SOFTWARE & TECH

Milpersman 1910 516

PUBLISHED
November 25, 2026

REFERENCE
#1795580842220685

Understanding Milpersman 1910 516: Separation by Misconduct and the Role of Civilian Conviction

Navigating the administrative procedures of the United States Navy can be complex, especially when a Sailor’s career is impacted by legal or behavioral issues. Among the many directives that govern personnel management, **Milpersman 1910 516**stands out as a critical reference point for commanders, legal advisors, and service members alike. This article provides a comprehensive breakdown of Milpersman 1910 516, explaining what it is, when it applies, and how it affects both the command structure and the individual Sailor. Whether you are a Navy leader seeking to understand separation authority or a service member concerned about your record, this guide offers clear, actionable insight into this important naval policy.

What Is Milpersman 1910 516?

Milpersman 1910 516 is a specific instruction within the **Military Personnel Manual (MILPERSMAN)**, which contains the official policies and procedures for managing enlisted personnel in the United States Navy. The number “1910” designates the chapter dealing with separations, while “516” identifies the specific article concerning separation due to misconduct, particularly involving a civilian conviction.

In essence, Milpersman 1910 516 outlines the criteria and processes for initiating the administrative separation of an enlisted Sailor who has been convicted by a civilian court. This is not a punitive measure in the same sense as a court-martial; rather, it is an **administrative action**taken by the command to maintain good order, discipline, and the overall readiness of the force. The instruction provides commanding officers with the authority to separate a member when their off-duty conduct, as evidenced by a civilian conviction, reflects poorly on the Navy or renders the individual unsuitable for continued service.

Scope and Applicability of Milpersman 1910 516

This regulation applies to all active-duty enlisted personnel of the U.S. Navy, including those in the Selected Reserve who are on active duty. It covers convictions that occur in any civilian jurisdiction, including federal, state, county, or municipal courts. The key trigger for action under Milpersman 1910 516 is not merely an arrest or an accusation, but a **final conviction** in a civilian court of law.

It is important to understand that Milpersman 1910 516 is distinct from other separation authorities that deal with misconduct occurring on a military installation or within the scope of official duties. This instruction specifically addresses the implications of civilian criminal behavior on a Sailor’s military career. The underlying principle is that a civilian conviction can demonstrate a lack of the high standards of behavior expected of a service member, even if the offense did not occur in a military context.

Key Provisions and Requirements

To properly process a separation under Milpersman 1910 516, several key provisions must be met. Understanding these requirements is essential for both command representatives and the Sailor involved.

• A Valid Civilian Conviction: The instruction requires proof of a final, non-appealable conviction. This usually includes a certified copy of the court judgment or a docket entry showing the conviction. A guilty plea or a verdict rendered after trial constitutes a conviction. Diversion programs or deferred adjudications may also be treated as convictions under certain circumstances, depending on the specific wording of the MILPERSMAN.

• Nature of the Offense: While Milpersman 1910 516 can apply to a wide range of offenses, the severity and nature of the crime heavily influence the command’s decision. Convictions involving violence, drugs, sex offenses, theft, or dishonesty are typically viewed as incompatible with military service. However, even lesser offenses, if repeated or if they bring discredit upon the Navy, can trigger separation proceedings.

• Command Notification Requirement: The Sailor is required to notify their chain of command immediately upon being charged or convicted in a civilian court. Failure to do so can be considered an additional aggravating factor. Once the command is made aware, the commanding officer is responsible for initiating a preliminary inquiry to determine the facts and implications of the conviction.

• Procedural Safeguards: Despite being an administrative process, the Sailor retains certain rights. The individual must be notified of the proposed separation action and has the right to consult with legal counsel, usually provided by a Navy defense attorney. The Sailor also has the opportunity to submit a statement or evidence in their own behalf, and may request a hearing before an administrative board in certain cases.

The Separation Process under Milpersman 1910 516

When a commanding officer receives credible information about a civilian conviction, the process generally follows a structured path. Understanding these steps provides clarity for all parties involved.

1. Preliminary Inquiry: The command gathers all relevant documentation, including the civilian court records, police reports, and any statements from the Sailor. The purpose is to verify the conviction and assess its impact on the Sailor’s ability to serve effectively and on the Navy’s reputation.
2. Notification to the Sailor: The command issues a formal notification letter outlining the basis for the proposed separation, the specific MILPERSMAN authority being used, and the Sailor’s rights. The Sailor is given a reasonable time to respond.
3. Consultation and Response: The Sailor consults with a qualified military defense attorney. The Sailor may provide a written response, submit mitigating evidence, or request a hearing. Mitigating factors might include the Sailor’s performance history, length of service, family circumstances, or evidence of rehabilitation.
4. Administrative Board Hearing (if applicable): For Sailors with more than six years of active service, or in certain other circumstances, the case may be referred to an administrative separation board. This board acts as an independent panel that hears evidence from both the command and the Sailor and makes a recommendation to the separation authority.
5. Final Decision: Based on the evidence, the Sailor’s response, and any board recommendation, the separation authority makes the final decision. The outcome can range from retention with or without counseling to separation with a characterization of service that may be honorable, general (under honorable conditions), or other than honorable.

Characterization of Service and Its Implications

One of the most significant aspects of a separation under Milpersman 1910 516 is the potential characterization of the Sailor’s service. This determination carries long-term consequences for veterans’ benefits, employment, and reputation.

• Honorable: Possible if the offense was minor, the Sailor had an exemplary record, and the command determines that the misconduct does not outweigh the overall service.

• General (Under Honorable Conditions): A common outcome for first-time or relatively minor offenses. The Sailor is still eligible for many VA benefits but may lose some privileges, such as certain education benefits or home loan guarantees.

• Other Than Honorable (OTH): This is a punitive characterization typically reserved for more serious offenses or patterns of misconduct. An OTH discharge often results in the loss of most or all VA benefits and

can be a significant obstacle in civilian employment, particularly in law enforcement, government, or regulated industries.

The characterization is based on the totality of the Sailor’s service, not just the single conviction. Factors such as time in service, performance evaluations, awards, and the presence of any prior misconduct are all weighed in the decision.

Common Misconceptions about Milpersman 1910 516

There are several myths about this separation authority that deserve clarification. First, some believe that a conviction automatically leads to separation. While it is a strong presumption, the instruction does allow for retention in certain cases, particularly when the offense is minor and the Sailor has demonstrated exceptional performance and remorse. The commanding officer has discretion to consider all circumstances.

Another misconception is that the civilian court process must be fully complete before the Navy can act. In practice, the Navy may initiate separation proceedings following a conviction, even if an appeal is pending. However, the separation authority may delay the final decision until the appeal is resolved, especially if the conviction is likely to be overturned.

Finally, some Sailors mistakenly believe that a civilian charge alone, without a conviction, can trigger this authority. Milpersman 1910 516 specifically requires a conviction. However, other MILPERSMAN articles, such as those addressing commission of a serious offense, might apply even without a conviction.

Practical Considerations for Commanders and Sailors

For commanders, early and open communication with the legal office is vital when a Sailor is involved in civilian legal trouble. Timely documentation and a thorough preliminary inquiry are essential to building a defensible case for separation. Commanders should also be mindful of the Sailor’s due process rights and ensure that all procedural steps are followed precisely to avoid reversal on appeal.

For Sailors facing a civilian conviction, the most important step is to immediately inform the chain of command and seek legal advice from a Navy defense attorney. Attempting to hide or downplay the situation usually makes matters worse. Proactive engagement, providing context, and demonstrating accountability can sometimes mitigate the severity of the administrative outcome. The Sailor should also gather any evidence of rehabilitation, such as completion of substance abuse programs, community service, or letters of support from civilian employers.

The Broader Context of Navy Standards

Milpersman 1910 516 is just one part of the Navy’s comprehensive framework for ensuring personnel readiness and discipline. The Navy requires its members to adhere to high standards of conduct both on and off duty. Civilian convictions that reveal character flaws, lack of integrity, or a tendency toward illegal behavior are seen as incompatible with the trust placed in every service member. This instruction helps maintain the integrity of the force and protects the Navy’s reputation in the broader community.

Moreover, this regulation reflects the military’s unique dual role: service members are both citizens subject to civilian laws and uniformed professionals bound by the Uniform Code of Military Justice and naval regulations. Milpersman 1910 516 bridges these two worlds, ensuring that civilian legal issues have appropriate consequences within the military context.

Conclusion

Milpersman 1910 516 is a critical tool for the U.S. Navy to address the impact of civilian convictions on enlisted personnel. It provides a clear framework for commanders to evaluate whether a Sailor’s off-duty misconduct undermines the good order, discipline, and readiness of the force. While the process can be daunting for the service member involved, it includes important procedural protections and opportunities for

response.

Understanding this instruction is essential for anyone in the Navy community. For commanders, it ensures fair and consistent application of standards. For Sailors, it underscores the importance of maintaining lawful behavior in all aspects of life and provides a roadmap for navigating the administrative consequences of a civilian conviction. By balancing accountability with due process, Milpersman 1910 516 upholds the Navy’s core values of honor, courage, and commitment while ensuring that personnel decisions are made thoughtfully and justly.

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