



Department of Defense INSTRUCTION

NUMBER 1320.10

March 13, 2007

USD(P&R)

SUBJECT: Discharge of Commissioned Officers Not Qualified for Promotion to First Lieutenant or Lieutenant (Junior Grade)

- References:
- (a) DoD Directive 1320.10, "Discharge of Regular Commissioned Officers Unqualified for Promotion to First Lieutenant or Lieutenant (Junior Grade)," July 9, 1996 (hereby canceled)
 - (b) Acting Deputy Secretary of Defense Memorandum, "DoD Directives Review - Phase II," July 13, 2005
 - (c) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," October 17, 2006
 - (d) Sections 101, 620, 630, 641, 14002, 14503 of title 10, United States Code
 - (e) DoD Instruction 1332.29, "Eligibility of Regular and Reserve Personnel for Separation Pay," June 20, 1991

1. REISSUANCE AND PURPOSE

This Instruction:

- 1.1. Reissues Reference (a) as a DoD Instruction in accordance with the guidance in Reference (b) and the authority in Reference (c).
- 1.2. Updates and implements policy concerning regular commissioned officers who are determined not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade) under section 630 of Reference (d).
- 1.3. Updates and implements policy concerning Reserve officers who have been found not qualified for promotion to first lieutenant or lieutenant (junior grade) under section 14503 of Reference (d).

2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of 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 (hereafter referred to collectively as the “DoD Components”). The term “Military Services,” as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

3. DEFINITIONS

Terms used in this Instruction are defined in section 101(b)(13) and (c)(7) of Reference (d).

4. POLICY

It is DoD policy to discharge officers who are not qualified to be promoted to the grade of first lieutenant or lieutenant (junior grade). The continued military service of those officers is inconsistent with the mission requirements of the Military Services and the productivity and efficiency of the officer force. However, it is recognized that such officers are new to military service and should be afforded a reasonable opportunity to overcome their deficiencies before discharge action is taken.

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) shall exercise cognizance and oversight of policies involving discharge of commissioned officers found not qualified for promotion to first lieutenant or lieutenant (junior grade).

5.2. The Secretaries of the Military Departments shall:

5.2.1. Prescribe regulations consistent with the policy in this Instruction.

5.2.2. Address any recommendations for policy changes to the USD(P&R).

6. PROCEDURES

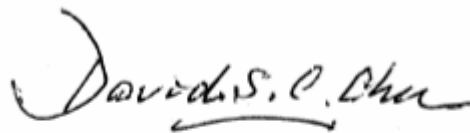
6.1. Minimum Retention Period. The Secretary of the Military Department concerned shall retain an officer who is found not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade) on active duty if on the Active Duty List, or in an active status if on the Reserve Active Status List for a minimum of 6 months after the date on which the promotion would have occurred, unless retention is inconsistent with good order and discipline. If the officer is found qualified for promotion during, or at the completion of, the retention period, he or she shall be promoted, in accordance with the regulations and procedures as prescribed by the Secretary of the Military Department concerned. If the officer is found not qualified for promotion at any time after the completion of 6 months of the retention period, he or she may be discharged under the regulations and procedures as prescribed by the Secretary of the Military Department concerned.

6.2. Further Retention of Disqualified Officers. An officer who is found not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade) at the end of the 6-month period described in paragraph 6.1. may be retained on active duty or in an active status by the Secretary of the Military Department concerned. However, such officer shall be discharged at the end of the 18-month period beginning on the date on which the officer was first found not qualified for promotion, unless that officer has been promoted.

6.3. Separation Pay. An officer on the Active Duty List who is found not qualified for promotion to first lieutenant or lieutenant (junior grade), and who is subsequently discharged from active duty, may be eligible for separation pay pursuant to DoD Instruction 1332.29 (Reference (e)).

7. EFFECTIVE DATE

This Instruction is effective immediately.



David S. C. Chu
Under Secretary of Defense for
Personnel and Readiness