



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
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WASHINGTON DC 20350-1000

SECNAVINST 1800.3
SAL
3 February 2009

SECNAV INSTRUCTION 1800.3

From: Secretary of the Navy

Subj: RETIREMENT OF THE ASSISTANT JUDGE ADVOCATE GENERAL OF
THE NAVY

Ref: (a) Section 5149 of Title 10, United States Code
(b) SECNAV M-5210.1

1. Purpose. To prescribe Department policy for the positions of the Assistant Judge Advocate General (AJAG) of the Navy.

2. Background

a. Reference (a) provides authority for officers detailed as AJAGs of the Navy, while so serving, to hold the grade of rear admiral (lower half) or brigadier general if appointed to those grades by the President, by and with the advice and consent of the Senate. In the alternative, reference (a) provides discretionary authority for AJAGs of the Navy serving in lower grades to be retired in the grades of rear admiral (lower half) or brigadier general, and entitlement to the retired pay of those grades. Based on numerical limitations of flag and general officers, the Department has chosen the alternative practice of promoting the AJAGs upon retirement.

b. Department AJAGs are competitively selected by flag and general officer selection boards employing statutory procedures applicable to promotion selection boards to the maximum extent practicable. The currently established AJAG positions are as follows:

- (1) AJAG (Civil Law)
- (2) AJAG (Operations and Management)
- (3) AJAG (Military Justice)
- (4) AJAG (Chief Judge)

3. Policy

a. Though Department of the Navy AJAGs will not serve in the grades of rear admiral or brigadier general while on active duty, the designated AJAG positions are flag and general officer equivalent positions, with duties and responsibilities commensurate with those grades.

b. An AJAG who does not serve in the rank of O-7 is not eligible to retire as a flag or general officer under reference (a), unless he or she serves satisfactorily for at least 3 years in one of the designated AJAG positions, with at least 1 year of that service being detailed as AJAG of the Navy. Officers serving less than 3 years in one of the designated AJAG positions, or less than 1 year as the detailed AJAG of the Navy, or who serve as AJAGs in grades below captain or colonel, will be retired in the highest grade in which they served satisfactorily on active duty. Waivers to this policy will only be considered in cases involving extreme hardship or exceptional or unusual circumstances.

4. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed in accordance with reference (b).



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