



Department of Defense **INSTRUCTION**

NUMBER 1320.10

February 6, 2014

USD(P&R)

SUBJECT: Discharge of Commissioned Officers Not Qualified for Promotion to the Grade of First Lieutenant or Lieutenant (Junior Grade)

References: See Enclosure 1

1. **PURPOSE.** In accordance with the authority in DoD Directive 5124.02 (Reference (a)), this instruction reissues DoD Instruction (DoDI) 1320.10 (Reference (b)) to establish policy, assign responsibilities, and prescribe procedures to discharge commissioned officers found not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade).

2. **APPLICABILITY.** This instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD.

3. **POLICY.** It is DoD policy to discharge officers who are not qualified to be promoted to the grade of first lieutenant or lieutenant (junior grade). However, it is recognized that such officers are new to commissioned military service and should be afforded a reasonable opportunity to overcome their deficiencies before discharge action is taken.

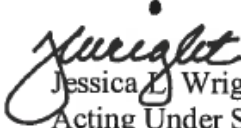
4. **RESPONSIBILITIES.** See Enclosure 2.

5. **PROCEDURES.** Enclosure 3 provides procedures for the discharge of commissioned officers found not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade).

6. **RELEASABILITY.** **Unlimited.** This instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This instruction:

- a. Is effective February 6, 2014.
- b. Must be reissued, cancelled, or certified current within 5 years of its publication to be considered current in accordance with DoDI 5025.01 (Reference (c)).
- c. Will expire effective February 6, 2024 and be removed from the DoD Issuances Website if it hasn't been reissued or cancelled in accordance with Reference (c).


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Acting Under Secretary of Defense for
Personnel and Readiness

Enclosures

1. References
2. Responsibilities
3. Procedures

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (b) DoD Instruction 1320.10, "Discharge of Commissioned Officers Not Qualified for Promotion to First Lieutenant or Lieutenant (Junior Grade)," March 13, 2007, as amended (hereby cancelled)
- (c) DoD Instruction 5025.01, "DoD Directives Program," September 26, 2012, as amended
- (d) DoD Instruction 1332.29, "Eligibility of Regular and Reserve Personnel for Separation Pay," June 20, 1991, as amended
- (e) Title 10, United States Code
- (f) DoD Instruction 1310.02, "Appointing Commissioned Officers," May 8, 2007, as amended

ENCLOSURE 2

RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR READINESS AND FORCE MANAGEMENT (ASD(R&FM)). Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the ASD(R&FM) develops and oversees the policies governing the discharge of commissioned officers found unqualified for promotion to the grade of first lieutenant or lieutenant (junior grade).

2. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments:
 - a. Implement this instruction.
 - b. Prescribe regulations consistent with the policy in this instruction.
 - c. Recommend policy changes to this instruction, as necessary, to the USD(P&R).

ENCLOSURE 3

PROCEDURES

1. RETENTION. The continued military service of officers found unqualified to be promoted to the grade of first lieutenant or lieutenant (junior grade) is inconsistent with the mission requirements of the Military Services and the productivity and efficiency of the officer force.

2. MINIMUM RETENTION PERIOD. The Secretary of the Military Department concerned will retain an officer, whether on the active-duty list or reserve active-status list, who is found unqualified for promotion to the grade of first lieutenant or lieutenant (junior grade) for a minimum of 6 months after the date on which the promotion would have occurred, unless retention is inconsistent with good order and discipline.

a. If the officer qualifies for promotion during or at the completion of the retention period, he or she will be promoted, in accordance with the regulations and procedures prescribed by the Secretary of the Military Department concerned.

b. If the officer does not qualify for promotion at any time after the completion of the 6-month retention period, he or she may be discharged under the regulations and procedures prescribed by the Secretary of the Military Department concerned.

3. FURTHER RETENTION OF DISQUALIFIED OFFICERS. An officer who is found unqualified for promotion to the grade of first lieutenant or lieutenant (junior grade) at the end of the 6-month period described in section 2 of this enclosure may be retained on active duty or in an active status by the Secretary of the Military Department in accordance with appropriate Service regulations and procedures. However, such an officer will be discharged at the end of the 18-month period beginning on the date on which the officer was first found not qualified for promotion, unless that officer has been promoted in the meantime.

4. SEPARATION PAY. Separation pay policy and procedures are included in DoDI 1332.29 (Reference (d)).

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ASD(R&FM) Assistant Secretary of Defense for Readiness and Force Management

DoDI DoD Instruction

USD(P&R) Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this instruction.

active-duty list. Defined in section 101(b)(13) of Title 10, United States Code (Reference (e)).

commissioned officer. Defined in DoDI 1310.02 (Reference (f)).

reserve active-status list. Defined in section 101(c)(7) of Reference (e).