

## MILPERSMAN 1610-020

### DISQUALIFICATION OF OFFICERS FOR DUTY INVOLVING FLYING

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<b>References</b>	(a) OPNAVINST 3710.7U (b) BUPERSINST 7220.29A (c) OPNAVINST 5350.4D (d) SECNAVINST 1920.6C (e) COMNAVAIRFORINST 5420.1C (f) DoD 7000.14-R, DoD Financial Management Regulation
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1. **Definition.** In this article, the term "Naval Aviator" refers to both pilots and naval flight officers (NFOs). When it is necessary to distinguish between pilot and NFO, the sentence will specify which kind of aviator is affected.

2. **Termination of Orders to Duty Involving Flying.** Termination of orders to duty involving flying is an administrative action designed to ensure that only those officers who can safely and competently perform assigned flying duties are so assigned. Although in many instances the permanent revocation of flight status may appear to have an adverse impact on the individual concerned, such action is intended to be neither punitive nor disciplinary. Qualification for aviation service is conditional and dependent upon an officer maintaining current physical and professional qualifications, and continually displaying the potential for utilization in operational flying billets.

3. **Medical Disqualification**

a. As per references (a) and (b), aviation officers who are temporarily medically incapacitated are considered qualified for aviation service unless such incapacitation continues for a period of more than 365 days.

(1) Disqualification for aviation service will be effected on the first day following a period of 365 days that commences on the date of incapacitation.

(2) Officers disqualified for medical reasons will not be requalified for aviation service until so certified by appropriate medical authority.

(3) Aviation Career Incentive Pay (ACIP) and months of operational flying (MOF) credit shall not be authorized for any period during which an officer is considered disqualified.

(4) Commanding officers (COs) or immediate reporting seniors are responsible for ensuring the termination of ACIP under current directives.

b. Aviation officers whose medical incapacity has been determined to be permanent are disqualified for aviation service on the date specified by Navy Personnel Command (NAVPERSCOM).

(1) Pilots or NFOs in this category will be redesignated to 130X and may apply for a lateral transfer to a new community.

(2) Officers with over 15 years of active aviation service may retain the 131X or 132X designator at the discretion of NAVPERSCOM.

4. **Drug Abuse**. Any Naval Aviator (pilot or NFO) who is identified as a drug abuser under reference (c) (one who has illicitly used or possessed any narcotic substance, marijuana or other drug, or possessed drug paraphernalia) shall have their flight status and authority to wear the Naval Aviator insignia permanently revoked and shall be processed under reference (d).

#### 5. **Voluntary Termination of Flight Status**

a. Naval Aviators (pilots and NFOs) who voluntarily request termination of flight status shall be immediately suspended from flying duties by their COs and directed to submit, within 5 days, an official request for such termination to NAVPERSCOM, General Aviation Assignment Division (PERS-43Z). A report on the case by a flight surgeon shall accompany the request. Officers who voluntarily terminate their flight status can expect to receive a 130X designator and be immediately reassigned to a non-flying billet where they are encouraged to

request redesignation into another community per MILPERSMAN 1212-010. The date of suspension of flight status shall be included in the CO's forwarding endorsement and shall be used as the effective date for termination of ACIP. Copies of the request shall be forwarded through the chain of command for information or comment.

b. COs should counsel officers concerned that a voluntary termination of flight status is considered permanent by NAVPERSCOM and requests for reinstatement will not be approved.

**6. Field Naval Aviator Evaluation Boards (FNAEBs) - Definition.**

Per reference (e), FNAEBs are administrative boards convened to evaluate the performance, potential, and motivation for continued service of any Naval Aviator ordered by competent authority to appear before such a board. These boards shall review and evaluate the overall performance and the specific element of performance or behavior that is the cause of the evaluatee's appearance before the board. These boards are fact-finding, evaluative bodies which shall make recommendations as specified in the "Recommendations" paragraphs of this article, through the chain of command to the type commander (TYCOM). These boards are not bound by formal rules of evidence and may consider and include in the record any type of evidence deemed credible, authentic, and relevant to the case. These boards are neither judicial nor disciplinary bodies and shall make no recommendation for disciplinary action as a result of their evaluations. Any disciplinary action accruing from the same circumstances or events that are the reason for convening an FNAEB shall be kept completely separate from such boards.

**7. Grounds for Convening a FNAEB.** A FNAEB shall be convened for all Class A and B flight mishaps except in those cases where the aircrew's performance is not in question. Normally, for circumstances not involving a flight mishap, the decision to convene a FNAEB is left to the discretion of the respondent's CO or immediate superior in command (ISIC). Higher authority may direct a FNAEB when considered necessary. A FNAEB should be convened when the following conditions exist:

a. The aviator has demonstrated faulty judgment in flight situations. This may be evidenced by violations of flight discipline or repeated minor incidents of any kind in which aeronautical judgment is a factor.

b. The aviator has demonstrated a lack of general or specific flight skill. This may be evidenced by failure to satisfactorily complete all or any part of a prescribed training syllabus or failure to achieve required qualifications. In the case of pilots this may also be evidenced by mishaps or near mishaps involving pilot skills.

c. The aviator has demonstrated certain habits, traits of character, emotional tendencies, or lack of mental aptitude or motivation that make it questionable to continue the member in assigned flying duties.

d. The aviator has failed to comply with minimum annual flying requirements for reasons within the member's control.

e. The above conditions are provided as a guide and are not in any way restrictive. Command discretion must be exercised when an aviator is deemed professionally unfit for flying for any reason not specified above.

8. **Fair and Impartial Hearing**. Naval Aviators whose aeronautical ability has come into question must be provided a fair and impartial hearing. They shall be told specifically the reason for being ordered to appear before an FNAEB. Their case shall be heard by an impartial board comprised of pilots or NFOs and a flight surgeon; they shall be allowed to be present during all open proceedings of the board; and they shall be given an opportunity to offer rebuttal, call witnesses, and present evidence in their own behalf. The foregoing principles are according to customary standards of fairness in administrative proceedings.

9. **FNAEB Composition**

a. A pilot FNAEB shall consist of a minimum of three pilots and a flight surgeon; an NFO evaluation board shall consist of a minimum of three NFOs when practical and a flight surgeon. Pilots may serve instead of NFOs but at least one member of the board must be an NFO. The Unrestricted Line (URL) members shall be senior to the member involved. The senior URL member shall be the senior member of the board.

b. Members must be thoroughly versed in the type of flight operations involved and should possess mature judgment. No member shall serve who is considered to be a prospective witness or interested party. A flight surgeon serving as a member of a

board shall not simultaneously serve as a witness before the board. A second flight surgeon must perform interviews and provide required evaluations and statements. Deviation from this policy shall be made only in cases when the services of two flight surgeons are not available and when the subject appearing before the board has been completely apprised of entitlements in this matter and has waived them in writing. Officers who have been ordered to serve as members of an FNAEB should make themselves familiar with the contents of this article.

10. **Recommendations**

a. The field board and subsequent endorsers should recommend one of the following classifications for aviators under consideration:

(1) Type A: Continuation in a flight status.

(2) Type B: Termination of flight status.

b. Variations under each of the above types may be recommended when circumstances warrant. Appropriate sub-recommendations may be as described in the following paragraphs.

11. **Recommendations - Type A.** Type A - Continuation in a Flight Status, appropriate sub-recommendations:

a. Type A (1) - Retain in present duty assignment.

b. Type A (3) - Transfer to another activity operating different aircraft. This classification cannot be recommended below the TYCOM level.

c. Type A (4) - Probationary flight status for a specified period of time. An applicable Type B recommendation shall be included in order to cover those cases which fail to successfully complete the probationary period. Under these circumstances, the CO shall forward appropriate documentation of the individual's failure to satisfy the terms of probation along with the original board report. Further training may be recommended in any of the above instances.

12. **Recommendations - Type B.** Type B - Termination of Flight Status, appropriate sub-recommendations:

a. Type B (1) - Retention of right to wear the insignia.

b. Type B (2) - Revocation of right to wear the insignia. Revocation of this right is considered appropriate when board action is the result of dishonoring naval aviation or willful and flagrant violation of established rules, regulations, and directives.

c. Type B (3)-Retention of the right to wear the insignia with eligibility for orders to duty involving the operation of Unmanned Aircraft Systems (UAS). This classification cannot be recommended below the TYCOM level.

13. **Aviation Career Incentive Pay (ACIP)**. Per reference (f), an officer's ACIP may be suspended when the status of future aviation service is uncertain. The CO shall suspend the member's ACIP effective on the date of the first Type B recommendation by contacting NAVPERSCOM, Aviation Career Incentive Pay Action Officer (PERS-435A). If the member is subsequently returned to aviation service, ACIP eligibility will commence effective on the date of suspension. If the final action of NAVPERSCOM is a Type B, the member will be disqualified for aviation service effective on the date of suspension per reference (b).

14. **Distribution of Record of Proceedings**. The record of proceedings shall be sent to the TYCOM, or equivalent, via the CO of the member concerned and the chain of command per the following:

a. Upon convening an FNAEB, the convening authority (CA) is directed to send a copy of the approving letter to the TYCOM.

b. The senior board member of each board shall submit to the first endorser the report of board proceedings not later than 14 working days from the convening order to final report.

c. The individual concerned shall be provided with a copy of the board's completed report and offered 5 working days to comment thereon.

d. CA and subsequent endorsers: take appropriate action and forward the package so that it arrives at the next endorsing command within 7 calendar days.

e. The processing goal for TYCOM final disposition is 10 working days.

15. **Final Approval Authority.** The TYCOM shall be the final approving authority for all classifications. A copy of TYCOM approved B(1) and B(2) packages will be forwarded to NAVPERSCOM to facilitate further detailing/reassignment of the officer.

16. **Special Cases.** Because of the nature of their assignment, certain special cases may be governed by special instructions:

a. Naval Aviators undergoing refresher training may be given special consideration if additional flight time and instruction are considered necessary for qualification.

b. Naval Aviators on temporary additional duty (TAD) who fail to successfully complete all phases of a formal course of aviation instruction shall be returned to their parent command for normal processing as described in the preceding paragraphs. When an aviator fails to successfully complete a prescribed course of aviation instruction while en route between permanent duty stations, the circumstances shall be immediately reported to NAVPERSCOM.

c. Medical officers undergoing training leading to designation as Flight Surgeon or Aerospace Medical Examiner, and Medical Service Corps officers undergoing training leading to designation as Aerospace Physiologists or Aerospace Experimental Psychologists who fail to make satisfactory progress shall be made the subject of a report containing full information regarding deficiencies shown, together with a recommendation for disposition, via Chief of Naval Air Training (CNATRA) to Chief, Bureau of Medicine and Surgery (BUMED), with a copy to NAVPERSCOM.

17. **Reinstatement of Flight Status**

a. A former Naval Aviator shall not be reinstated in a flight status when:

(1) Authority to pilot naval aircraft or the NFO's detail to duty involving flying was terminated because of a voluntary request.

(2) Authority to pilot naval aircraft or the NFO's detail to duty involving flying was terminated as a result of FNAEB action.

(3) Age, grade, specialty, or previous flight experience of the pilot or NFO indicate that the member may not be expected to satisfactorily fill operational flying billets if reinstated.

b. A former Naval Aviator who was physically disqualified but has been returned to a qualified status and does not meet any criteria in para. 17a may apply to have his/her designator returned to 131X or 132X. Each request for restoration of authority to pilot naval aircraft or restoration as an NFO will be addressed to NAVPERSCOM, via the chain of command (including an Air Type Commander) and shall be accompanied by a completed SF88 (Rev. 10/94), Medical Record - Report of Medical Examination. The Naval Aviator Evaluation Board in the Navy Department will review each case and submit a recommendation to NAVPERSCOM. Those officers whose requests are approved will be reassigned to an activity where their return in effective flight status can be best accomplished.