

## MILPERSMAN 1910-110

### SEPARATION BY REASON OF CONVENIENCE OF THE GOVERNMENT - HARDSHIP

<b>Responsible Office</b>	NAVPERSCOM (PERS-40HH)	Phone:	DSN COM FAX	882-3299/3551 (901) 874-3299/3551 882-2647
---------------------------	---------------------------	--------	-------------------	--

NAVPERSCOM CUSTOMER SERVICE CENTER	Phone: Toll Free	1-866-U ASK NPC
---------------------------------------	------------------	-----------------

<b>References</b>	(a) DODD 1332.14 of 21 Dec 93
-------------------	-------------------------------

#### 1. Policy

a. Members on active duty, with hardships meeting the criteria below, may request separation from the Naval Service from the Special Court-Martial Convening Authority (SPCMCA) (MILPERSMAN 1910-704) within their chain-of-command (members must be in either a **For Duty (ACC 100)** or **Temporary Duty (TEM DU)** status, not **Temporarily Additional Duty (TEMADD)**).

b. No member has an absolute right to discharge from Navy due to hardship.

c. A hardship discharge is intended to be used as an instrument to alleviate personal hardship encountered by an enlisted member's immediate family when discharge is the only solution. It will not be used as a means to rid the service of a burden to the command.

2. Approving Authority. The decision of whether or not a hardship discharge should be granted is at the discretion of the SPCMCA.

3. **Criteria for Hardship Status**. The member's request must show that the hardship meets the following criteria:

a.	A severe hardship exists, not normally encountered and resolved by other members of the Naval Service.
b.	The hardship affects the servicemember's immediate family. <b>Immediate family is defined as:</b> spouse, son, daughter, stepchild, parent, brother, sister, or other person, including a stepparent acting in loco parentis for a period of 5 years before the member became 21 years of age, or any bonafide dependent of the servicemember. In-laws and grandparents are not considered members of the immediate family solely by virtue of their relationship as in-laws or grandparents.
c.	The hardship is not of a temporary nature and cannot reasonably be expected to be resolved within the near time frame by using leave (including emergency leave if overseas) or a period of TEMDU for humanitarian reasons to better the situation.
d.	The hardship has occurred or has been severely aggravated since entry into the service.
e.	The member and family have made every reasonable effort to alleviate the hardship.
f.	There are no other family members or relatives nearby who are capable of providing the necessary assistance.
g.	The discharge or release of the member will result in the elimination or material alleviation of the hardship.

4. **Reasons for not Disapproving Separation**. A separation will not be disapproved for the sole reason that the member is

- a. required in assigned duties.

b. indebted to the government or to an individual. Although SPCMCA's are charged with closely monitoring special entitlement programs (i.e., selective reenlistment bonus (SRB)), disapproval cannot be made solely on failure of the government to recoup monies for a hardship discharge.

5. **Extraordinary Circumstances**. Extraordinary circumstances involving members of the applicant's family normally warrant special consideration when it is proved that the member's presence is essential to alleviate the hardship and, in addition to other requirements, includes, but is not limited to the following:

a. The death of, or final divorce from, a spouse where the member is left as sole parent of a minor child or children, other arrangements cannot be made for their continued care, and the member cannot continue at present duties and properly care for them (process member under MILPERSMAN 1910-124 if applicable). To be eligible for separation under this subparagraph the member must be a single parent serving on (or under orders to) sea duty or be in a deployable status and have a final divorce decree with permanent physical custody awarded to the member.

b. The long-term physical or mental illness of the spouse that does not allow the member to perform duties as assigned and the member's continued presence is required. (**NOTE:** Whether the mental illness of the member's spouse is severe enough to warrant a hardship discharge is a determination within the discretion of the appropriate SPCMCA.)

c. As a result of the disability or death of a parent, the separation of the member from the Navy is essential for the financial and physical support of a member or members of the family. Undue hardship does not necessarily exist solely because of altered present or anticipated income. Consideration must be given to Social Security, disability payments, other federal and state assistance programs, and any other income or assets of the member or other family members.

6. **Reasons for not Authorizing Separation**. Except under extraordinary circumstances as determined by the appropriate SPCMCA, separation under this article will not be authorized when the member is under charges or confined, nor will it be authorized solely for:

a.	Financial or business reasons (including the operation of a family business unless the business is the sole income of the family and there are no other family members capable or willing to operate it).
b.	Indebtedness.
c.	Personal convenience.
d.	The member's physical or mental health.
e.	Moral support to an immediate family member whose life expectancy is estimated by the attending physician as less than 6 months. (This situation should be handled through the submission of a Humanitarian Reassignment Request per reference (a).)
f.	Custody battles or divorce proceedings.
g.	Parenthood (unable to comply with the Family Care Plan certificate).

7. **Counseling Applicants.**

a. Enlisted personnel who desire to request separation for hardship reasons shall be informed of the proper procedure to follow. It should be clearly explained to each applicant that

(1) a request shall be submitted, via official channels;

(2) submission of a request is no assurance the discharge or release to inactive duty will be authorized; and

(3) the decision is within the sole discretion of the appropriate SPCMCA.

b. Each request will be carefully and sympathetically considered and a final decision will be based upon its individual merits.

c. It should be further explained to the member prior to submission of a request for hardship discharge that such a

request for hardship discharge, once approved by the appropriate SPCMCA, is **irrevocable** except in the most unusual circumstances. In instances of this nature it will be necessary for the member to submit a request for cancellation of discharge authority to the appropriate SPCMCA via official channels, stating how the hardship has been eliminated, including affidavits attesting to this fact.

8. Procedure for Submitting Application

a. A written request for separation for hardship shall be addressed to the appropriate SPCMCA. In unusual circumstances, members in an authorized leave status may submit requests for hardship discharge.

b. To expedite the procedure, the nearest naval activity should submit a properly prepared request to the appropriate SPCMCA with the assisting command's synopsis included in their endorsement. All requests must be accompanied by affidavits substantiating the hardship claim. Where practical, one affidavit should be submitted from the family member(s) concerned.

c. The preparing activity shall immediately inform the member's parent command of the pending request and ask for a leave extension, if warranted. Otherwise, the provisions for no-cost TEMADD orders, as delineated in reference (a), may be used.

d. Process servicemember under any other Convenience of the Government if it pertains.

9. Application Format (Use the proper letter format containing the following.)

From: (rate, name, branch of service, SSN)  
To: (Special Court-Martial Convening Authority)  
Via: (if applicable)

Subj: REQUEST FOR HARDSHIP DISCHARGE

Ref: (a) MILPERSMAN 1910-110  
(b) 5 U.S.C. 301

Encl: (1) Current NAVPERS 1070/602 (Rev. 7-72), Dependency Application/Record of Emergency Data  
(2) NAVPERS 1070/605 (Rev. 10-89), History of Assignments  
(3) Latest Standard Transfer Orders  
(4) Letter from person(s) experiencing hardship  
(5) Letter(s) from prospective employer(s)  
(6) Member's financial statement, including the latest Leave and Earnings Statement (LES)  
(7) List all additional letters as individual enclosures

1. I request a hardship discharge per reference (a) for the following reasons:

a. Description of Hardship: (A complete and specific description of hardship in member's own words, using names, dates, and places. Include history of problem, if any.)

b. Description of Action Taken: (Indicate what member has done to solve problem. Be specific.)

c. How applicant expects to alleviate or resolve the hardship if request is approved. (Be specific.)

2. Necessary information to facilitate decision:

a. Names, addresses, and ages of member and family.

b. Names, addresses, ages of other immediate family members.

c. Dates of previous requests, if any, for humanitarian reassignments or hardship discharges.

d. Location and weight of household effects:

e. Location of records:

3. PRIVACY ACT STATEMENT

The authority to request this information is derived from reference (b), and departmental regulations. The purpose of this request is to request discharge due to hardship reasons. The information is used to determine approval or disapproval for the requested status. The application is completely voluntary; however, failure to provide the required information will result in an inability to process the request and the member would not be able to receive the requested status.

[Member's Signature]

Witnessed:

Copy to:

10. **Additional Enclosures in Application.** Applicants may provide any of the following with their request. This is not an inclusive list; keep in mind that each statement made in the request must be backed with a written statement from a professional aware of the hardship.

a. **Individual letters from all immediate family members** stating why they cannot or will not contribute to the necessary care or support of those enduring the hardship. Letters should include their monthly income.

b. **Final divorce decree and court awarded physical custody.** A certified copy of these documents is mandatory when requesting discharge for reasons of hardship because of single parenthood through divorce.

c. **Medical documentation** must be current (within 2 months) and from the attending physician or psychiatrist. Medical terminology should be defined to a degree sufficient to allow a layman to understand the nature of the illness. When applicable, specific dates should be used. Include both diagnosis and prognosis. Specify type and length of treatment

or hospitalization. Include life expectancy when applicable. Pertinent background information and possibility or probability of recurrence is required.

**d. Financial statements.**

(1)	A statement on the servicemember's financial status (including a copy of the latest LES) is required on all requests, and on other family members when member's request involves financial situations. The statements consist of <ul style="list-style-type: none"><li>• a complete itemized budget for the servicemember and family including rent, food, clothing, utilities, fuel, medical expenses, and other regular expenses;</li><li>• list of existing debts including names of creditors, original amount and monthly payments, date debt contracted, and purposes; and</li><li>• specific amounts and modes of contributions of servicemember to family members or others during the current enlistment.</li></ul>
(2)	For the servicemember, include allotments, date started, and for whom.
(3)	Family members' statements must also include other income and assets such as pensions, insurance, Department of Veterans Affairs compensation, ownership, rental or sale of real estate, investments, bank deposits and income thereon, fees, alimony, or monies in their possession, anticipated and/or received of any description whatsoever, whether regular or occasional, or Social Security benefits or trust funds.

**e. Letters from persons familiar with the hardship** (e.g., chaplain, social workers, friends, and relatives).

f. **Statements from law enforcement agencies, schools, lawyers, etc.**, will be included as the request warrants.

11. **Requesting Red Cross Reports**. By mutual agreement, military authorities will not request, and the Red Cross will not provide reports at the time an application is being submitted. If the application and supporting evidence do not contain sufficient factual information on which to base a decision, a commanding officer (CO) or military headquarters having authority of discharge, reassignment, or deferment decisions may request the Red Cross to supply the specific additional information required. When a Red Cross report is desired, the request will include a brief summary of the information already provided.

12. **Members Awaiting Disciplinary Action**. Cases of members awaiting disciplinary action will be held in abeyance until disciplinary action has been resolved.

13. **Disposition**

a. The eligible member who does not have an additional service obligation may be discharged.

b. The eligible member who has an additional service obligation under any provision of law may be transferred to the Navy Reserve (if otherwise eligible therefore) and released to inactive duty or, if already a member of the Navy Reserve, released to inactive duty to serve the remainder of the obligated service.

c. A member of the Navy Reserve, serving on inactive duty, may be transferred to the Individual Ready Reserve (IRR) or Standby Reserve when the hardship prevents participation in the Selected Reserve (SELRES) but not mobilization of the member, or may be discharged when the hardship would prevent the member's mobilization.

d. Cases of members on inactive duty shall be approved by the appropriate SPCMCA and upon completion forwarded to Navy Personnel Command (NAVPERSCOM), Reserve Enlisted Personnel Section (PERS-4913).

14. **SPCMCA Procedures**. SPCMCA will forward all approved or disapproved hardship requests to NAVPERSCOM, Enlisted Distribution Division (PERS-40HH), for record purposes. When

the discharge is approved, the SPCMCA needs to contact the field service record holder to authorize the discharge. Authorization needs to include the date and characterization of service for the preparation of DD 214 (Rev. 02-00), Certificate of Release or Discharge from Active Duty. In the forwarding letter to NAVPERSCOM, include the following:

- a. Member's request and all supporting documentation, as outlined in "Application Format" of this article;
- b. Copy of member's DD 214 (if appropriate);
- c. Command to which member was transferred TEMDU for separation and the date discharge is to be accomplished (if appropriate); and
- d. Reason for disapproval (if appropriate).

15. **Members with Remaining Military Selective Service (MSS) Obligation.** Procedures for effecting separation by reason of hardship of members who have a MSS obligation remaining are

a. for **active duty personnel**, enlisted or inducted, when transfer to the Navy Reserve and release to inactive duty are directed by the appropriate SPCMCA, the prescribed procedures shall be followed with the exception that such members shall be assigned to the Standby Reserve-Active (USNR S1) instead of the Ready Reserve.

b. for **members of the Navy Reserve serving on inactive duty**, when discharge is authorized, complete NAVPERS 1070/613 (Rev. 10-81), Administrative Remarks in lieu of NAVPERS 1070/615 (Rev. 8-01), Record of Discharge from the U.S. Navy Reserve (Inactive), per MILPERSMAN 1070-330, with the following additional statement:

"Not eligible for enlistment/reenlistment in the Navy Reserve or regular Navy without prior approval of CHNAVPERS."

16. **Disclosure of Information.** Any information concerning the private affairs of members of the Naval Service or of their families is intended "For official use only" and shall not be disclosed to persons other than in connection with their

official duties, nor shall the source of such information be disclosed.

17. **Characterization of Service**. Characterization of service or description of separation shall be Honorable, General, or Entry Level Separation under the guidance provided in MILPERSMAN 1910-300.