

MILPERSMAN 1430-020

ADVANCEMENT AFTER REDUCTION IN RATE

Responsible Office	NAVPERSCOM (PERS-80)	Phone:	DSN	882-3224
			COM	(901) 874-3224
			FAX	882-2771

NAVPERSCOM CUSTOMER SERVICE CENTER	Phone:	Toll Free	1-866-U ASK NPC
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References	(a) Uniform Code of Military Justice (UCMJ) (b) COMNAVCRUITCOMINST 1130.8J (c) SECNAV WASHINGTON DC 181436Z APR 17 (ALNAV 021/17) (d) BUPERSINST 1430.16E (e) CNO WASHINGTON DC 1618272 AUG 17 (NAVADMIN 200/17)
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1. Policy

a. Reinstatement or restoration in rate after reduction in rate is intended to provide an opportunity for outstanding Sailors to recover from the impact of being reduced by one pay grade at nonjudicial punishment (NJP). Reinstatement or restoration in rate must not be used to advance Sailors more than one pay grade. Being reduced from a frocked status to one pay grade lower than the Service member's permanent pay grade is considered a reduction by one pay grade.

b. For the purpose of this article, the term "commanding officer" (CO) refers to an officer holding NJP authority in a command or detachment, including flag officers and officers in charge. COs are authorized to deny a Sailor's request for reinstatement or restoration in rate with no further action required. The only exception to this policy is discussed below in paragraph 2b(2).

c. Only Sailors who have demonstrated acceptable performance and personal conduct after NJP should be considered for reinstatement or restoration in rate.

d. Reinstatement or restoration in rate must not be used to prevent Sailors from being separated based on the established high year tenure date.

e. Sailors are encouraged to continue to pursue advancement via the Navy advancement process, even after submitting a request for reinstatement or restoration in rate. For Sailors without an advancement exam for E-4, the process for requesting reinstatement is discussed in paragraph 2b.

f. Reinstatement or restoration in rate time limits:

(1) Reinstatement to E-2/3/4 may not be effected earlier than 6 months from the imposition of NJP.

(2) Restoration in rate to E-5/6 may not be effected earlier than 12 months from the imposition of NJP.

g. Sailors are ineligible to submit a request in the following situations (the following list does not apply to ratings without an E-4 advancement exam per reference (e). Reinstatement will be at CO's discretion a minimum of 6 months after NJP) in which the Sailor is:

(1) Found guilty and reduced in rate at NJP for more than one charge or more than one specification (e.g., diverse occasions) of a charge under reference (a), article 15;

(2) Reduced in rate at a summary, special, or general court-martial;

(3) Administratively reduced in rate as a result of broken service or recalled to active duty per reference (b); or

(4) Reduced in rate as a result of a:

(a) Vacated or previously suspended sentence,

(b) Sexual assault or harassment offense,

(c) Fraternalization with subordinates directly in the Service member's chain of command,

(d) Operating a vehicle under the influence of alcohol or drugs (e.g., driving under the influence (DUI) or

driving while intoxicated (DWI)) where such action resulted in personal injury or property damage, including the Service member's own vehicle or property,

(e) Drug-related offense (to include DUI or DWI due to drugs, even if the drug has been properly prescribed),

(f) Resisting arrest or interfering with a law enforcement officer (military and civilian) or shore patrol's performance of duty,

(g) Substantiated domestic violence or emotional abuse,

(h) Viewing or distributing pornography on Government computers,

(i) Viewing or distributing child pornography,

(j) Nonconsensual sharing of intimate images per reference (c),

(k) Intentional act that could have jeopardized the safety of the command or any crew member,

(l) Being detached for cause by order of the Commander, Navy Personnel Command (CNPC), or

(m) Being permanently removed from the command imposing NJP.

2. Reinstatement to Pay Grades

a. E-2 through E-3. As outlined in reference (d), section 216e(5)(b), COs have the authority to reinstate Service members to E-2 and E-3.

b. E-4. As outlined in reference (e), paragraph 2, COs have the authority to reinstate Service members to E-4.

(1) COs have final authority to approve or disapprove requests for reinstatement to E-4.

(2) If a reinstatement request to E-4 is disapproved, Sailors have the right to appeal the disapproval to the

immediate superior in command no earlier than 12 months after imposition of NJP.

c. NAVPERS 1070/613 Administrative Remarks (permanent) must be completed by the member's command (CO's signature required) and sent to Navy Personnel Command (NAVPERSCOM), Enlisted Career Administration/Enlisted Boards Division (PERS-8031). NAVPERS 1070/613 may be accessed at: <http://www.public.navy.mil/bupers-npc/reference/forms/NAVPERS/Pages/default.aspx>. NAVPERS 1070/613 must include the following language:

"(date): Effective this date, Service member has been reinstated to E-4. Effective date of pay grade is (date). The effective date of pay grade will be the reinstatement date approved by the commanding officer. The time-in-rate date will be applied as outlined in BUPERSINST 1430.16E. The required Navy Standard Integrated Personnel System transaction must be completed to ensure proper reinstatement of the affected member.

3. Restoration to E-5 through E-6

a. Sailors may request restoration in rate by submitting a written request to their CO.

b. COs have authority to disapprove a restoration in rate request to E-5 and E-6.

c. If CO supports restoration in rate to E-5 and E-6, they must submit an endorsement of the Sailor's request detailed in paragraphs 5 and 6.

d. There is no appeal for a decision made by either CO or CNPC to disapprove a restoration in rate request to E-5 and E-6.

4. Reinstatement or Restoration in Rate Application Procedures

a. Sailors who desire reinstatement or restoration in rate must submit a letter of request to their CO.

b. Letter must address the circumstances that resulted in imposition of NJP and a self-assessment of future potential for continued service.

c. Requests not submitted per applicable timeframes previously discussed will not be considered.

5. CO's Endorsement for E-5 and E-6 Restoration in Rate Requests

a. Restoration in rate endorsements must have the following set forth in detail (any endorsement that lacks the detail in its entirety will be returned without consideration):

(1) An evaluation of the Sailor's professional performance and personal conduct, a detailed justification supporting restoration in rate, and an assessment of potential for future service;

(2) The underlying basis that resulted in the imposition of NJP and its impact on the command and any victim(s);

(3) An assessment of any extenuating or mitigating circumstances;

(4) How the recommendation to restore rate supports our Navy ethos; and

(5) Why other means of restoration were not deemed sufficient (e.g., NJP set-aside or mitigation).

b. The following information must be supplied by the command as enclosures to the request:

(1) A summary of the offense for which the Sailor received punishment; either through a statement, excerpt from the unit punishment book, or a copy of NAVPERS 1626/7 Report and Disposition of Offense(s). (NAVPERS 1626/7 may be accessed using the following Web address: <http://www.public.navy.mil/bupers-npc/reference/forms/NAVPERS/Pages/default.aspx>.);

(2) Copies of all evaluations covering the Sailor's entire career; and

(3) If the offense is alcohol-related, the endorsement must address the Sailor's success in dealing with the appropriate use of alcohol and level of treatment received (including certification of completion of treatment).

6. Submission

a. All electronic correspondence (e-mail) which contains personal identifiable information (PII) must be digitally signed, PKI-encrypted, and submitted to advancements-active@navy.mil. The subject line must read: "FOUO-Privacy Sensitive." All printed and electronic documents containing PII must contain the privacy warning: "FOR OFFICIAL USE ONLY - PRIVACY SENSITIVE. Any misuse or unauthorized disclosure may result in both civil and criminal penalties." In the event encryption is not possible, the only other authorized means of electronically transmitting PII is through use of Safe Access File Exchange (SAFE). SAFE can be accessed via the following Web address: <https://safe.amrdec.army.mil/safe>. Once you have submitted the documents via SAFE, notify Navy Personnel Command (NAVPERSCOM), Career Progression Division (PERS-80); and

b. Any hard-copy correspondence must be pre-coordinated before mailing to NAVPERSCOM (PERS-80). All hard-copy correspondence containing PII of Navy personnel must be:

(1) Double-wrapped with the inner layer labeled "FOR OFFICIAL USE ONLY - PRIVACY SENSITIVE. Any misuse or unauthorized disclosure may result in both civil and criminal penalties;"

(2) Covered with DD 2923 "Privacy Act Data Cover Sheet" (as appropriate). DD 2923 may be accessed by using the following Web address: http://www.esd.whs.mil/Directives/forms/dd2500_2999/;

(3) Mailed to only those with an official need to know;

(4) Sent via mailing service that can provide tracking information; and

(5) Handled per Department of Defense privacy directives.