

## Department of the Navy, DoD

## § 724.106

- 724.407 Commander, Naval Reserve Force.
- 724.408 Secretary of the Navy.

### Subpart E—Procedural Rights of the Applicant and Administrative Actions Preliminary to Discharge Review

- 724.501 Procedural rights of the applicant.
- 724.502 Actions to be taken by the applicant preliminary to discharge review.
- 724.503 NDRB response to application for discharge review.
- 724.504 NDRB actions preliminary to discharge review.

### Subpart F—Naval Discharge Review Board Mission and Functions

- 724.601 General.
- 724.602 Mission.
- 724.603 Functions.

### Subpart G—Organization of the Naval Discharge Review Board

- 724.701 Composition.
- 724.702 Executive management.
- 724.703 Legal counsel.

### Subpart H—Procedures of the Naval Discharge Review Board

- 724.801 Matters to be considered in discharge review.
- 724.802 Applicant's responsibilities.
- 724.803 The decisional document.
- 724.804 Decision process.
- 724.805 Response to items submitted as issues by the applicant.
- 724.806 Decisional issues.
- 724.807 Record of NDRB proceedings.
- 724.808 Issuance of decisions following discharge review.
- 724.809 Final disposition of the record of proceedings.
- 724.810 Availability of Naval Discharge Review Board documents for public inspection and copying.
- 724.811 Privacy Act information.
- 724.812 Responsibilities of the Reading Room.
- 724.813 The recommendation of the NDRB president.
- 724.814 Secretarial Review Authority (SRA).
- 724.815 Complaints.

### Subpart I—Standards for Discharge Review

- 724.901 Objective of discharge review.
- 724.902 Propriety of the discharge.
- 724.903 Equity of the discharge.

APPENDIX A TO PART 724—POLICY STATEMENT BY THE SECRETARY OF DEFENSE—ADDRESSING CERTAIN CATEGORIES OF DISCHARGES

APPENDIX B TO PART 724—OATH OR AFFIRMATION TO BE ADMINISTERED TO DISCHARGE REVIEW BOARD MEMBERS

APPENDIX C TO PART 724—SAMPLES OF FORMATS EMPLOYED BY THE NAVAL DISCHARGE REVIEW BOARD

APPENDIX D TO PART 724—VETERANS' BENEFITS

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 1553.

SOURCE: 50 FR 10943, Mar. 19, 1985, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 724 appear at 65 FR 62616, Oct. 19, 2000.

### Subpart A—Definitions

#### § 724.101 Naval Service.

The Naval Service is comprised of the uniformed members of the United States Navy and the United States Marine Corps, including active and inactive reserve components.

#### § 724.102 Naval Discharge Review Board.

An administrative board, referred to as the "NDRB" established by the Secretary of the Navy pursuant to title 10 U.S.C., section 1553, for the review of discharges of former members of the Naval Service.

#### § 724.103 NDRB panel.

An element of the NDRB, consisting of five members, authorized to review discharges. In plenary review session, an NDRB panel acts with the authority delegated by the Secretary of the Navy to the Naval Discharge Review Board.

#### § 724.104 NDRB Traveling Panel.

An NDRB Panel that travels for the purpose of conducting personal appearances discharge review hearings at locations outside of the National Capital Region (NCR).

#### § 724.105 President of the NDRB.

A senior officer of the Naval Service designated by the Secretary of the Navy who is responsible for the direct supervision of the discharge review function within the Naval Service. (See subpart E).

#### § 724.106 Presiding Officer, NDRB Panel.

The senior member of an NDRB Panel shall normally be the Presiding

## § 724.107

Officer. He/she shall convene, recess and adjourn the NDRB Panel as appropriate.

### § 724.107 Discharge.

In the context of the review function prescribed by 10 U.S.C. 1553, a discharge or dismissal is a complete separation from the Naval Service, other than one pursuant to the sentence of a general court-martial. By reason of usage, the term "discharge" is predominantly applicable to the separation of enlisted personnel for any reason, and the term "dismissal" to the separation of officers as a result of Secretarial or general court-martial action. In the context of the mission of the NDRB, the term "discharge" used here shall, for purpose of ease of expression, include any complete separation from the naval service other than that pursuant to the sentence of general court-martial. The term "discharge" also includes the type of discharge and the reason/basis for that discharge, e.g., Other Than Honorable/Misconduct (Civil Conviction).

### § 724.108 Administrative discharge.

A discharge upon expiration of enlistment or required period of service, or prior thereto, in a manner prescribed by the Commandant of the Marine Corps or the Commander, Naval Personnel Command, but specifically excluding separation by sentence of a general court-martial.

[65 FR 62616, Oct. 19, 2000]

### § 724.109 Types of administrative discharges.

(a) A determination reflecting a member's military behavior and performance of duty during a specific period of service. The three characterizations are:

(1) *Honorable*. A separation from the naval service with honor. The issuance of an Honorable Discharge is contingent upon proper military behavior and performance of duty.

(2) Under Honorable Conditions (also termed General Discharge). A separation from the naval service under honorable conditions. The issuance of a discharge under honorable conditions is contingent upon military behavior and performance of duty which is not

## 32 CFR Ch. VI (7-1-05 Edition)

sufficiently meritorious to warrant an Honorable Discharge.

(3) *Under Other Than Honorable Conditions (formerly termed Undesirable Discharge)*. A separation from the naval service under conditions other than honorable. It is issued to terminate the service of a member of the naval service for one or more of the reasons/basis listed in the Naval Military Personnel Manual, Marine Corps Separation and Retirement Manual and their predecessor publications.

(4) *Entry Level Separation*. (i) A separation initiated while a member is in entry level status will be described as an Entry Level Separation except in the following circumstances:

(a) When characterization under Other Than Honorable Conditions is authorized and is warranted by the circumstances of the case; or

(b) When characterization of service as Honorable is clearly warranted by the presence of unusual circumstances including personal conduct and performance of naval duty and is approved on a case-by-case basis by the Secretary of the Navy. This characterization will be considered when the member is separated by reason of Selected Changes in Service Obligation, Convenience of the Government, or Disability.

(ii) With respect to administrative matters outside the administrative separation system that require a characterization of service as Honorable or General, an Entry Level Separation shall be treated as the required characterization. An Entry Level Separation for a member of a Reserve component separated from the Delayed Entry Program is under honorable conditions.

(b) [Reserved]

[50 FR 10943, Mar. 19, 1985, as amended at 51 FR 44909, Dec. 15, 1986; 65 FR 62616, Oct. 19, 2000]

### § 724.110 Reason/basis for administrative discharge.

The terms "reason for discharge" and "basis for discharge" have the same meaning. The first is a Navy term and the second is a Marine Corps term. These terms identify why an administrative discharge was issued, e.g., Convenience of the Government, Misconduct. Reasons/basis for discharge