

## MILPERSMAN 1920-070

### SEPARATION OF OFFICER PERSONNEL BY REASON OF SUPREMACIST OR EXTREMIST CONDUCT

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<b>References</b>	(a) Uniform Code of Military Justice (UCMJ) (b) United States Navy Regulations - 1990 (c) SECNAVINST 1920.6C
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#### 1. Policy

a. An officer shall be processed for separation following any disciplinary or administrative action if based upon any substantiated incident of serious misconduct resulting from the officer's participation in extremist or supremacist activities. The proscribed misconduct must relate to

(1) illegal discrimination based on race, creed, color, sex, religion, or national origin; or

(2) advocating the use of force or violence against any federal, state, or local government or agency thereof, in violation of federal, state, or local laws.

b. Most cases will involve one or more violations of reference (a), including but not limited to

(1) disobedience and orders violations (Articles 90 and 92), including violations of lawful general regulations as set forth in reference (b) and punitive instructions;

(2) cruelty and maltreatment of subordinates (Article 93);

(3) riot or breach of peace (Article 116);

(4) provoking speech or gestures (Article 117);

(5) conduct unbecoming an officer and gentleman (Article 133);

(6) disloyal statements; drunkenness and/or disorderly conduct; communicating a threat; carrying a concealed weapon; soliciting another to commit an offense; requesting commission of an offense; and wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button on one's uniform or civilian clothing (Article 134).

c. An incident of misconduct is substantiated if it results in one or more of the following:

(1) A conviction by a court-martial or civil criminal court system.

(2) Imposition of non-judicial punishment under Article 15.

(3) A determination by the convening authority, using the preponderance of evidence standard that the member has engaged in supremacist or extremist conduct.

2. **Characterization of Service.** Characterization of service will be determined using the guidelines set forth in reference (c), enclosure (5).

3. **Separation Procedures.** As circumstances warrant, use either Notification Procedures or Board of Inquiry Procedures. Processing requirements are provided in reference (c), enclosures (7) and (8).