

## MILPERSMAN 1910-130

### SEPARATION BY REASON OF DEFECTIVE ENLISTMENTS AND INDUCTIONS - ERRONEOUS ENLISTMENT

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<b>References</b>	(a) NAVMED P-117, Manual of the Medical Department (MANMED) (b) SECNAVINST 1850.4E (c) BUPERSINST 1900.8D
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1. **Separation Authority**

a. Commanding officers (COs) with special courts-martial convening authority or higher.

b. For Selected Reserve personnel, separation authority is Navy Personnel Command (NAVPERSCOM), Reserve Enlisted Status Branch/FTS Recall and Conversations (PERS-913).

2. **Policy**. A member may be separated on the basis of erroneous enlistment, reenlistment, induction, or extension of enlistment when:

a. The enlistment would not have occurred if relevant facts had been known by Department of the Navy (DON) or had appropriate directives been followed;

b. The enlistment was not the result of fraudulent conduct on the part of member; and

c. The defect is unchanged in any material respect.

**Note:** Processing under this article is mandatory if the underlying reason for processing is mandatory per MILPERSMAN 1910-233.

3. **Alcohol and or Drug Dependency.** A member may be separated under this article on the basis of alcohol and or drug dependency, provided member was diagnosed as alcohol and or drug dependent within the first 180 days of initial entry on active duty. The diagnosis must have been completed by a physician or clinical psychologist. The diagnosis itself may exceed the 180-day limit if based upon an incident committed within the 180-day period. If member has misconduct in the record, which meets minimum criteria for processing, member must be dual or multiple processed per MILPERSMAN 1910-410.

4. **Not Meeting Physical Standards.** A member may be separated under this article on the basis of not meeting physical standards for enlistment as set forth in reference (a), provided:

a. Member did not meet minimum physical standards for enlistment or induction upon entry, but the problem was revealed or discovered during in-processing at Recruit Training Command (RTC) and or at a Naval Training Center (NTC). While a medical board is not required, the condition will be verified and documented by a medical officer and member may be separated with an uncharacterized entry level separation (ELS). If there is any question as to whether the condition actually existed prior to entry or whether the condition was aggravated at any time after member was enlisted or inducted, convene a medical board;

b. Member has no unfitting physical disability as defined in reference (b), incurred in, or aggravated by, active military service, either for the current period or any prior period of service; and

c. There is no disciplinary action pending.

5. **Medical Board.** A member may be separated if member has not been granted a "waiver" of physical standards for enlistment. If a waiver was granted for the defect for which member is now considered to be not physically qualified, member's case must be processed under provisions of reference (b).

6. **Notification Procedure**

a. The notification procedure, per MILPERSMAN 1910-402, will be used. If, after discovering a member's enlistment may be erroneous and special court-martial convening authority recommends retention, separation processing is not required if the defect is no longer present or the defect (other than a medical condition) is waived by NAVPERSCOM, Enlisted Unfavorable Separations (PERS-832) for active duty personnel and NAVPERSCOM (PERS-913) for Reserve personnel.

b. Forward all completed cases by letter of transmittal to NAVPERSCOM (PERS-832) for active duty personnel or NAVPERSCOM (PERS-913) for Reserve personnel for review and or final determination.

7. **Erroneous Enlistment Detected Immediately**

a. When an erroneous enlistment is detected immediately after the swearing-in ceremony at Military Entrance Processing Station (MEPS), take the following action:

(1) Commander, MEPS revoke the travel order issued assigning individual to recruit training or other assigned command and issue an order assigning individual to the sponsoring Navy recruiting district for appropriate ELS discharge processing or an order of release from custody and control of service.

(2) Navy Recruiting District notify individual of erroneous enlistment and order individual home awaiting disposition. Coordinate with the servicing personnel support detachment (PERSUPP DET) to determine pay entitlement.

b. Within 24 hours, commanding officer of the Navy recruiting district will follow procedures outlined in notification procedures above and separate individual through ELS, discharge, or release from custody and control, as appropriate.

8. **Characterization of Service.** Honorable, unless an ELS, or void (an order of release from custody and control of military services) enlistment is required. See MILPERSMAN 1910-300).