

MILPERSMAN 1900-020

CONVENIENCE OF THE GOVERNMENT - SEPARATION BASED ON CONSCIENTIOUS OBJECTION (ENLISTED AND OFFICERS)

Responsible Office	NAVPERSCOM (PERS-834) Officers	Phone:	Toll Free	1-833-330-MNCC (6622)
	NAVPERSCOM (PERS-832) Enlisted	Phone:	Toll Free	1-833-330-MNCC (6622)
	NAVPERSCOM (PERS-913) Inactive Enlisted Members	Phone:	Toll Free	1-833-330-MNCC (6622)

MyNavy Career Center	Phone: Toll Free E-mail: MyNavy Portal:	1-833-330-MNCC (6622) askmncc@navy.mil https://my.navy.mil/
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References	(a) DoD Instruction 1300.06 of 12 July 2017 (b) 50 U.S.C §3806(j) (c) 38 U.S.C. §5303
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1. **Policy**. Per reference (a), Service members may be separated based on conscientious objection when their religious training and belief have a firm, fixed, and sincere objection to their participation in war, in any form, or the bearing of arms.

2. **Characterization of Service**

a. Officers - honorable

b. Enlisted - honorable, unless general (under honorable conditions) or entry-level separation is warranted per [MILPERSMAN 1910-300](#)

3. **Who is Not Eligible**. Service members who have **outstanding** obligated service (OBLISERV) dates due to transferability of Post 9/11 GI Bill benefits.

a. Service members, whose dependents have not already used Post 9/11 GI Bill benefits, may revoke transferability of benefits and resubmit their requests for separation with proof of revocation.

b. Service members, whose dependents have already used Post 9/11 GI Bill benefits transferred from the them, are not eligible for voluntary separation.

Note: Service members who have transferred Post 9/11 GI Bill benefits and have satisfied OBLISERV requirements are exempt from this restriction and may submit requests for voluntary separation under this article.

4. **Burden of Proof**. Applicants bear the burden of proving their claims of conscientious objection as grounds for separation or assignment to noncombatant training and service. They must show by clear and convincing evidence that:

a. The nature or basis of their claim meets the definition and criteria prescribed per this article, and

b. Their belief, in connection therewith, is honest, sincere, and deeply held. They also have the burden of determining and setting forth the exact nature of their request, i.e., for separation based on conscientious objection (1-0) or assignment to noncombatant training and service based on conscientious objection (1-A-0).

5. **Conditions or Restrictions**

a. After entering the Navy, a request for discharge based solely on conscientious objection which existed, but was not claimed prior to enlistment or notice of induction, will not be considered when such beliefs satisfied the requirements if:

(1) Classified as a conscientious objector under reference (b) and related provisions of law, and

(2) The member failed to request classification as a conscientious objector by the Selective Service System (SSS), or

(3) The member's request for classification as a conscientious objector before entering the Navy was denied on the merits by the SSS, and his or her present request for

classification as a conscientious objector is based on essentially the same grounds, or

(4) Supported by essentially the same evidence as the request, which was denied by the SSS.

b. Nothing contained in this article renders a member, who possessed conscientious objector beliefs before entering military service, ineligible for classification as a conscientious objector if:

(1) Such beliefs crystallized after receipt of an induction notice or

(2) The applicant could not request classification by the SSS due to regulations prohibiting the submission of such requests after receipt of an induction notice.

c. All claims of conscientious objection will be judged by SSS standards, used in determining 1-0 or 1-A-0 classification of draft registrants prior to induction. Subject to the limitations set forth above, an application for conscientious objector status may be approved for any member who is conscientiously opposed to participation in war, in any form, when opposition is founded on religious training and belief, as defined in [MILPERSMAN 1900-010](#), and whose position is sincere and deeply held.

d. A true conscientious objector must be against all wars, rather than a specific war.

6. **Applicants' Proof of Moral and Ethical Beliefs.** Applicants must show that moral and ethical beliefs are against participation in war, in any form, and that these beliefs have directed their life in the way traditional religious convictions of equal strength, depth, and duration have directed the lives of those whose beliefs are clearly found in traditional religious convictions.

7. **Primary Factors**

a. A primary factor to be considered is the sincerity with the belief that is held. Great care must be exercised in determining whether asserted beliefs are honestly and genuinely held. Sincerity is determined by an impartial evaluation of the applicant's thinking and living in its totality, past and present.

b. Care must be exercised in determining the integrity of belief and the consistency of application.

c. Information presented by applicants should be convincing enough that their personal history reveals views and actions strong enough to demonstrate the belief in which the conscientious objection is based, is the primary controlling force in his or her life, and that expediency or avoidance of military service is not the basis of their claim.

d. The conduct of an applicant, in particular, his or her outward manifestation of the beliefs asserted, will be carefully examined and given substantial weight in evaluating the application.

8. Relevant Factors

a. Relevant factors to consider in determining applicant's claim of conscientious objector include:

- (1) Training in the home and church,
- (2) General demeanor and pattern of conduct that supports asserted beliefs,
- (3) Participation in religious activities,
- (4) Whether ethical or moral convictions were gained through training, study, contemplation, or other activity comparable in rigor and dedication to the processes by which traditional religious convictions are formulated,
- (5) Credibility of the applicant (i.e., applicant made some major commitments during the time his or her beliefs were developing, which are inconsistent with the applicant's claim. Applicant applied for designation as a conscientious objector shortly after applying and denied for a special Navy program or becoming aware of the prospect of hazardous or other undesirable duty. Applicant took the military oath of office shortly before applying for conscientious objector status may be evidence of insincerity in a given case. These examples are noteworthy because of their frequent recurrence. The potential relevant areas of inquiry are limitless.) , and
- (6) Credibility of persons supporting the claim.

b. An applicant claiming 1-0 status will not be granted 1-A-0 status as a compromise. An applicant may be assigned noncombatant status if the record clearly indicates beliefs such that the applicant is qualified as a noncombatant, but not for discharge as a conscientious objector.

c. Particular care must be exercised not to deny the existence of genuine beliefs simply because those beliefs are incompatible with one's own. Church membership or adherence to particular theological tenets is not required to warrant separation or assignment to noncombatant training and service for conscientious objectors. Mere affiliation with a church or other group which advocates conscientious objection as a tenet of its creed is not necessarily determinative of an applicant's position or belief. Conversely, affiliation with a church or group, which does not teach conscientious objection beliefs in any given case is also not necessarily determinative of an applicant's position or belief. Where an applicant is or has been a member of a church, religious organization, or religious sect and where his or her claim of conscientious objection is related to such membership, inquiry may properly be made as to the fact of membership and the teaching of the church, religious organization, or religious sect, as well as the applicant's religious activity. The fact that applicants may disagree with, or not subscribe to, some of the tenets of their church does not necessarily discredit their claim. The applicants' personal convictions will be controlling, as long as those convictions derive from their moral, ethical, or religious beliefs. Applicants who are otherwise eligible for conscientious objector status may not be denied that status simply because their conscientious objection influences their views concerning the nation's domestic or foreign policies. The task is to decide whether the beliefs professed are sincerely held and whether they govern the claimant's actions in both word and deed.

9. Classification of Conscientious Objectors

a. **1-0:** A person who, by reason of conscientious objection, sincerely objects to participation of any kind in war, in any form.

b. **1-A-0:** A person who, by reason of conscientious objection, sincerely objects to participation as a combatant in any war, in any form, but whose convictions are such as to permit military service in a noncombatant status.

10. **Procedures When Classified 1-A-0 Upon Induction.** Service members classified 1-A-0 by SSS prior to induction will be transferred for recruit training and will be subject to noncombatant service and or duties and training. The member must sign the following [NAVPERS 1070/613](#) Administrative Remarks entry:

(date): "I have been counseled concerning designation as a conscientious objector. Based on my training and belief, I consider myself to be a conscientious objector, within the meaning of the statute and regulations governing conscientious objectors, and I am conscientiously opposed to participation in combatant training and service. I request assignment to noncombatant duties for the remainder of my term of service. I fully understand that on expiration of my current term of service, I am not eligible for voluntary enlistment, reenlistment, extension or amendment of current enlistment, or active service in the Military Services by reason of my class 1-A-0 conscientious objector classification."

WITNESSED:

SIGNATURE OF MEMBER

11. **Procedures for Requesting Classification as a Conscientious Objector**

a. **Application.** Applicants will use exhibit 1 to apply for designation as a conscientious objector.

b. **Required Interviews.** Before the command processes the application, it will ensure the applicant has been:

(1) Interviewed by a chaplain, who will submit a written report including the chaplain's opinion as to the nature and basis of the applicant's claim and sincerity and depth of conviction. The chaplain's report must also include the reasons for the conclusions contained within his or her report. The chaplain should ensure the applicant is made aware that the conversation is not confidential or privileged and will be used in an official report.

(2) Evaluated by an appropriately credentialed mental health professional (such as a clinical psychologist, psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse, who will submit a written

psychiatric evaluation report, indicating the presence or absence of any mental condition that would warrant treatment or disposition through medical channels for the appropriate administrative action. This opinion and report will become part of the application file.

(3) If an applicant refuses to participate or is uncooperative in the course of the interviews with a chaplain or medical personnel, this fact should be included in the interview report.

(4) Both interviewing officers will provide their personal impressions of the applicant, such as demeanor and manner in which the applicant answers questions. Consideration should be given to all background information and any outward manifestations that tend to support or rebut the applicant's claim.

(5) Applicants should be carefully evaluated to ensure they are not objecting to military service solely based on false premise. Example: Applicants may state that they cannot serve because they are opposed to murder, organized killing for the sake of ideology, military ventures to gain territory or national wealth, and similar reasons indicated to be policies of the Government or the Military Services). Political opposition to national policies is not necessarily an indication of an applicant's objection to war on a moral, ethical, or religious basis.

c. Investigating Officer (IO)

(1) The CO will appoint an IO to investigate the claim. The IO must be a chief warrant officer in the grade of CWO-3 or higher or a commissioned officer in the grade of O-3 or higher. The IO will not be in the applicant's chain of command. If the applicant is a commissioned officer in the grade of O-3 or higher, the IO must be senior in grade to the applicant.

Note: The CO may appoint a judge advocate in the grade of O-3 or senior as IO. In this regard, the local region legal service office may provide a judge advocate to act as hearing officer on an "as available" basis.

(2) The IO:

(a) May obtain guidance and assistance from the region legal service office, command judge advocate, or legal officer.

(b) Will conduct a hearing on the application to afford the applicant an opportunity to present any evidence desired in support of the application. This will help the hearing officer to ascertain and assemble all relevant facts to create a comprehensive record and to facilitate an informed recommendation to the CO.

(c) Will actively and critically examine the applicant's beliefs and any failure or refusal to submit to questioning under oath or affirmation. Should the applicant fail to appear, the IO may proceed in the applicant's absence, as the applicant is considered to have waived the right for appearance.

(d) Will fully advise and counsel the applicant concerning the provisions of reference (c), which provides in pertinent part that the discharge of any person on the grounds of conscientious objection, who refused to perform military duty, to wear the uniform, or otherwise to follow lawful orders of competent military authority must bar all rights, except Government insurance, of such personnel under laws administered by the Department of Veterans Affairs (DVA), based upon the period of service from which discharged or dismissed. The only exception is in cases where the DVA confirms that the member was insane. Have the applicant sign the following [NAVPERS 1070/613](#) entry and include in the case file:

"(date): I have been advised of the provisions of 38 U.S.C., section 5303, concerning possible non-entitlement to benefits administered by the Department of Veterans Affairs due to discharge from military service as a conscientious objector under certain conditions. I understand that a discharge as a conscientious objector who refused to perform military duty or refused to wear the uniform, or otherwise to comply with lawful orders of competent military authority, will bar all rights, based upon the period of service from which discharged, under any laws administered by the Department of Veterans Affairs, except my legal entitlement (if any) to any war risk, Government (converted), or veterans life insurance."

d. Hearing

(1) The hearing will be informal in character and the rules of evidence employed by court-martial do not apply, except that all oral testimony presented must be under oath or affirmation. Any relevant evidence may be received. Statements obtained from persons not present at the hearing need not be made under oath or affirmation. The hearing is not an adversary proceeding.

(2) A verbatim record of the hearing is not required. If an applicant desires such a record and agrees to provide for it at his or her own expense, it may be done. If elected, a copy will be provided to the IO at the conclusion of the hearing and at no expense to the Government. The IO will summarize the testimony of witnesses and permit the applicant or his or her counsel to examine the summaries and note for the record the differences from the IO's summary.

e. IO's Documentation

(1) The IO will provide a written report summarizing the hearing. Indicate if member appeared at the hearing; if member had counsel present, and if so, provide the counsel's identity; and whether the nature and purpose of the hearing was explained to the applicant. Provide conclusions regarding the underlying basis, sincerity, and depth of the applicant's conscientious objection and beliefs.

(2) The IO's report will include his or her recommendations for disposition of the case and the rationale for such disposition. Subject to the provisions that an applicant claiming 1-0 status will not be granted 1-A-0 status as a compromise, the actions recommended will be limited to denial of any classification as a conscientious objector, classification as 1-A-0 conscientious objector, or classification as 1-0 conscientious objector.

(3) The entire package, including all documents that were considered and reviewed during the hearing, will be forwarded to the CO, with a copy provided to the applicant and his or her counsel (if applicable). Have the applicant sign a statement per below, and include a copy of such statement with your report to the CO.

“(date): On this date, I received a copy of the record, as defined in [MILPERSMAN 1900-020](#)), of my conscientious objection hearing. I understand that I have the right to submit a written rebuttal to this record, provided my rebuttal is submitted to the investigating officer within 5 working days after this date. I (do/do not) desire to submit a rebuttal.”

(Signature)

f. Applicants' Rights at Hearing

(1) Applicants are entitled, at their own expense, to be represented by counsel, who will be permitted to be present at the hearing, assist applicants in the presentation of their case, and examine all items in the file.

(2) Applicants may submit additional evidence (including sworn and unsworn statements) and present witnesses on their own behalf; however, they are responsible for securing their attendance. The installation or local commander must render all reasonable assistance in making available witnesses requested by the applicant. The applicant is permitted to question any other witnesses who appear and to examine all items in the file.

g. Commanding Officers' (CO) Responsibilities

(1) Review the record (report) for completeness and return to the IO for further investigation, as necessary.

(2) Upon receipt of the member's request, assign the member duties, provide the minimum practicable conflict with his or her professed beliefs, and require the member to maintain the same standards of performance and behavior as other members assigned. If the member is under orders for transfer, he or she is required to carry out orders in effect at the time or subsequently received.

(3) Forward completed case file to Navy Personnel Command (NAVPERSCOM) Enlisted Performance and Separation Branch (PERS-832) at e-mail: PERS832ADSEPS.FCT@navy.mil (for enlisted Service members) or NAVPERSCOM Officer Performance and Separation Branch PERS-834 (for officers) with CO's comments and recommendations. Comments are restricted to those matters contained in the record

(4) If the applicant's request is for assignment to noncombatant services and or duties, provide a recommendation whether the applicant should be detailed to such assignment or training. If so, state whether the applicant is qualified and desires assignment to the Hospital Corps or, in the case of officers, to the Medical Corps, Medical Service Corps, Dental Corps, or Nurse Corps. If the member does not desire such duties and training, or is not qualified, state whether the member's services may be used on board if assigned a limited duty designator L-8.

(5) Comment, as appropriate, on the member's rebuttal of the IO's investigation, if applicable.

(6) Inform all concerned and PERS-832 if the member becomes the subject of disciplinary action and the outcome of that action. If member will be tried by a court-martial, action of his or her request will be held in abeyance pending the outcome of such trial.

(7) Administrative separation for any reasons other than conscientious objection takes precedence over separation as a conscientious objector.

h. NAVPERSCOM Responsibilities

(1) When a determination is made that the Service member's application meet the criteria of 1-0 classification, PERS-832 or PERS-834 will direct member's discharge by "reason of convenience of the Government - conscientious objection."

(2) Members classified as 1-A-0 will be reassigned to noncombatant training and services and or duties as indicated below or discharged from the Military Service at the discretion of PERS-832 or PERS-834. Members reassigned must sign [NAVPERS 1070/613](#) entry below for 1-A-0 induction under block "Procedures When Classified 1-A-0 Upon Induction." Add the following statement block above the member's signature.

"I have been counseled concerning designation as a conscientious objector. Based on my training and belief, I consider myself to be a conscientious objector within the meaning of the statute and regulations governing conscientious objectors and am conscientiously opposed to participation in combatant training and service. I request assignment to noncombatant duties for the remainder of my term of service. I fully understand that on expiration of my current term of service I am not eligible for voluntary enlistment, reenlistment, extension or amendment of current enlistment, or active service in the Military Services by reason of my a Class 1-A-0 conscientious objector classification."

(3) Determination by NAVPERSCOM is final with respect to administrative separation. Personnel designated as conscientious objectors and retained in the Service for noncombatant training or services and or duties will be assigned as follows:

(a) After completion of recruit training, enlisted or inducted members may be transferred to the Hospital Corps for further training, provided they volunteer and meet the requirements. Qualified members previously classified 1-A-0 and subject to induction into certain staff corps may be transferred to the Hospital Corps (only with the approval of PERS-834). Such members will not be allowed to avoid the important or hazardous duties which are the responsibility of all members of the medical organization. Any member who does not meet the requirements for this training, who fails to complete the prescribed course of instruction, or who otherwise cannot be assigned to this training or duty will be employed in other noncombatant service and or duties, if retained in the Navy.

(b) If a member cannot be utilized in a noncombatant assignment, the CO must report this fact to the cognizant personnel distributor, who will transfer the member to a noncombatant duty assignment.

Exhibit 1
Application for Conscientious Objector Designation

(date)

From: (rank, rating, first, MI, last name, class/DoD ID number)
To: Commander, Navy Personnel Command Enlisted Performance
and Separations Branch (PERS-832) or Officer Performance
and Separations Branch (PERS-834)
Via: Commanding Officer, (command)

Subj: REQUEST FOR DESIGNATION AS A CONSCIENTIOUS OBJECTOR

Ref: (a) [MILPERSMAN 1900-020](#)

Encl: (1) Additional information for consideration (reference
Statements recommended)
(2) Privacy Act statement (required)

1. I request (discharge or assignment to noncombatant
services/duties) on the grounds of conscientious objection. The
following required general information is provided:

a. Name and address of each school and college attended:

<u>School Name/Address</u>	<u>Type School</u>	<u>Inclusive Dates</u>
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b. List of all occupations, positions, jobs, or types of
work.

<u>Employer/Address</u>	<u>Type Work</u>	<u>Inclusive Dates</u>
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c. (Religious denomination of both parents.)

d. I (made or did not make) application to the Selective
Service System (local board) for classification as a conscientious
objector prior to entry into the Military Services. (If
application was made, list local board and decision made by the
board (if known).

e. (Description or explanation of the nature of my belief (thoroughly explain the nature of the belief which requires you to seek separation from the Navy or assignment to noncombatant services and or duties by reason of conscientious objection)).

f. (Explanation of how my beliefs changed or developed (includes factors: how, when, from whom, or from what source training was received or belief acquired) which caused the change in or development of conscientious objector beliefs.)

g. (Explanation of when these beliefs became incompatible with military service or combatant duties and why.)

h. (Explanation of the circumstances under which I believe in the use of force, under any foreseeable circumstances (if none, so state.))

i. (Explanation of how my current life style has changed as a result of my belief and the future actions I plan to continue my support of these beliefs.)

j. (Explanation of what, in my opinion, most conspicuously demonstrates the consistency and depth of beliefs, which gave rise to this application.)

k. (Prior service (if any; if none, so state))

Military Service **Inclusive Dates** **Type Discharge**

l. The following information is provided regarding my religious sect or organization (if applicable):

<u>Religious Sect/ Organization</u>	<u>Name & Location of Governing Body/Head</u>	<u>Name & Location of Church, Customarily Attending</u>	<u>Level of Participation</u>
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(Explain when, where, and how you became a member of said sect or organization.)

m. (Information on the pastor or leader of my (church, congregation, or meeting) (if applicable))

Name

Title

Address

n. (A description of the creed or official statements (if any, and if known) of said religious sect or organization in relation to participation in war (if applicable))

o. (Additional information, such as letters of reference or official statements from organizations to which the applicant belongs or refers to in the application. The burden is on the applicant to obtain and forward such information.)

p. Enclosures (1) - (X) (as applicable) provide additional information, references, or official statements, which I desire you to consider in review of this application.

Note: Service members will submit a signed copy of the following privacy act statement with their application:

"In accordance with the Privacy Act of 1974, as amended, this notice informs you of the purpose of the application and how it will be used. Please read carefully. AUTHORITY: 50 U.S.C., appendix 456(j) - Deferments and exemptions from training and service; 38 U.S.C., section 3103 - Periods of eligibility; DoD Directive 5124.02 - Under Secretary of Defense for Personnel and Readiness, and DoD Instruction 1300.6 - Conscientious Objectors. PRINCIPAL PURPOSE(S): Requested information will be used to document information upon which a decision may be made by appropriate authority to grant or deny the requested conscientious objector status. ROUTINE USES: To the Selective Service System headquarters for the purpose of identifying individuals who have less than 180 days of active duty, and who have been discharged by reason of conscientious objection. To State and local agencies in the performance of their official duties related to verification of status for determination of benefits and entitlements. For a complete list of routine uses and authorities see the applicable Service system of records notices; A0600-43 DAPE - Department of the Army Conscientious Objector Review Board, F036 AF PC C -

Department of the Air Force Military Personnel Records System;
M01070-6, Marine Corps Official Military Personnel Files, N01070-3
- Navy Military Personnel Records System located at:
<http://dpcl.d.defense.gov/Privacy/SORNs/>. DISCLOSURE: Voluntary;
however, failure to furnish the required information may
compromise sought for status."

2. My point of contact information: comm (XXX) XXX-XXX, DSN
XXX-XXXX; e-mail

(Signature)