FY-04 ACTIVE DUTY OFFICER PROMOTION SELECTION BOARD GUIDANCE

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APPENDIX - A

GENERAL GUIDANCE

1. **Duties of the Board President.** The president of the board has been appointed by me and shall perform prescribed administrative duties. The board president has no authority to constrain the board from recommending for promotion those fully qualified officers that the majority finds best qualified to meet the needs of the Navy.

2. **Board Proceedings.** Per DoD Instruction 1320.14, the following directions apply to all board proceedings:

a. Each of you (president, members, recorders, and administrative support personnel) is responsible to maintain the integrity and independence of this selection board, and to foster careful consideration, without prejudice or partiality, of all eligible officers. DoD Instruction 1320.14 provides specific rules governing the conduct of officer selection boards and the actions of selection board personnel.

b. You must pay particularly close attention to the rules governing communications with and among other board members, the information authorized to be furnished to you, and the procedures you should follow if you believe that the integrity of this selection board has been improperly affected.

c. You may not receive, initiate, or participate in communications or discussions involving information that DoD Instruction 1320.14 precludes from consideration by a selection board. You are to base your recommendations on the material in each officer's military record, any information I have provided to the board in accordance with DoD Instruction 1320.14, and any information communicated to you by individual eligible officers under regulations I have issued. In your deliberations, you may discuss your own personal knowledge and evaluation of the professional qualifications of eligible officers to the extent that such matters are not precluded in law, DoD Instruction 1320.14, or Service regulations from consideration by a selection board or inclusion in an officer's military personnel record. You may not discuss or disclose the opinion of any person not a member of the board concerning an officer being considered unless that opinion is contained in material provided to the board under the provisions of DoD Instruction 1320.14.

d. When discussing your own personal knowledge concerning the professional qualifications of eligible officers, the board is reminded that if personal remarks, based on a member's personal knowledge, could be considered adverse, the member cannot discuss any personal knowledge or evaluation unless such matters are contained in the officer's official record or other

material placed before the board in compliance with the law and Service regulation. In addition, should an officer's record reveal the removal of a fitness report, the member may not discuss any personal knowledge regarding the circumstance which resulted in the removal of the report.

e. I am the only person who may appear in person to address you on other than administrative matters. All communications with this board, other than those that are clearly administrative, must be in writing, given to each of you, and made part of the board's record. I have designated in writing those persons authorized to provide routine administrative information to you.

f. Before the report of the promotion selection board is signed, the recommendations may be disclosed only to members of the board, recorders, and those administrative support personnel I have designated in writing. After you sign the board report, only the recommendations of the board may be disclosed. Except as authorized by DoD Instruction 1320.14 and sections 616(e), 618(f), 14104, or 14108(d) of title 10, U.S. Code, the proceedings of the board may not be disclosed to any person not a board member or board recorder.

g. If at any time you believe that you cannot in good conscience perform your duties as a member of the board without prejudice or partiality, you have a duty to request relief by me from this duty. I will honor any such request. If a member or recorder believes that the integrity of the board's proceedings has been affected by improper influence of military or civilian authority, misconduct by the board president or a member, or any other reason, or believes someone is exerting or attempting to exert inappropriate influence over the board or its proceedings, he or she has a duty to request from me or the Secretary of Defense relief from the obligation not to disclose board proceedings and, upon receiving it, to report the basis for this belief.

3. **Consideration of Officers "Below The Zone"**. Identifying exceptional officers from below the zone and selecting them for promotion is authorized; however, no more than 10 percent of the total officers selected for promotion may be from below the promotion zone. The board is directed to ensure that below zone candidates are individually evaluated as a source of best and fully qualified officers.

4. **Marital Status**. Promotion boards are prohibited from considering the marital status of a member or the employment, education, or volunteer service of a spouse.

5. **Area Tours**. Repeated tours in a particular geographic location should not be considered negatively, provided the officer has progressed in billet complexity, professional development, and leadership responsibility.

6. **Adverse Information**

a. Just as you must consider positive performance, you must consider documented incidents of misconduct and substandard performance which are included in an officer's official service record in determining those officers who are best qualified for promotion. Members must give careful consideration to each incident. For those eligible officers who are recommended for promotion and who have received disciplinary action, or whose privileged information record (Fiche Five/EMPRS Field Code 17) contains matters relating to conduct or performance of duty, every board member shall review the information contained therein personally prior to the final board decision.

b. Faced with many well-qualified officers, there may be a tendency to simplify your task by summarily putting aside the folders of officers whose past records are less than perfect; however, to do this is to fall short of your obligation. A judgment of the whole person and the whole record is required to determine whose future potential will serve the Navy best. You may conclude that particular adverse information undermines an officer's ability to serve successfully in a position of increased authority and responsibility, despite an otherwise outstanding record. On the other hand, you may find that an officer's overall outstanding performance demonstrates such potential for future service that it outweighs any deficiency noted in the record. Some officers will have learned from their mistakes in ways that make them stronger; others will have strengths that outweigh relative weaknesses in their records.

c. Make the best, not simply the most obviously defensible, choices. By doing this you will not only fulfill your obligation, you will also better serve the Navy.

7. **Show Cause Determination**. In addition to determining which officers are best qualified for promotion, the board shall review each record carefully to determine whether the officer's performance is such that the individual is considered suitable for retention. The board shall notify the Secretary of the Navy of the name of each officer whose record, in the opinion of a majority of board members, indicates the officer should be required to show cause for retention due to:

a. Substandard performance of duty;

b. Moral or professional dereliction;

c. Misconduct; or,

d. Because the officer's retention is not clearly consistent with the interests of national security.

APPENDIX - B

SELECTION STANDARD AND SKILLS GUIDANCE

(Active Duty 04 Staff Corps: JAG)

1. **Selection Standard**. The board shall consider carefully, without prejudice or partiality, the record of every eligible officer. The officers selected will be those whom a majority of the members of the board consider best qualified for promotion giving due consideration to the needs of the Navy for officers with particular skills when I provide specific skill guidance to the board. In addition to the standard of best qualified, all officers recommended for promotion must be fully qualified; that is, each officer recommended must be capable of performing the duties of the next higher grade. The best and fully qualified standard shall be applied uniformly to all eligible officers whether below, in, or above the promotion zone.

2. **"Best Qualified" Standard**. Naval policy regarding application of the statutory "best qualified" standard is as follows: The needs of the Navy dictate that our future leaders possess the qualities to excel in combat as commanders or in support of operational commanders or positions of leadership in direct support of fleet operations. Proven excellence in leadership positions is an important measure of the qualities required. Performance while in command (for those who have been afforded the opportunity), as well as potential for command, is the ultimate test of fitness for promotion. Officers may have also demonstrated leadership, skill, integrity, and resourcefulness in other difficult and challenging joint and in-service assignments.

3. **Graduate Education**. Graduate education and specialty skills, represented by proven subspecialties, are important to our Navy and represent a key investment in our future. The Navy needs officers with formal technical and military education in a time of increasing technological sophistication. Advanced education achievement is a significant career milestone in the development of future Navy leadership. The utilization of advanced education in subspecialty tours is an equally significant career milestone. In determining an officer's fitness for selection, you shall favorably consider graduate degrees, military education, and experience in specialized areas.

4. **Innovation and Efficiency**. In your deliberations, give careful consideration to the fact that the needs of the Navy have changed over the years and will continue to change. Please be especially alert for officers who embrace innovation and

efficiency to find new solutions to our most challenging problems. The Navy needs bold officers who are willing to think creatively, take well-calculated risks, develop new ideas, and maximize capabilities through sound management practices. Seek to promote officers who have shown initiative in finding and pursuing the most effective ways of accomplishing our mission. In your consideration, recognize that the continued preeminence of the Navy in the future is inextricably linked to its ability to change and to manage for efficiency. I note also, in this regard, that officers with the greatest capacity for innovation and management efficiency may have had some billets different from the norm. In the context of a changing Navy, the best qualified officers may reflect a variety of backgrounds and proven records of accomplishment.

5. **Joint Duty Consideration**

a. Our ability to operate effectively with the other Services is vital to our warfighting capability. To foster this ability, a number of officers are assigned to joint military training and education and to duties with other services and to joint staffs.

b. To ensure our ability to conduct joint operations, the Navy is firmly committed to placing as many officers as possible in joint duty assignments. These assignments, critical for the future success of the Navy, may have resulted in a career pattern different from officers who have served exclusively in their primary or warfare specialty. In making your determination of those officers who are best and fully qualified for promotion, you must view joint duty assignments as having the same value as assignments within the primary or warfare specialty.

c. The Navy's ability to meet future joint operations requirements depends, in part, on senior officers who have served or are serving in joint duty assignments. Experience in a joint duty billet is a factor for you to consider in determining which officers are best qualified for promotion.

6. **International Affairs Officer Consideration**. International Affairs Officers are a select group with the requisite qualifications to influence and advise commanders in international political-military matters, contribute to the formulation of U.S. foreign policy, and implement security cooperation plans with the nations and navies of the world. The quality of performance of these officers in international relations assignments, their specialized background, and potential for assignment to critical USDAO, Combatant Commander Staff, and Joint Staff positions, should be given weight equal to that ordinarily given to other members of their communities who

have followed more traditional career patterns. In view of the qualifications of officers who have been selected for the International Affairs Officer Program, the board should give appropriate consideration to officers with these skills when selecting the best and fully qualified to meet the needs of the Navy.

7. **Retention Effectiveness**. As the Navy transitions from a decade of downsizing to a steady-state force structure, we are faced with significant personnel retention challenges. At each echelon, the role of Navy leadership is a crucial factor in our ability to effectively retain both the quantity and quality of personnel necessary to sustain a full and vital force. In view of these challenges, be particularly attentive to the officers whose records have demonstrated attributes of superior leadership which, in turn, have fostered a command or workplace environment conducive to the improvement of personnel retention.

APPENDIX - C

EQUAL OPPORTUNITY GUIDANCE

1. The Department of the Navy is dedicated to equality of treatment and opportunity for all personnel without regard to race, creed, color, gender, or national origin. The Navy strives to maintain a professional working environment in which an individual's race, creed, color, gender, or national origin will not limit his or her professional opportunities. Accordingly, within this board's charter to determine those officers who are best and fully qualified, you must ensure that officers are not disadvantaged because of their race, creed, color, gender, or national origin.

2. Your evaluation of all officers must afford them fair and equitable consideration. You should be particularly vigilant in your evaluation of records to take care that no officer's promotion opportunity is disadvantaged by service utilization policies or practices. You should evaluate each officer's potential to assume the responsibilities of the next higher grade, the overriding factor being performance of assigned duties.

3. The Navy has assigned some officers outside of traditional career development patterns, e.g., institutional instructors, recruiting and equal opportunity billets. In addition, other utilization policies or practices, such as those based on statutory restrictions on the assignment of women, may have had an effect on career opportunities. These assignments, though beneficial to the Navy, may have foreclosed to the officers so assigned opportunities available to other officers. Such assignment practices should not prejudice the selection of these officers for promotion. Successful performance of assigned duties is the key in measuring an officer's potential for promotion. Accordingly, in determining the qualification for promotion of any officer who has been affected by such utilization policies or practices, duty performed well in such assignments should be given weight equal to duty performed well by an officer not affected by such policies or practices.

4. This guidance should not be interpreted as requiring or permitting preferential treatment of any officer or group of officers on the grounds of race, creed, color, gender, or national origin.

APPENDIX - D

BOARD REPORTS

1. The record of the board's proceedings shall be compiled by the recorders and administrative support staff. The written report of the board shall be signed by the board president, the board members, and board recorders. It shall contain a list of the officers recommended for promotion with appropriate selection statistics as required by DoD Instruction 1320.14, as well as the following items:

a. Convening notice required by section 614 of title 10, U.S. Code.

b. All instructions, information, and guidance that were provided to the board, under section 615 of title 10, U.S. Code and DoD Instruction 1320.14, except information concerning particular officers, which must be retained and transferred to the Chief of Naval Personnel.

c. Certification that

(1) To the best of your knowledge, the board complied with DoD Instruction 1320.14, all instructions contained in the precept, and, as appropriate, other letters of guidance or instruction provided by me;

(2) You were not subject to or aware of any censure, reprimand, or admonishment about the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board;

(3) You were not subject to or aware of any attempt to coerce or influence improperly any action in the formulation of the board's recommendations;

(4) You were not party to or aware of any attempt at unauthorized communications;

(5) To the best of your knowledge, the board carefully considered the record of each officer whose name was furnished to the board;

(6) The officers recommended for promotion are, in the opinion of the majority of the members of the board, fully qualified and best qualified for promotion to meet the needs of the Navy among those officers whose names were furnished to the board;

(7) You are aware that the names of the selectees will be released to the public after the board report is approved, and you know that you may not disclose recommended selectees until the names are released to the public; and

(8) You understand that, except as authorized by DoD Instruction 1320.14 and sections 616(e), 618(f), 14104, or 14108(d) of title 10, U.S. Code, you may never disclose the proceedings and deliberations of the board to any person who is not a board member or board recorder.

d. A list of all officers eligible for consideration.

e. A sampling of records prepared by the board president under procedures prescribed by the Chief of Naval Operations for use in convening special selection boards.

f. Precept.

g. If applicable, the show-cause list shall contain the names of those officers whose records, in the opinion of a majority of the members of the board, indicate the officer should be required to show cause for his or her retention on active duty. It shall also contain a brief explanation of the basis for the board's opinion. Negative reports shall state, "In the opinion of a majority of the members of the board there were no officers recommended to show cause for their retention on active duty."

h. A list of the names of all officers considered by the board who submitted letters for board consideration requesting that they not be selected for promotion or who have otherwise directly caused their non-selection through written communication to the board. Negative reports shall state, "No officers requested that they not be selected by the board or otherwise caused their non-selection through written communication to the board."

2. The report shall be forwarded for approval to the Principal Deputy Under Secretary of Defense for Personnel and Readiness via, first, the Chief of Naval Personnel; second, the Chief of Naval Operations; third, the Judge Advocate General of the Navy for legal review; and fourth, me. In addition, the report of a selection board that considered officers with service in joint duty assignments will be forwarded to the Chairman, Joint Chiefs of Staff, for review.

APPENDIX - E

OATHS

1. The president of the board(s) shall administer the following oath or affirmation to the recorder and assistant recorders:

> "Do you, and each of you, solemnly swear (or affirm) that you will keep a true record of the proceedings of this board, and you will not divulge the proceedings of this board except as authorized or required by the Secretary of the Navy or higher authority, so help you God?"

2. The recorder shall then administer the following oath or affirmation to the members of the board(s):

> "Do you, and each of you, solemnly swear (or affirm) that you will perform your duties as a member of this board without prejudice or partiality, having in view both the special fitness of officers and the efficiency of the Naval Service, and you will not divulge the proceedings of this board except as authorized or required by the Secretary of the Navy or higher authority, so help you God?"

3. The recorder shall then administer the following oath or affirmation to administrative support personnel:

> "Do you, and each of you, solemnly swear (or affirm) that you will not divulge the proceedings of this board except as authorized or required by the Secretary of the Navy or higher authority, so help you God?"