S.C. 3110
Financial Disclosure	5 C.F.R. 2634
Outside Employment	5 C.F.R. 2635.802 5 C.F.R. 3801.106
Approval for Certain Outside Activities	5 C.F.R. 3801.106
Representing Others	18 U.S.C. § 203 18 U.S.C. § 205
Conflicting Financial Interests	<a href="#">5 C.F.R. § 2635.401 through 2635.403</a>

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**To whom do I report matters involving potential conflicts of interest?**

Report complaints pertaining to conflicts of interest to the chain command or to the local Command Inspector General.

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**Correction of Military Records**

Contact the Board for Correction of Naval Records.

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**Criminal Matters**

Report criminal matters to Naval Criminal Investigative Service (NCIS), base or local police.

**What statutes/regulations are applicable to the investigation of criminal activities of Navy service members or Federal civilian employees?**

Uniformed Code of Military Justice

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**Which Navy command has the authority to investigate serious criminal matters?**

The Naval Criminal Investigative Service (NCIS) has authority to investigate allegations that Department of the Navy civilian or military personnel have committed major crimes. Generally, major crimes are those punishable by one year or more in prison. This includes Uniform Code of Military Justice (UCMJ) matters that may constitute the commission of a major crime within the jurisdiction of NCIS; e.g., rape, sexual assault, murder, espionage, sabotage, arson, treason, or child pornography.

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**Which office investigates less serious Navy criminal offenses?**

In less serious cases, or if NCIS declines to investigate a matter, we may refer the allegation to the alleged violator's commander for inquiry and action.

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**To whom do I report criminal offenses?**

Report criminal violations occurring off-base to your local law enforcement officials or police since neither the IG nor NCIS has the authority to investigate these matters. If the criminal violation occurs on-base or on ship report the violation to the station police, NCIS, or to the command.

Report allegations of sexual assault to the command or to the nearest police if the assault occurs off-base. See more about reports of [sexual assault](#) on this website. (use back arrow to return to this page)

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**How do I contact the Naval Criminal Investigative Service?**

Contact [Naval Criminal Investigative Service](#) on the **Computer Crime Hotline #:** 1-800-278-9917 or,

**Crime Hotline #:** (202) 433-2548

[Naval Criminal Investigative Service](#)

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