

MILPERSMAN 1910-226

CONDITIONAL WAIVERS

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN	882-4433
			COM	(901) 874-4433
			FAX	882-2624

References	(a) Uniform Code of Military Justice (UCMJ), Subchapter 10, Sections 894, 899, 900-902, 904, 906, 913, and 918
-------------------	----------------------------------------------------------------------------------------------------------------------

1. **What Is a Conditional Waiver?** A request initiated by a respondent waiving the right to an administrative board, contingent upon receiving a General (Under Honorable Conditions) (GEN) characterization of service, vice an Under Other Than Honorable (OTH).

2. **Restrictions.** Conditional waivers cannot be used in connection with any of the mandatory reasons for processing listed in MILPERSMAN 1910-233, nor may conditional waivers be used when processing for misconduct due to commission of a serious offense based on any of the following violations of reference (a):

UCMJ Article	Title
94	Mutiny and sedition
99	Misbehavior before enemy
100	Subordination compelling surrender
101	Improper use of countersign
102	Forcing safeguard
104	Aiding the enemy
106	Spying
106a	Espionage
113	Misbehavior of sentinel or lookout (in time of war only)
118	Murder

3. **Sample Request.** The following is a sample of a conditional waiver request: (Use proper letter format.)

(Date)

From: Servicemember
To: Convening Authority

Subj: CONDITIONAL WAIVER REQUEST

Ref: (a) Commanding Officer, (letter identifying notification
of administrative separation processing)
(b) MILPERSMAN 1910-226

1. I understand that I am being considered for administrative separation from Naval Service by reason of _____, as stated in reference (a), and that such discharge could result in an Under Other Than Honorable characterization of service.

2. In lieu of electing an administrative board for which I am entitled, per reference (b), I request a General (Under Honorable Conditions) discharge from Naval Service for the reason(s) stated above, and if granted, I will waive my right to any administrative board action.

3. I have been given a reasonable opportunity to consult with counsel and (have/have not) consulted with legal counsel prior to making this decision. I understand that this characterization of service as General (Under Honorable Conditions), with the basis for my administrative separation, may deprive me of certain veteran's benefits based upon my current period of active service, and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of separation and service rendered in any branch of the Armed Forces, or the character of discharge received, may have a bearing.

4. I enter into this conditional waiver free of duress or other promises of any kind.

5. I understand that if this request is disapproved, administrative separation processing will continue, and I will have the right to elect an administrative board.

6. (I have no other statements to make/My personal statement is enclosed.)

SIGNATURE OF MEMBER

4. **Commanding Officer's (CO's) Action.** The CO has two options when the member requests a conditional waiver. These options are:

a. Favorably endorse the conditional waiver request and forward to General Court-Martial Convening Authority (GCMCA), or higher, who then serves as separation authority (SA). The SA may approve and direct the discharge of the member for the reason processed with a GEN characterization of service, or disapprove the conditional waiver request and direct the command to continue administrative separation (ADSEP) processing.

b. Return the request with an appropriate endorsement indicating why the conditional waiver will not be approved and continue with ADSEP processing.

NOTE: A copy of the conditional waiver request, whether favorably endorsed or not, shall be forwarded to the SA, and to Navy Personnel Command (NAVPERSCOM), with the complete ADSEP package for filing.