

MILPERSMAN 1611-020

OFFICER DETACHMENT FOR CAUSE

Responsible Office	NAVPERSCOM (PERS-83)	Phone:	DSN	882-2090
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References	(a) BUPERSINST 1001.39E (b) JCS Pub 2, Chapter 3, Section IV (c) Uniform Code of Military Justice (UCMJ) (d) JAGINST 5800.7D (Manual of the Judge Advocate General (JAGMAN)) (e) U.S. Navy Regulations, 1990 (f) BUPERSINST 1610.10A
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1. What Is DFC?

a. Detachment for Cause (DFC) is the administrative removal of an officer, whether on active duty or in the Selected Reserve, from the officer's current duty assignment before their normal transfer or planned rotation date. An approved DFC waives minimum time on station (MTS) and prescribed tour length (PTL) requirements for releasing permanent change of station (PCS) funds.

b. The need for a DFC arises when an officer's performance or conduct detracts from accomplishing the command mission, and the officer's continuance in the billet can only negatively impact the command. DFC is one of the strongest administrative measures used in the case of officers. An approved DFC, together with endorsements, is filed in the officer's official record. As such, a DFC has a serious effect on the officer's future naval career, particularly with regard to promotion, duty assignment, selection for schools, and special assignment. The initiation of a DFC, therefore, should be undertaken with full appreciation of its gravity.

2. When DFCs are not Appropriate. DFCs generally are not appropriate as follows:

a. **For, or instead of, disciplinary action.** Appropriate disciplinary action should be taken when warranted. When misconduct is adjudicated at court-martial or mast, the

commander or commanding officer (CO) initiating the disciplinary action should incorporate a request for the officer's detachment in the command's report of misconduct as required by MILPERSMAN 1611-010. In such cases, formal written notification of the DFC request to the officer must be made and subsequently documented in the report of misconduct.

b. **Except as noted below, for characterizing an officer's performance of duty in a billet.** Performance appraisal is more appropriately dealt with in a report of fitness. If substandard performance or misconduct comes to light after the officer has transferred, that information may and should be reported in a supplemental fitness report and/or serve as a basis for a disciplinary proceeding.

c. **In a case of a Selected Reserve officer, review reference (a) for administrative removal procedures.** The DFC process may be used to characterize the administrative removal from a billet as "**for cause,**" and may run concurrently or follow the administrative removal action outlined in Reserve personnel instructions. The DFC process may be appropriate in cases of misconduct or extensive documentation of unsatisfactory performance.

3. **Reasons for Requesting the DFC.** Reasons for requesting a DFC include the following:

a. **Misconduct.** Any act of misconduct, civil or military, may form the basis for a DFC request. Only in unusual instances will a DFC request by reason of misconduct be approved without disciplinary action having been taken by the command. If no disciplinary action is taken by the command, the rationale for not taking action must be included in the request for the DFC.

b. **Substandard performance involving one or more significant events resulting from gross negligence or complete disregard of duty.** Gross negligence or complete disregard of duty are required for a DFC request on this basis.

(1) For example, consider the case of an Engineering Officer who prepares for an Engineering Assessment and fails. Unless the Engineering Officer was grossly negligent or completely disregarded the officer's duties in preparing for, or during the assessment, a DFC would not be appropriate under these circumstances. If, however, the command has noted deficiencies in performance and provided meaningful counseling

and guidance before the event, a DFC may be appropriate by reason of substandard performance over an extended period of time as discussed below.

(2) When an officer requests to be relieved, this action by itself will be considered a significant event for purposes of this article.

c. **Substandard performance of duty over an extended period of time.** There is no fixed time period for this basis; it is dictated by the facts and circumstances of the particular case and the efforts expended by the command to assist the officer in overcoming perceived performance deficiencies. This basis applies to specific performance deficiencies that continue to exist after corrective action has been taken.

d. **Loss of confidence in an officer in command.** The unique position of trust and responsibility an officer in command comprises: the officer's role in shaping morale, good order, and discipline within the command and the officer's influence on mission requirements and command readiness. It is thus imperative that immediate superiors have full confidence in the officer's judgment and ability to command. An articulated, fact-supported loss of such confidence by the immediate superior, with the concurrence of a flag officer in the chain of command, is a sufficient basis to detach an officer in command.

4. Procedural Requirements before Initiating a DFC Request.

Procedural or leadership requirements before initiating a DFC request include the following:

a. **Command counseling, guidance, training, and appropriate use of fitness reports are required.** Letters of instruction are encouraged as they serve to clearly communicate the actions necessary to improve and provide evidence of the timing and focus of the counseling. COs must guide and motivate members of their commands and should demonstrate attempts to take action to correct the problem since a DFC may serve no useful purpose other than to relocate the problem. Generally, the motivated officer will respond to appropriate counseling and guidance, whereas the unmotivated officer may not.

b. **Reassignment within the command has been considered and is not a reasonable alternative.**

c. **All bases for DFC must be adequately supported by an appropriate investigation (as applicable), or documentation and written counseling.** When the DFC request is based on one or more significant events, ensure that the details of the events are adequately documented.

d. **Report of Misconduct.** When nonjudicial punishment (NJP) or trial by a court-martial is indicated and misconduct is the sole reason for the request, a request to detach the officer should be included in the command's letter report of the misconduct as required by MILPERSMAN 1611-010. In such cases, documentation of the officer's notification of the DFC recommendation and the officer's response thereto shall be included in the report of misconduct.

e. **Advisement.** An officer requesting to be relieved will be advised by the officer's CO of the seriousness of such a request and its impact on the officer's career before the request is accepted.

f. **Documentation.** When substandard performance of duty over an extended period of time is involved, ensure the developing situation has been properly documented by the use of fitness reports, command counseling, training, and guidance. The fact that a letter of instruction (LOI) has been issued may be duly noted in a fitness report and, if properly drafted, may serve to document that the requisite command guidance and counseling has been given.

(1) **Guidance and Counseling.** Strong, frank, and meaningful command guidance and counseling must be given and documented in this type of DFC request. These are management-assist tools targeted to advise the officer of the need for improvement and to help in that improvement process. The degree to which guidance and counseling is provided will vary depending on the seniority and experience of the subject officer. In many cases frank and meaningful discussion will achieve the desired improvement but, in such cases, a memorandum for the record should be considered.

(2) **LOI.** An LOI, if used, must describe specific weaknesses, recommend suitable and reasonable measures for improvement, clearly establish the desired performance standard, and, if appropriate, establish a period of time for correction of the performance deficiency. The LOI must be delivered to the officer at the time of counseling and the officer should

acknowledge receipt in writing. Per reference (d), 0105(a), an LOI is separate and distinct from nonpunitive censure, see step 6 below. (Note that counseling and guidance, including issuance of an LOI, may not be appropriate for misconduct, unsatisfactory performance involving a significant event, or loss of confidence.)

(3) **Time.** The officer must be given a reasonable period of time to improve and achieve a satisfactory level of performance. The period given will vary with the requirements imposed on the officer by the command counseling or LOI and must be reasonable under the circumstances.

5. **Requirements for Requesting a DFC.** The following steps are required in requesting a DFC:

Step	Action
1	State the specific reason or reasons for the request.
2	Indicate the time the officer has been on board and the length of time in the position to which the DFC applies.
3	Provide a detailed statement describing the facts and circumstances, which support the basis for the request. For requests based on a significant event, describe the event involved, the officer's duties, and the disregard or gross negligence associated with the performance of those duties.
4	If the request is made on the basis of substandard performance of duty over an extended period of time, indicate what corrective actions were taken to improve or correct the officer's performance and the results of those actions. A special report of fitness is not required to support a DFC request; however, the request should document a chronology of precipitating events and evidence of command counseling and guidance.
5	Indicate whether or not the command has taken disciplinary action, explaining the rationale. If misconduct is not the sole basis for the DFC, do not forward the request until all disciplinary action is completed, including any appeals.
6	Include a statement that the request, if approved, will be filed in the officer's official record. NOTE: Nonpunitive censure may neither be mentioned in the request nor included as enclosures unless as surrebuttal to the officer's claim that adequate counseling was not provided. (The facts and circumstances that invoke nonpunitive censure, however, may be mentioned in the request.) By contrast, there is no restriction on the inclusion of LOIs in a DFC request to document command counseling and guidance.
7	Provide formal written notification to the officer, advising of the initiation of the DFC request and soliciting the officer's response thereto (usually within 15 days). State in the DFC request that the officer has been given written notification and an opportunity to respond.

6. **If the Officer Refuses to Acknowledge the DFC.** If the officer refuses to acknowledge the DFC, explain the DFC process to the officer (i.e., the DFC will be included in the officer's official record and the officer has a right to submit a written statement), indicate on the acknowledgment form that the officer was advised of the process and refused to acknowledge, and sign and date the acknowledgment.

7. **Officer's Statement.** Any statement made by the officer must be couched in temperate language, be confined to the pertinent facts, and neither impugn the motives of others nor make countercharges. It should be thoughtful and to the point.

8. **Exceptions to the Requirement for Referral of the DFC Request to the Officer.** Exceptions to the requirement for referral of the DFC request to the officer concerned may be made only under the following conditions with the reasons for nonreferral set forth in detail in the DFC request or in an endorsement to the request:

a. When the officer is under medical care and the attending physician or clinical psychologist considers that referral of this matter to the officer would adversely affect the officer's condition.

b. When such referral would constitute a disclosure of classified material to which the member is not authorized access, but only where the matter cannot be sufficiently declassified in part to allow the officer concerned to be informed of the possible action against the officer.

9. **Submission Process.** When the determination has been made to request the DFC of an officer, notify Navy Personnel Command (NAVPERSCOM), Conduct and Separations Branch/Career Management Department (PERS-83/PERS-4) by telephone, E-Mail, or other correspondence. Briefly state the basis for the DFC. Indicate "For Official Use Only." Preliminary action will commence, but in all cases the command must subsequently submit a DFC request in the form of a detailed letter as outlined below. Final action will be taken by NAVPERSCOM only on the basis of this letter, which, with the officer's statement, may be made a part of the officer's official record.

a. The request will not be made as an enclosure to a fitness report or other correspondence, but may include such items as enclosures to the DFC request.

b. NAVPERSCOM does not desire and strongly discourages the inclusion of classified information in a DFC request unless it is impossible to submit the request without the classified document. Proper classified material handling procedures must be used if such material must be submitted. The DFC request should be unclassified. To ensure privacy in handling, mark the DFC request "For Official Use Only" and mail it in double envelopes. Address the outer envelope to NAVPERSCOM (PERS-83), and mark the inner envelope, "Officer Performance, For Official Use Only."

10. **DFC for Misconduct when Punishment is not awarded at NJP or Court-Martial.** DFC for misconduct when punishment is not awarded at NJP or court-martial will continue to be processed per this article.

a. The command's DFC request should include the following:

(1) Whether the officer's misconduct warrants promotion delays or removal (if on a promotion list).

(2) Whether the officer should be required to show cause for retention in the Naval Service.

b. In court-martial cases when dismissal is not awarded but the command desires the officer's DFC, provide a cover letter to the court-martial order that addresses the aforementioned issues.

c. If a recommendation is adverse to the officer, forward the request to NAVPERSCOM (PERS-83) via the officer.

(1) The officer's statement may only address the issues of detachment, promotion delay or removal, and/or show cause processing.

(2) After the officer has submitted comments, return to the command for second endorsement and then forward the report for endorsement by the first flag officer in the administrative chain of command. Avoid inclusion of new information when possible in the second endorsement to prevent additional notice requirements to the officer concerned.

11. **All Other DFC Requests.** All other DFC requests must be sent to NAVPERSCOM (PERS-83) via the officer concerned and the

administrative chain of command (to include at least a flag officer). This does not prohibit fleet commanders or type commanders (TYCOMs) from requiring DFC requests to be forwarded through their chain of command.

a. The officer being processed for DFC should normally be the first via addressee on the DFC request; the requesting command will be the second.

b. If the officer is no longer assigned within the geographic area of the requesting command, the first via addressee will be the officer's current temporary command. A copy of the officer's written statement will be provided to the requesting command and a notation to that effect will be made on the endorsement forwarding the DFC.

c. The requesting command may comment on the officer's statement; however, if this comment includes adverse factual matter not previously addressed or included in the DFC request, the officer concerned must be provided a copy and be given an opportunity to respond. The same is true if any subsequent endorsement includes adverse factual matter not previously addressed or included in the DFC request.

d. Flag-officer-initiated requests may be forwarded to NAVPERSCOM (PERS-83), via the officer concerned, with copies to the administrative chain of command and the operational commander.

e. Requests originated by commanders or commanders of joint staffs may be addressed directly to NAVPERSCOM (PERS-83) via the officer concerned and will be given special handling. Compliance with the other provisions here relating to DFC requests is required.

f. Requests on officers serving with Marine Corps units will be in compliance with this article. The detachment request will be forwarded to NAVPERSCOM (PERS-83) via the officer concerned and the applicable Marine Corps chain of command.

g. Requests on officers serving with Army, Air Force, or Coast Guard units are contained in MILPERSMAN 1300-060 and reference (b).

h. Expeditious processing and forwarding of a DFC request is mandatory, as the officer concerned is normally in a

nonproductive status awaiting final determination of the request. In the absence of unusual circumstances, the DFC request should be forwarded within 5 working days of receipt by each command in the routing chain.

12. Additional Requirements Governing the DFC of an Officer in Command. Additional requirements governing the DFC of an officer in command include:

a. A request for the DFC of an officer in command generally evolves from the same type of circumstances delineated above. An evaluation by a superior in the chain of command of failure on the part of an officer in command to exercise sound judgment in one or more areas and loss of confidence will constitute a sufficient basis to request the DFC of that officer. If the responsible superior is not a flag officer, it is desirable that the concurrence of a flag officer in the chain of command be obtained, when practicable, prior to acting.

(1) For the purposes of this paragraph, an officer in command is any officer who holds authority to punish subordinates under reference (c), article 15. Department head equivalent billets will not be considered as officer in command; therefore, the loss-of-confidence basis would not be appropriate. Executive officers (XOs) detailed to automatically fleet up to the CO billet may be detached under this paragraph.

(2) When a determination has been made to request the DFC of an officer in command, Commander, Navy Personnel Command (COMNAVPERSCOM) will be notified by telephone, E-Mail, or other correspondence. Provide

(a) a brief description of the underlying basis for the DFC,

(b) information pertaining to whether the officer has been relieved (if appropriate),

(c) the name of the ISIC requesting the DFC, and

(d) the name of the officer designated as acting CO or officer in charge (OIC).

b. Appropriate action will be taken in response to the notification, which will normally be to issue the officer temporary duty orders to the staff of a superior in the administrative chain of command pending final resolution of the

DFC. Liaison with the appropriate superior will determine the timing for providing a relief.

c. The initial notification will be followed by a letter request. This DFC request will be forwarded via the officer concerned for the officer's statement as described above and will then be forwarded via the TYCOM and the administrative chain of command to NAVPERSCOM (PERS-83). The TYCOM will send the request to NAVPERSCOM with copies to the fleet commander. This does not prevent the fleet commander from requiring such requests to be forwarded via the fleet commander.

d. Although an officer may have been relieved of command, NAVPERSCOM will not characterize a detachment as "for cause" and record that fact in an officer's record until the DFC request, statement of the officer concerned, and endorsements have been reviewed.

e. In addition to the DFC request, the circumstances may warrant an investigation under reference (d) or other type of inquiry. If such an investigation is commenced, send an advance copy of the appointing order, the report, and each endorsement to NAVPERSCOM (PERS-83).

f. Nothing in the foregoing detracts the inherent authority of a superior in command to relieve an officer in command of a subordinate unit in order to assure accomplishment of the assigned mission. In such case, the summary relief should be followed by a DFC request.

13. Requirements Governing Prospective Officers in Command under Investigation

a. Prospective commanding officers (PCOs) (including, in some cases, prospective OICs) under investigation for conduct or performance that may lead to disciplinary action or adverse administrative action will not be permitted to assume command. After the respective investigation has been completed, the PCO will be reevaluated for command suitability.

b. The PCO's reporting senior will follow these three steps:

Step	Action
1	Except in those instances when the investigation would be jeopardized, the reporting senior will notify the PCO personally and in writing of allegations against the PCO and that the PCO will not assume command until the investigation is completed and a determination of fitness for command has been made.
2	Provide the PCO with an opportunity to make a written statement (generally in no less than 15 calendar days of receipt of written notification.)
3	Forward copies of the notification, any details of circumstances surrounding the allegations, and the officer's statement (if any) to NAVPERSCOM (PERS-83) via the administrative chain of command.

c. The investigation will be conducted on a priority basis, to be completed within 30 days.

d. A PCO will continue to progress through the appropriate training pipeline during the investigation, unless the individual specifically requests a transfer.

e. Results of the completed investigation will be forwarded by the responsible command to NAVPERSCOM (PERS-83), via TYCOM, for resolution and final determination of the PCO's fitness for command.

f. In those unusual cases wherein a completed investigation and determination of fitness for command cannot be obtained in time to provide an orderly assumption of command, the TYCOM will forward a request for reassignment of PCO and assignment of a qualified officer to command. This request will be forwarded to NAVPERSCOM (PERS-83).

(1) The PCO concerned will be notified in writing of an approved reassignment request and the circumstances that invoked the action.

(2) If the DFC is not approved, priority action will be taken to return to the officer's normal career path and place the officer in command as soon as practical.

14. **Action required after the Request.** The next superior in command who is a via addressee to the DFC request should, whenever possible, conduct an interview with the officer concerned and make appropriate comments concerning the interview in the endorsement to the request.

a. Material relating to a DFC request will not be attached to or referred to in fitness reports until a final decision on it has been made. The CO may, however, comment on the performance or conduct that led to the DFC request. Reference (e), article 1122 applies. See reference (f) for policies concerning detachment fitness reports in case of DFC.

b. When a DFC request has been initiated or, in special circumstances, contemplated, the officer concerned may be assigned in a temporary additional duty (TEMADD) status to a nearby command provided the cognizant TYCOM agrees. For officers in command, see paragraph 12, above.

c. In requests involving officers in command, unless another officer is detailed by NAVPERSCOM to assume command awaiting the outcome of the request, command devolves per the succession-to-command provisions of reference (e).

15. Command's Letter for DFC (Use proper letter format.)

From: (requesting command)
To: Commander, Navy Personnel Command (PERS-83)
Via: (1) (officer concerned)
(2) (requesting command if officer concerned still present, otherwise succeeding via addressees will be as required by this article and local regulations)
(3) (at least the first flag officer in administrative chain of command)

Subj: DETACHMENT FOR CAUSE ICO (OFFICER CONCERNED)

Ref: (a) MILPERSMAN 1611-020
(b) (other as necessary)

Encl: (1) (as necessary, e.g., fitness reports (required for performance over extended period of time); LOIs; documented counseling and guidance; supervisor's statements, logs, records, or other relevant documents; NJP reports; court-martial orders; civil conviction documents; etc.)
(n) Acknowledgment form of (date)

1. Per reference (a), I request that (officer concerned) be detached for cause from (command) by reason of (misconduct, unsatisfactory performance of duty involving a significant event, unsatisfactory performance of duty over an extended period of time, or my loss of confidence in (officer concerned) ability to command, as warranted).

2. (Officer concerned) has been assigned to this command since (date) and has been performing duties as (billet to which assigned or duty involved) since (date).

3. (Include the factual support for the reason(s) specified in paragraph 1 and justification for the request citing appropriate enclosures.)

4. (Use the next paragraphs to discuss any matter considered relevant and appropriate, e.g., reassignment feasibility/non-feasibility; status of disciplinary action, if any, and its results; etc.)

5. (Make specific recommendations as to whether or not the officer should be a) made to show cause for retention in the naval service, and b) removed from any promotion list.)

6. I have given a copy of this request to (officer concerned) this date and, by enclosure (n), have informed (him/her) that the request may be filed in (his/her) official record. (He/she) was also informed by enclosure (n) that (he/she) has a right to submit a written statement and has 15 days, until (date) to do so.

(SIGNED BY CO)

Copy to: (with or without enclosures, as appropriate)
(as necessary or required by regulation)

16. Officer's Response to DFC

(DATE)

I have received the letter requesting my detachment for cause and I understand the request may be filed in my official record.

I am aware of the contents of MILPERSMAN 1070-020 and I (do/do not) desire to make a written statement.

I further understand that I have 15 calendar days from this date (until [specific date]) to submit my statement. If I make such election and then fail to submit a statement in that period of time, it will be treated as a waiver of that right.

I understand that any statement I make must be couched in temperate language, be confined to the pertinent facts, and not impugn the motives of others or make countercharges.

(SIGNATURE)