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I - LEGISLATIVE LIAISON

OFFICE OF LEGISLATIVE AFFAIRS

The Department of the Navy's Office of Legislative Affairs (OLA) plans, develops, and coordinates relationships between representatives of the Department of the Navy (DoN) and Members of the U.S. Congress and their personal and professional staffs in order to transact official Government business affecting the DoN. The team is led by the Chief of Legislative Affairs, who is a staff assistant to the Secretary of the Navy (SECNAV). The Office of Legislative Affairs is not permitted by law to handle any calls concerning appropriations.

Office of Legislative Affairs Contact Information:
Phone: (703) 614-3710
Email: navy_constituent@navy.mil
http://www.navy.mil/local/ola/

CONSTITUENT INQUIRIES

A key function of OLA’s Constituent Inquiries Division is to review and coordinate timely, accurate responses to congressional correspondence; resolve constituent issues; and assist in clarifying DoN policy on items of congressional interest. In order to facilitate a prompt response to inquiries, send a written inquiry with a cover letter signed by the Member of Congress, addressed and emailed to:

Chief of Legislative Affairs
1300 Navy Pentagon Room 4C549
Washington, DC 20350-1300

Email: navy_constituent@navy.mil

Under guidance from the Office of the Secretary of the Navy, all Congressional inquiries, as official correspondence between the Legislative and Executive Branches of Government, must include a cover letter signed by the Member of Congress.

To facilitate Navy’s response to a congressional inquiry, a caseworker should provide the following information in a letter with supporting documents:

1. A cover letter signed by the Member of Congress with a brief synopsis of the issue and an appropriate POC for your office.
2. Full name, rank, Social Security Number, and current mailing address of service member.
3. Authority for release of information signed by the constituent in accordance with Privacy Act and Health Insurance Portability and Accountability Act (HIPAA) release form for medical cases.
4. A letter from the service member and/or constituent describing the issue in detail, including an answerable question specifying what assistance is desired.

To check on the status of an inquiry, or when an inquiry is an emergency or presents a time-sensitive situation, call one of our caseworkers at (703) 614-3710.
EMERGENCIES

When a death or serious illness occurs, whether or not a Navy service member is stationed overseas or aboard a ship at sea, the family should immediately notify a local Red Cross representative. The representative will relay the emergency information to the appropriate naval command, who will forward the information via naval communications circuits to the service member. The service member's command will send an acknowledging message containing all pertinent information to include the service member's intent and, if necessary, estimated departure and arrival times.

The American Red Cross’ Armed Services Emergency phone number is (877) 272-7337.

PERSONAL INFORMATION AND RECORDS

Release of Information. It is DoN policy to promptly release information and records to the public consistent with the provisions of 5 USC 552 (the Freedom of Information Act) and 5 USC 552(a) (the Privacy Act of 1974).

Individual Privacy. In general, the Privacy Act prohibits DoN from disclosing any record contained in a system of records pertaining to an individual except as authorized by the Act. The Freedom of Information Act also provides an exemption from disclosure of records which, if disclosed, would result in a clearly unwarranted invasion of the personal privacy of an individual. The phrase "clearly unwarranted invasion of personal privacy" involves a policy which balances the interest of individuals in protecting their personal information from public scrutiny against the interest of the public having available information relating to the affairs of the U.S. Government. The interests of the petitioner or the public must be weighed against the degree of invasion of privacy.

Numerous factors are considered in deciding to release information such as:

- The nature of the information (i.e., do individuals normally have an expectation of privacy in the type of information?);
- The importance of the public interest served by the disclosure and probability of further disclosure, which may result in an unwarranted invasion of privacy;
- The relationship of the requester to the public interest being served;
- The newsworthiness of the individual to whom the information pertains (e.g., high ranking officer, public figure);
- The degree of sensitivity of the information from the standpoint of the individual or the individual's family as it pertains to its misuse to harm, embarrass, or inconvenience the individual or the individual's family;
- The passage of time since the requested event occurred (e.g., to disclose that an individual has been arrested and is being held for trial by court-martial is normally permitted, while to disclose an arrest which did not result in conviction might not be permitted after the passage of time);
- The degree to which the information is already in public domain or is already known by the particular requester.
Releasable Information. Examples of personal information which the U.S. Government can normally release on military members of the Navy pursuant to a Freedom of Information Act request without an unwarranted invasion of privacy since it is a matter of public record are: name, rank, gross salary, present duty assignment, past duty assignments, finalized future assignments, office phone number, source of commission, promotion sequence number, awards and decorations, education (major area of study, school, year of education and degree), and duty status at any given time.

Release of Information to Members of Congress. In accordance with Secretary of the Navy Instruction (SECNAVINST) 5211.5 Series, the release of personal information to a Member of Congress requesting as an individual or on behalf of a constituent must be in accordance with the following rules:

1. To verify that a constituent is seeking assistance from a Member of Congress, a written statement is required to confirm the request, accomplished through a privacy act release statement from the individual to the Member of Congress.
2. If the inquiry is made on behalf of an individual other than the subject, the DoN will not contact the record subject to obtain disclosure consent. The DoN cannot disclose information beyond that which is available under the Freedom of Information Reform Act of 1986 without the written consent (privacy act release) of the individual to whom the record pertains.
3. The policy of the DoN prohibits interference in the relationships of a Member of Congress and their constituent. Consequently, the Department cannot contact an individual who is the subject of a Congressional inquiry in order to obtain the consent of the individual to whom the record pertains or the person(s) initiating an inquiry.

Additionally, the Health Insurance Portability and Accountability Act (HIPAA) of 1996 prohibits the release of an individual’s identifiable health information without the authorization of that individual via a HIPAA form that specifies the exact information to be released and the time frame allowable. Applicants with questions or concerns that involve medical conditions must provide a signed HIPAA authorization before the military can address those issues.
II - PERSONNEL

ASSIGNMENTS

The needs of the Navy are the main consideration in selecting personnel for assignment. Consistent with these needs, the Navy strives to assign the individual to his or her area and job of preference.

AWARDS AND DECORATIONS

Federal law and Navy policy require that recommendations for awards be formally submitted into official channels within two years of the act to be recognized. The only exceptions are for the Purple Heart and non-personal decorations, such as service medals or badges. The two-year time limit applies to the Medal of Honor, Distinguished Service Cross, Distinguished Service Medal, Silver Star, Legion of Merit, Distinguished Flying Cross, Soldier's Medal, Bronze Star Medal, Meritorious Service Medal, Air Medal, Navy and Marine Corps Commendation Medal, and the Navy and Marine Corps Achievement Medal.

Following the last three major conflicts, Congress extended the normal two-year time limit for submitting awards so that war veterans had every possible opportunity to be recommended for military decoration. These extensions expired in May 1951 for World War II, August 1956 for the Korean War and October 1975 for the Vietnam conflict.

Navy will not reconsider a decision on an award that was made by a proper official at the appropriate time, including decisions not to award a personal decoration or a specific level of recognition to a Sailor. Navy will also not reconsider or reverse a decision because a person disagrees with the level of recognition given.

A recommendation that was formally submitted into channels within the established time limits and which has been lost or was not acted upon by a proper authority may be resubmitted only if conclusive evidence is submitted which establishes that the recommendation was lost or not acted upon properly and the recommendation can be reconstructed. A copy of the original recommendation is normally required, and, in all cases, the identity and position of the person initiating the original recommendation must be known.

In all cases, when making inquiries regarding a Sailor's awards or those of a Navy veteran, it is essential to provide the social security number or previous Navy serial number. Inquiries concerning the status of existing awards should be made to (202) 685-6533/4/5/6. All other inquiries should be addressed to the Navy Office of Legislative Affairs.
BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)

Any Navy service member or former member who believes their record contains an error or an injustice may apply for a review by completing a DD Form 149 (see the Appendix for the link) and forwarding it to:

Board for Correction of Naval Records
701 South Courthouse Road
Bldg 12 Suite BE140
Arlington, VA  22204-2490

Voice:  (703) 604-6884/6885/3431/3433/3434
Fax:      (703) 604-3437
Email:   Mill_BCNR@navy.mil

The function of BCNR is to consider all applications for the purpose of determining the existence of an error or an injustice and to make appropriate recommendations to SECNAV. Each case is decided only after a full review of the evidence presented, and final determination is based upon the merits of the individual case. The granting of a personal hearing before the board rests within the discretion of the board. It is the policy of the board to review cases in the order of receipt. Due to the continuous workload and complexity of each case, some time may elapse prior to completion of a case. Applicants may be assured that each case will be considered as soon as possible, and the applicant will be advised promptly when a decision has been rendered.

The DD Form 149 (see the Appendix for the link) may be reproduced and used by constituents. The form must be signed by the constituent and forwarded to BCNR at the address above.

ENLISTED PROGRAMS

The Navy offers rewarding jobs to over 50,000 young men and women each year in Navy Enlisted programs. After a person joins the Navy, they are automatically enrolled in the Delayed Entry Program (DEP) until they start their active duty service at Recruit Training Command, up to one year later, and in some special cases up to 20 months. The most common reasons for applicants to use DEP is that it allows time to complete high school, security clearances, physical training compliance, personal obligations, and guaranteed assignment to a specialty school following the successful completion of basic training if a rating/specialty has been preselected. These schools have limited enrollments which require advance registration.

Prior to the start of basic training, DEP personnel are entered into the Ready Reserve and have no reserve participation requirements. However, the recruiter remains in regular contact and invites DEP personnel to participate in special meetings and activities designed to support Navy recruiting efforts and provide advance orientation on Navy operations, physical conditioning, customs, and procedures. DEP personnel are not issued uniforms and are not required to conform to military grooming standards.

Requests for release from DEP are handled on a case-by-case basis by the local recruiter and the Commanding Officer of the Navy Recruiting District. In such cases, the individual must explain
the circumstances and attempt to resolve the matter in order to commence active duty. However, if unable to resolve the matter, the individual should be processed for discharge, via his chain of command. DEP personnel are not issued a DD-214 upon discharge.

**HUMANITARIAN REASSIGNMENT**

Navy authorities have procedures in place to alleviate individual hardships that sometimes confront Navy families. Emergency leave frequently provides sufficient time to alleviate such hardships. However, when a service member requires more time than leave can provide and has a chance of resolving the hardship within a reasonable time frame, reassignment for humanitarian reasons may be requested.

The basic criteria for determining humanitarian/hardship reassignment eligibility are:

- A severe hardship exists, not normally encountered and resolved by other service members of the naval service.
- The hardship occurred or has been excessively aggravated since the service member has been serving on active duty.
- The problem affects the service member's immediate family. Immediate family is defined as spouse, child, step-child, parent, sibling, step-parent or other person acting *in loco parentis* (legally in place of a parent) for a period of five years before the member became 21 years of age, or any bona fide family member of the service member. In-laws are not considered members of the immediate family by virtue of their relationship as in-laws.
- There are no other family members or relatives nearby who are capable of providing necessary assistance.
- The service member has made every reasonable effort to alleviate the hardship, and it cannot be reasonably alleviated through leave (including emergency leave if the member is overseas), correspondence, power of attorney, or by other professionals.
- The service member's presence is required for specific reasons other than for morale or financial purposes alone.
- The service member can resolve the hardship within a reasonable time frame.

The following circumstances normally warrant special consideration:

- Death of applicant's spouse or child.
- Divorce, when the member has a final decree awarding custody of the children and time is needed to make arrangements for their permanent care. Member must be able to certify dependent care per OPNAVINST 1740.1.
- Severe illness (physical or mental) as a result of which the affected person has been hospitalized or is scheduled to be hospitalized.

Humanitarian reassignment requests based solely on the following reasons are not considered sufficient to allow a humanitarian reassignment and are generally not approved:

- For financial or business reasons (including the operation of family business).
- For settling of estates.
- For indebtedness.
• For the sole reason of being a single parent. Raising children is considered a long term situation and should normally be considered for a hardship discharge not reassignment (see the following section on hardship discharge).
• For personal convenience.
• For purpose of attending to or assisting in-laws, grandparents (other than those in loco parentis), or other persons not identified as immediate family.
• For purpose of children in school (exception is made to children requiring specialized education).
• For part-time employment of member/employment of spouse.
• Because the member has bought or owns a house.
• Because of the member's own physical or mental condition.
• The death of a parent where other family members are surviving.
• Threatened separation or threatened divorce action or normal anxiety/depression due to military assignment.
• Normal pregnancy, threatened miscarriage, breech birth, cesarean section, or RH incompatibility.

Station or ship personnel offices can assist the service member in submitting requests for humanitarian reassignment and the information required for such a request. If on leave (away from the service member's regular duty station), the service member should go to the nearest naval activity, such as a Navy Reserve Center, where assistance will be provided.

**MILITARY JUSTICE**

**Policy.** A military criminal case begins when a service member is alleged to have violated a punitive article of the Uniform Code of Military Justice (UCMJ). Normally, the service member's immediate commanding officer investigates and evaluates the allegations. If it is determined that there is sufficient evidence to support the allegations and that punishment is appropriate, the commanding officer may award the service member nonjudicial punishment or court martial.

**Nonjudicial Punishment (NJP).** Nonjudicial punishment is an administrative disciplinary proceeding for dealing with minor offenses. It is not a trial, and determination of misconduct on the part of the accused is not a conviction by a court. However, the results of the proceeding may normally be considered in determining character of service at separation, administrative boards, or court martial. The formal rules of evidence used by courts martial do not apply. Nonjudicial punishment is also referred to as Article 15 or Captain's Mast. It is administered by the accused's commanding officer or officer in charge.

As a general rule, punishment may include a combination of the following: (Lesser limits are applicable when the accused is an officer or when the person imposing punishment is below pay grade O-4 or is an officer in charge.)
• Forfeiture of one-half of one month's pay per month for up to three months.
• Correctional custody for not more than 30 days, or restriction to specified limits for not more than 60 days.
• Reduction to the next inferior pay grade.
• Admonition or reprimand.
• Extra duties for not more than 45 consecutive days.
• Confinement on bread and water or diminished rations for not more than three consecutive days if the accused is of the pay grade E-3 or junior and attached to or embarked on a vessel.

An accused has no right to be represented by a lawyer; however, he or she may be accompanied by his or her own personal representative (who may or may not be a lawyer). Nonjudicial punishment may not be made into an adversarial proceeding like a trial.

Appeals must be made in writing within five days of the awarded punishment date. The appeal is forwarded to a superior authority unless there is specific direction to the contrary. The review is limited to the question of whether the punishment was unjust (not supported by fact or law) or disproportionate (too severe) for the offense. Normally, appeal of the nonjudicial punishment will not delay the service of the punishment pending the outcome of the appeal unless no action is taken on the appeal within five days and the accused requests that punishment involving restraint or extra duties be stayed.

The accused has an absolute right to refuse nonjudicial punishment and request court martial unless attached to or embarked on a vessel. The demand must be made prior to the award of nonjudicial punishment by the commanding officer or officer in charge.

Summary Court Martial (SCM). This is the least formal of the three types of court martial and the least protective of individual rights. The SCM is a streamlined trial process involving only one officer who performs prosecutorial, defense counsel, judicial and jury functions. The purpose of the SCM is to dispose promptly of relatively minor offenses. The single officer assigned to perform the various roles incumbent on the SCM must inquire thoroughly and impartially into the matter concerned to ensure both the United States and the accused receive a fair trial. Since the SCM is a streamlined procedure, providing somewhat less protection for the rights of the parties than other courts-martial forums, the maximum punishment is very limited. Furthermore, a SCM may try only enlisted personnel with consent. There is no civilian equivalent to the SCM. While the rules of evidence apply, and a finding of guilty can result in loss of liberty and property, it is not a true adversarial proceeding and the United States Supreme Court determined that the constitutional right to representation does not apply. There is a right under the UCMJ, however, to hire civilian counsel if the appearance of civilian counsel will not unnecessarily delay proceedings and if military exigencies do not preclude it.

The following maximum punishments may be awarded:
1. E-4 and junior
   • Confinement for one month
   • 45 days hard labor without confinement
   • 60 days restriction
   • Forfeiture of 2/3 pay for one month
   • Reduction to the lowest pay grade
2. E-5 and senior
   - 60 days restriction
   - Forfeiture of 2/3 pay for one month
   - Reduction to the next inferior pay grade

Review of a SCM is automatic. The record of the proceedings of the SCM is forwarded to the convening authority (usually the accused's commanding officer) for initial review and then forwarded for review by a judge advocate. If corrective action is recommended, the record is forwarded to the officer exercising General Court Martial convening authority over the accused. The accused may request a review of a final conviction of the SCM by a judge advocate by a sworn petition.

Special Court Martial (SPCM). This is the intermediate level of our military court martial system. In the case of a SPCM, the court consists of at least three officers (members), or judge alone if the accused so elects, who determine(s) whether or not the accused is guilty of the offense(s) charged (findings on the merits). If a verdict of guilty is rendered, the court or judge also awards an appropriate sentence. The U.S. Government is represented by trial counsel (prosecutor) and the accused is assigned defense counsel. A transcript of the proceedings is made by a detailed court reporter. The accused’s defense counsel is a certified and qualified judge advocate.

The following maximum punishments may be awarded:
   - Forfeiture of 2/3 pay per month for six months.
   - Confinement at hard labor for six months or hard labor without confinement for three months, or restriction for up to 60 days.
   - Reduction to the lowest pay grade (E-1) or any intermediate pay grade.
   - A Bad Conduct Discharge (BCD).

General Court Martial (GCM). This is the highest trial court in the military judicial system and is reserved for very serious offenses. Unless waived, a GCM is convened only after a formal pretrial hearing is conducted by an impartial investigating officer. At the hearing, which is conducted in the presence of the accused and defense counsel, the evidence supporting the charges is examined and a report is made by the investigating officer to the GCM convening authority. The GCM convening authority's staff judge advocate examines the record of the pretrial investigation and makes a recommendation to the GCM convening authority who decides whether or not to convene the GCM.

In addition to the accused, personnel at a GCM include a specially designated military judge, assigned defense counsel and trial counsel (prosecutor). A detailed court reporter makes a transcript of the proceedings. The court members are composed of at least five officers who act as jury and adjudicate an appropriate sentence if a finding of guilty is made on any charge. As in a SPCM, the accused may also request a trial by judge alone.

The following maximum punishments may be awarded:
   - Forfeiture of all pay and allowances.
   - Confinement at hard labor for the maximum period of time specified in the Manual for
Court Martial for the offense(s) charged.

- Reduction to the lowest pay grade or any intermediate pay grade.
- A dishonorable or a bad-conduct discharge.

**NAVAL DISCHARGE REVIEW BOARD (NDRB)**

The purpose of the NDRB is to determine whether the type of final discharge (Honorable, General, etc.) received by a service member was equitable and proper. If the board determines that such action was improper, it will direct a change, correction, or modification of the type of discharge. The board may also change a reenlistment code if related to an accompanying change in discharge characterization or narrative. The board is not authorized to increase the severity of or revoke any discharge or dismissal; reinstate any person in the military service; recall any person to active duty; change the reason for a discharge to one for medical reasons; award monetary benefits; review a discharge by reason of sentence of a general court martial; or review discharges over 15 years. An individual may apply for a review of their discharge via a DD Form 293, Application for the Review of Discharge from the Armed Forces of the United States.

In addition to the personnel records of the applicant, the board considers all evidence submitted with the application or at the time of an appearance before the board. The applicant may present any evidence or arguments to substantiate that the discharge or dismissal was improper.

An applicant may appear before the NDRB, either in person or by telephone, after a documentary review in open session, with or without counsel, at no expense to the U.S. Government. The board will notify the applicant and designated counsel in writing, 30-60 days prior to the time of the hearing.

The DD Form 293 (see the Appendix for the link) may be reproduced and used by constituents. The form must be signed by the constituent and forwarded to:

- Department of the Navy
- Secretary of the Navy
- Council of Review Boards
- 720 Kennon Street, STE 309 (NDRB)
- Washington Navy Yard, D.C. 20374-5023

Tel: (202) 685-6600

**NAVY-MARINE CORPS RESERVE OFFICERS TRAINING CORPS (NROTC) SCHOLARSHIP PROGRAM**

The NROTC Program, founded in 1926, offers an opportunity to qualify for a commission in the Navy and Marine Corps while attending college. As the largest single source of Navy and Marine Corps officers, the NROTC Scholarship Program fulfills a vital role in providing mature young men and women with leadership and management positions in an increasingly technical Navy. Selected students are awarded scholarships through a highly competitive national selection process and receive tuition and other financial benefits at one of more than 60 of the country's leading colleges and universities.
General Eligibility Requirements. The general eligibility requirements for NROTC scholarship programs are:

- United States Citizenship.
- Seventeen years of age by September 1 of the year starting college and less than 23 on June 30 of that year (applicants who have prior active military service may be eligible for age waivers for the amount of time equal to their prior service, on a month-for-month basis, for a maximum of 48 months).
- High school graduate or possess an equivalency certificate by August 1 of the same year that entrance into the NROTC Four-Year Scholarship Program is anticipated.
- Physically qualified in accordance with Navy standards.
- Have no moral obligations or personal convictions that will prevent conscientious bearing of arms to support and defend the Constitution of the United States against all enemies, foreign and domestic.
- Apply for and gain admission to an NROTC college or colleges.
- Achieve qualifying College Board scores.

Selection Procedure. A scholarship selection board will convene weekly beginning in August to consider all formal application packages. Clearly superior candidates will be selected early in order to make an offer as soon as possible. Candidates not selected early will be considered with candidates processed later. All scholarship selectees will be notified by mid-April. Selectees who are physically qualified and have been accepted by an NROTC college or university will be notified by the Chief of Naval Education and Training, Pensacola, Florida.

Applications. Applications for the NROTC Scholarship Program may be obtained by contacting the local Navy Officer Recruiter.

NON-SCHOLARSHIP NROTC PROGRAMS

The Navy also offers two- or four-year, non-subsidized NROTC College Programs for college students who want to serve their country in leadership roles as officers of the Navy or Marine Corps. College Program applicants are selected by the professor of Naval Science of the appropriate NROTC unit from among the students already in attendance or selected for admission by the NROTC college or university.

The Navy pays for all uniforms, books, and fees required for Naval Science courses taken by College Program students. During the junior and senior years, they also receive $150 per month for a maximum of 40 academic months for the four-year program.

College Program students may gain scholarship status by competing for one of the Chief of Naval Education and Training Scholarships, normally offered semi-annually, by obtaining a professor of Naval Science nomination.

OFFICER CANDIDATE SCHOOL (OCS)

For qualified individuals who have completed an undergraduate degree, Navy OCS in Pensacola,
Florida offers the opportunity to join the Navy officer corps by completing approximately 16 weeks of training and indoctrination.

The application and screening process is conducted by officer recruiters from Navy Recruiting Command, who can be contacted directly or by calling 1-800-USA-Navy or visiting www.navyjobs.com.

RECRUITING

Navy recruiting is conducted by Navy Recruiting Command, headquartered in Millington, Tennessee. The command has approximately 5,000 active duty recruiters who work from approximately 1,600 recruiting stations throughout the United States and abroad.

REENLISTMENT, REENTRY AND RE CODE INFORMATION

Reenlistment in the Armed Forces. Qualification for appointment, commission, enlistment, or reenlistment in any of the armed forces is determined on the basis of standards established by each service. Each branch of the armed forces may waive standards, as they deem appropriate.

Reenlistment Policy of the Naval Service. Application at the recruiting office constitutes a formal request for reenlistment and is mandatory in order to determine each applicant’s eligibility. Reentry codes (RE Code) from the applicant’s DD-214 or separation documents are used to determine eligibility and the possibility of a waiver. RE Codes may only be changed through a request submitted to the Board for Correction of Naval Records (BCNR) using a DD Form 149 (see the Appendix for the link). Reentry codes are used as an administrative action and personnel management tool for utilization within military services.

If a waiver is necessary, the recruiter will forward a request to the Navy Recruiting District (NRD) Commanding Officer (CO). All applicants’ requests will be reviewed on a case-by-case basis, as outlined in the current applicable eligibility guidelines. Recruiting personnel determine eligibility with respect to Basic Enlistment Eligibility Requirements (BEERS) and current waiver eligibility guidelines for waivers of RE Code, civil, drug and alcohol, and medical issues. Certain issues may require further review by higher authority and will be forwarded with the CO’s endorsement to the Commander, Navy Recruiting Command (CNRC). The NRD CO has the authority to reject an applicant under certain conditions. Using those guidelines, a CO is not required to forward the application to higher authority for further consideration. However, the former service member may appeal to the Naval Discharge Review Board (NDRB) or the BCNR for potential RE Code change consideration.

Requests for Reentry Code Correction. If a member believes that his or her reentry code was erroneously entered onto their DD 214, he or she can petition BCNR for a change utilizing DD Form 149 (see the Appendix for the link). To justify correction of a military record, it is necessary to show to the satisfaction of the Board or must otherwise satisfactorily appear that the alleged entry or omission in the record was in error or unjust. Evidence may include affidavits or signed testimony of witnesses, executed under oath, and a brief of arguments supporting application. All evidence not already included in a member’s record must be submitted by the
individual. The responsibility for securing new evidence rests with the applicant.

**SEPARATION FROM ACTIVE DUTY**

**Categories.** Enlisted Naval personnel may be either separated administratively or punitively. They will fall into one of the categories below:

1. Administrative
   - Honorable
   - General (Under Honorable Conditions)
   - Under Other Than Honorable Conditions
2. Punitive (only awarded by Court Martial)
   - Bad Conduct Discharge
   - Dishonorable Discharge

Normal separation at the end of enlistment or obligated service is defined as an administrative discharge. The Navy may also unilaterally terminate a member's enlistment contract by means of administrative separation (ADSEP).

**Administrative Separation (ADSEP) Policy.** When a service member is administratively separated, the service member is afforded various rights which are outlined in written notification that is presented by the Separation Authority. The service member must elect to exercise or waive his or her rights in writing. These rights may include whether or not to conduct an Administrative Discharge Board where the service member would have legal counsel. The Board would hear all sides and then would vote to have the individual remain on active duty, discharged, or separated from active duty. Once a discharge is legally awarded, only the NDRB or BCNR have the authority to change or upgrade the type of discharge awarded.

The reasons for an administrative discharge may include:

1. Convenience of the Government:
   - Parenthood (Hardship)
   - Designated physical or mental conditions
2. Misconduct:
   - Drug abuse
   - Minor disciplinary infractions
   - Commission of a serious offense
   - Pattern of misconduct
   - Civilian conviction

**Separation in lieu of Trial by Court Martial.** Other Than Honorable discharges are awarded in cases of misconduct or if a member requests such a discharge instead of facing a trial by court martial. It is the U.S. Government's option to accept such a request.

**Hardship Discharge.** Service members who have hardships which meet the criteria listed below will be considered for hardship discharges. However, the decision of whether a hardship discharge should be granted is purely a military discretionary decision, and no service member
has a "right" to a hardship discharge from the naval service. Station and ship personnel offices can assist members in their requests.

The member's request must show that the hardship meets the following criteria:

- A severe hardship exists, not normally encountered and resolved by other service members of the naval service.
- The hardship affects the service member's immediate family. Immediate family is defined as spouse, child, step-child, parent, sibling, step-parent or other person acting in loco parentis (legally in place of a parent) for a period of five years before the member became 21 years of age, or any bona fide family member of the service member. In-laws are not considered members of the immediate family by virtue of their relationship as in-laws.
- The hardship is not of a temporary nature and cannot reasonably be expected to be resolved within the near time frame using leave (including emergency leave if overseas) or a period of temporary humanitarian reassignment to improve the situation.
- The hardship has occurred or has been severely aggravated since entry into the service.
- The service member and family have made every reasonable effort to alleviate the hardship.
- There are no other family members or relatives nearby who are capable of providing the necessary assistance.
- The discharge or release of the service member will result in the elimination, or material alleviation, of the hardship.

The following circumstances normally warrant special consideration:

- The death of, or divorce from, a spouse where the service member is left as sole parent of a minor child or children where the service member is unable to make arrangements for their continued care and cannot continue at present duties and properly care for them. For a service member to be eligible for separation under these circumstances, they must be a single parent serving on, or under orders to, sea duty or be in a deployable status and have a final divorce decree with permanent physical custody awarded to the service member.
- The long term physical or mental illness of the service member's spouse which does not allow the member to perform duties as assigned, and the member's continued presence is required. The determination of whether the spouse's mental illness is severe enough to warrant a hardship discharge is at the discretion of the appropriate Special Court Martial Convening Authority (SPCMCA).
- As a result of the disability or death of a parent, the separation of the member from the Navy is essential for the financial and physical support of a member or members of the family. Undue hardship does not necessarily exist solely because of altered present or anticipated income. Consideration must be given to social security, disability payments, or other federal and state assistance programs, and any other income and/or assets of the member and/or other family members.

Hardship discharge requests based solely on the following circumstances are generally not sufficient to warrant such discharges:
• The service member's physical or mental health.
• Providing moral support to immediate family members.
• Financial or business reasons, including the operation of a family business unless the business is the sole income of the family and there are no other family members capable of operating it.
• Indebtedness.
• Custody battles in divorce proceedings.
• Personal convenience.

Station or ship personnel offices can assist the service member in submitting requests for Hardship Discharge and providing a list of needed information required for such a request. If on leave (away from the service member's regular duty station), the service member should go to the nearest naval activity, such as a Navy Reserve Center, where assistance will be provided.

**UNIFORMS**

Title 10, U.S. Code, Sec. 772(e) states, "The President, in Executive Order 10554 of 18 August 1954, delegated to the Secretary of Defense the authority to prescribe regulations under which persons not on active duty who served honorably in the Navy in time of war may wear uniforms."

Wearing of uniforms is prohibited under any of the following circumstances (DoD Instruction 1334.1 of 11 Aug 69):

• Any meeting or demonstration which is a function of, or sponsored by an organization, association, movement, group or combination of persons which the Attorney General of the U.S. has designated, pursuant to Executive Order 10450 as amended, as totalitarian, fascist, communist, subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States by unconstitutional means.
• During or in connection with political activities, private employment or commercial interest, that imply official sponsorship of the activity or interest.
• When participating in activities such as public speeches, interviews, picket lines, marches, rallies or any public demonstration which implies the service supports the principles of the demonstration or activity. This rule may be waived by the service.
• When wearing of the uniform would discredit the armed forces.
• When specifically prohibited by regulations of the department concerned.

Former service members, unless described by DoD Instruction 1334.1 of 11 Aug 69, who served honorably during a war and whose most recent service was terminated under honorable conditions, may wear the uniform of the highest grade held during their service only on the following occasions and during travel related to those occasions:

• Military funerals, memorial services, weddings, and inaugurals.
• Patriotic parades or ceremonies in which any active or reserve U.S. military unit is taking part.
Wearing the uniform or any part of it at any other time or for any other purpose is prohibited.

UNITED STATES NAVAL ACADEMY (USNA)

The United States Naval Academy, the undergraduate professional college of the United States Navy, is located on the Chesapeake Bay in Annapolis, Maryland. Graduates of the four year institution at Annapolis are awarded Bachelor of Science degrees and embark on their careers as officers of the United States Navy or Marine Corps.

General Eligibility Requirements. Applicants must:

- Be a U.S. citizen.
- Be at least 17 years of age and must not have passed their 23rd birthday on July 1 of the year entering the academy.
- Possesses a good scholastic record.
- Be of good moral character.
- Be in excellent physical condition and medically qualified.

Selection Procedure. Applicants must obtain a nomination before they can be considered for appointment to the USNA. It is best to apply for a nomination after April of their junior year in high school. Sources of nomination include U.S. Senators and Representatives and the President and Vice President of the United States.

Applicants must have strong academic credentials. SAT or ACT tests are required no later than February of the year of admission. High school transcripts should include four years of math, four years of English, two years of modern language, one year each of physics and chemistry, one year of world history, and one year of introduction to computing.

If nominated, applicants will be scheduled for a medical exam and must pass a physical aptitude test. Of about 11,000 young men and women who apply, only 2,100 make it to this stage.

Final selection for appointment is selective. Applicants who pass the academic, medical and physical screening, and receive a nomination are considered "qualified candidates." Of these 2,100, only about 1,500 of the best-qualified candidates are offered appointment.

Further information can be obtained from:
Candidate Guidance Office
U.S. Naval Academy
Annapolis, MD 21402-5018

Telephone: (410) 293-4361
Naval Academy Sports Ticket Information: (800) US4-NAVY
Information and Guided Tour Service: (410) 263-6933
III - CASUALTY AFFAIRS

BURIAL AT SEA

Eligibility. Any active duty, retired, honorably discharged veterans and their family members, U.S. civilian marine personnel of Military Sealift Command, and other U.S. citizens who are determined eligible by the Chief of Naval Operations because of notable service and/or other contributions to our government. Burials at Sea are coordinated by Military Medical Support Office, Great Lakes, IL. They can be reached at (866) 787-0081.

CASUALTY NOTIFICATION

No casualty information on deceased military personnel may be released to the media or the general public, which includes Members of Congress, until 24 hours after notifying the deceased’s next of kin regarding the casualty status.

Wounded, Ill or Injured. Casualty information on ill or injured service members may not be released without the consent of the individual, unless otherwise authorized by the Privacy Act of 1974.

Casualty Assistance Calls Officer (CACO). A CACO is SECNAV’s official representative who assists family members during a very difficult period in their lives. The CACO provides information to the family, answers their questions and ensures their immediate needs are met during the difficult time following a service member’s death. CACO contact information is not available to the public, or Congress, since coordinating with public officials is not a CACO function.

Next of Kin Contact Information Request. If a Member of Congress wishes to contact the next of kin of a deceased service member, submit the request to the Navy’s Office of Legislative Affairs. OLA will send the request through proper channels to the next of kin via the individual CACO. If the next of kin consents to release contact information to the requesting party, the completed consent form and contact information is returned through the Navy’s official channels to OLA to forward to the requesting office.

To comply with the Privacy Act of 1974, after next of kin contact information is delivered to the requesting office, it is immediately destroyed, in all forms. The receiving office should also delete the contact information once contact has been made. Information shall not be retained for future contact. If someone else requests the next of kin contact information, or if the same requesting party wishes to contact the next of kin again, it must be treated as a new request.

The personal information may only be used for the purpose of providing private victim relief and condolence as a result of a service member death. This information is protected under the Privacy Act of 1974 and further disclosure by the recipient is prohibited except when implicit in the purposes of the disclosure.

INTERMENT
If the service member's next of kin desires interment in a national cemetery, the funeral director should contact a representative of the national cemetery. The local Veterans' Administration (VA) Regional Office maintains a list of available VA cemeteries within the area that burial is desired. The following information should be provided by the next of kin:

- Name
- Grade/rate
- Social security/service number
- Branch of service
- Place and date of birth
- Date of death
- Date of retirement/date of entry and separation from last service and character of discharge

Arlington National Cemetery. Interment in Arlington National Cemetery can take two forms: ground burial and inurnment of cremated remains in Arlington's Columbarium. When arranging interment, the funeral director or other persons who make the arrangements should contact the Office of the Superintendent, Arlington National Cemetery. The office is open from 7:30 a.m. to 4:00 p.m., Monday through Friday, and from 9:00 a.m. to 1:00 p.m. on Saturday, telephone (703) 695-3175. The caller will be asked to provide the following:

- Deceased's name
- Service/social security, and (if existent) VA Claim number(s)
- Dates of enlistment and separation (character of discharge)
- Last rank or rate held
- Branch of service
- Dates of birth and death
- Awards received which would qualify the individual for burial

Other National Cemeteries. Any honorably discharged veteran is eligible for interment in a national cemetery administered by the VA. Information on eligibility, space assignment, and other aspects can be obtained from the Department of Veterans Affairs online here: http://www.cem.va.gov/index.asp

REQUESTS FOR MILITARY FUNERAL HONORS

At the time of death, the member's next of kin may engage the services of a funeral director or contact Navy Funeral Honors directly (www.cnic.navy.mil/funeral_honors) to coordinate funeral honors. Military funeral honors should be requested from the regional coordinator in the geographical location in which the burial is to take place. A certificate of discharge (DD-214) or other proof of service is needed to complete the request. Service records may be requested at the National Archives at 314-501-0800 or www.archives.gov/veterans.

Funeral Honors Eligibility
For active duty members and Medal of Honor recipients (Full Honors):
• An Officer-in-Charge or Noncommissioned Officer-in-Charge, according to the rank of the deceased,
• Pallbearers (six enlisted personnel),
• A firing detail (May also act as pallbearers),
• A bugler (civilian musician or tape recording when a military bugler is not available), and
• A chaplain, if desired, to attend and conduct services at the funeral.

Retired members and Veterans (Standard Honors):
As required by US Code 10 Section 1491.
• Two members of the armed forces, one from the parent service,
• The playing of Taps, and
• Folding and presentation of the American flag to the next of kin.

Funeral honors may be supplemented with support from local Veteran's Service Organizations, but may not be supplemented with any other military service (i.e. Army National Guard) at the Navy's expense, other than to meet the minimum requirement of US Code Title 10 Section 1491.

Limitations. Unfortunately, there are certain situations which may preclude furnishing even the minimum support for retiree or veteran funerals. Examples are:
• Insufficient time from receipt of request to properly plan, prepare, and transport the funeral honors detail to the interment site
• Inability to travel due to inclement
The Department of Defense (DoD) issues the Uniformed Services Identification and Privilege Card (ID) to identify individuals eligible for benefits and privileges (i.e. medical care, commissary, exchange and theaters) administered by the uniformed services in accordance with chapter 55 of 10 U.S. Code, DoD Directive 1330.9 and DoD Instructions 1015.10 and 1330.17 Series. It is the responsibility of the service member to apply for family member ID cards. If the service member refuses to provide ID cards to eligible family members, they can apply. An unremarried former spouse applies for their own ID card. Application forms (DD Form 1172) and additional information concerning specific procedures are available at all military installation personnel offices. When executed, the application form serves to enroll or update eligible beneficiaries in the Defense Enrollment Eligibility Reporting System (DEERS). This allows the service member and family to receive proper medical care at all DoD medical facilities and Civilian Health Care facilities. In situations where eligibility is being initially established or the individual is not enrolled in DEERS, documentation will be required (e.g., marriage license, retirement orders, birth certificate, certificate of live birth, etc.) This requirement cannot be waived.

ELIGIBILITY

The following individuals are eligible for ID Cards:
1. Spouses, as follows:
   • A lawful spouse including eligible common-law spouse.
   • An unremarried former spouse of a service member or former service member where the former spouse must have been married to the service member or former service member for a period of at least 20 years, during which the service member or former service member must have performed at least 20 years of service creditable for retired pay (Public Laws 97-252 and 98-525).
   • An unremarried former spouse of a service member or former service member where the former spouse must have been married to the service member or former service member for a period of at least 20 years and the service member's creditable service is at least 15 years, but less than 20 years and the final decree of divorce, dissolution, or annulment of the marriage was issued before April 1, 1985. If the marriage terminated on or after April 1, 1985, then entitlement shall exist for two years after the divorce, dissolution, or annulment.
   • A surviving spouse of an active duty service member or retired service member entitled to retired pay, a totally disabled veteran, or a Medal of Honor recipient.
   • A surviving spouse of a Reserve Component service member who died after September 30, 1985, from an injury or illness incurred or aggravated while:
     o On active duty under a call or order to active duty of 30 days or less.
     o On active duty for training or on inactive duty training.
     o A surviving spouse of a Reserve Component service member who died while on active duty under orders for a period of more than 30 days.
     o A surviving spouse of a Reserve Component service member who retired without pay, had met time-in-service requirements.
2. Children as follows:
Legitimate, legitimated, adopted, stepchildren and wards under 21 years of age, who are presently unmarried because of divorce, death or annulment, may resume eligibility.

Children under 10 years of age who reside with a guardian or divorced parent.

Legitimate, legitimated, adopted, stepchildren and wards who are 21 years of age or older and unmarried, are dependent for over half of their support from their sponsor, and one of the following:
  - Are incapable of self-support because of a mental or physical handicap that existed before their 21st birthday. A dependency determination must be executed by the DoD Finance and Accounting Center upon initial application and each subsequent card renewal or by verification from BUPERS 334E for Navy personnel.
  - Have not passed their 23rd birthday and are enrolled in and attending class full-time course of study at an approved institution of higher learning.
  - Illegitimate children and illegitimate stepchildren.

Orphans who are surviving unmarried children, either adopted or natural born, who are under the age of 21, or over 21 if enrolled in a full-time course of study, of members of the uniformed services who died while on active duty or in a paid retired status. The surviving children must have been dependent upon the sponsor for over half of their support at the time of death of the parent(s).

3. Parents, as follows:
   - Parents, including fathers, mothers, fathers-in-law, mothers-in-law, step-parents, and parents by adoption who depend on their sponsor for over half of their support and who reside in a household maintained by or for the military sponsor. A dependency determination must be executed upon the initial application and each subsequent card renewal.

4. Others:
   - A recipient of the Medal of Honor and eligible family members.
   - An honorably discharged veteran with a 100 percent service-connected disability certified by the Department of Veterans Affairs including eligible family members.
V - SUPPORT FOR COMMUNITY ACTIVITIES

GENERAL GUIDELINES

Policy. Navy is a proud part of each community where its facilities or personnel are located. Accordingly, Navy personnel or equipment may be requested to support community activities. The Public Affairs Officer at the Navy facility nearest the event can provide guidance and assist in determining the availability of support for an activity.

Navy participation is not authorized when participation may directly or indirectly endorse, selectively benefit, or favor any private individual, sect, fraternal organization, political group, commercial venture, or be associated with solicitation of votes in a political election.

Navy support is not permitted when such participation will deny employment of civilians in their regular profession. Participation is not authorized when admission, seating, and other accommodations or facilities are restricted in any matter with regard to race, creed, sex, or national origin.

For Navy participation in events outside an installation's local area, costs to the sponsor normally include travel and transportation for personnel and equipment, meals and lodging, or daily per diem allowance in lieu of meals and lodging.

NAVAL AIRCRAFT FLYOVERS, TACTICAL DEMONSTRATIONS, AND STATIC DISPLAY REQUESTS

Requests for Naval aircraft flyovers, tactical demonstrations, and static displays may be submitted to:

Navy Office of Community Outreach
Attn: Aviation Support
5722 Integrity Dr., BLDG 456
Millington, TN 38054

Phone: (901) 874-5803
Fax: (901) 874-5813
Email: aviationsupport@navy.mil
Website: http://www.outreach.navy.mil/Aviation

Please go to http://www.outreach.navy.mil/Aviation/ to find information and the form to request an aircraft demonstration. The Navy Office of Community Outreach coordinates all requests for naval aircraft support with appropriate operational and training commanders. Support is provided on a not-to-interfere basis with normal operations, training, and budgetary requirements. Each category of support has a submission deadline listed on the instructions page (page 4) of the military aerial support request form (DD Form 2535).

Sponsors may be required to provide suitable fuel at military contract prices, 24-hour security for the planes, crash and fire-fighting crews and appropriate air traffic control. Due to budgetary
constraints the military is unable to provide funds for aircrew food, lodging and transportation. Depending on the support requested, to ensure maximum participation, the event sponsor may be required to provide these things.

The Navy is unable to support events for which sponsorship is intended to make a business profit or events which are in benefit of any private individual, corporation, sect, quasi-religious or ideological movement, or fraternal or political organization. Events which have an admissions charge, or other associated charges, do not necessarily preclude Navy participation. Navy commands cannot participate in events which charge admission unless the military participation is incidental to the event, and not the primary attraction.

**NAVY BANDS**

There are 11 official U.S. Navy bands, to include nine active-duty fleet bands and two preferentially staffed bands, all featuring professional musicians from around the nation. Each band operates within its own geographic area of responsibility, representing America’s Navy around the world. Requests for support in the civilian community are approved/disapproved 60 days prior to the event. Request for military support are approved/disapproved 90 days prior to the event.

Navy Bands are unable to support events for which sponsorship is intended to make a business profit or events which are in benefit of any private individual, corporation, sect, quasi-religious or ideological movement, or fraternal or political organization. Events that have an admissions charge, or other associated charges, do not necessarily preclude Navy participation. Navy Bands cannot participate in events that charge admission unless the military participation (performance) is incidental to the event, and not the primary attraction.

All Navy Bands adhere to Title 10, sub section 974: Military Musicians Performing in an Official Capacity.-(1) A military musical unit, and a member of the armed forces who is a member of such a unit performing in an official capacity, may not engage in the performance of music in competition with local civilian musicians.

Requests for military bands should be submitted to:

Navy Office of Community Outreach  
Attn: Band Support  
5722 Integrity Dr., BLDG 456  
Millington, TN 38054

Phone: (901) 874-5804  
Fax: (901) 874-5813  
Email: bandsupport@navy.mil

**NAVY FLIGHT DEMONSTRATION SQUADRON, THE BLUE ANGELS**

All requests for the Navy Flight Demonstration Squadron, the Blue Angels, must be submitted to:

Navy Office of Community Outreach
Requests for one of the DoD Aerial Demonstration Teams (Navy Blue Angels, Air Force Thunderbirds or Army Golden Knights) must be received by August 1 in the year prior to the event. A scheduling conference is held in September of each year after which proposed schedules for the demonstration teams are submitted to the respective Secretary for approval. Schedules for the Blue Angels and Thunderbirds are normally released by mid-December; the Golden Knights schedule is usually released in January, but can be verified at (910) 396-2036.

Basic criteria which must be met by show sponsors are:
- FAA approval of the demonstration site.
- Agreement to pay the standard military allowance for the team (approximately $6,000.00 per official performance).
- 6,000 feet of runway.
- Arresting gear at the field or within 80 nautical miles.

DoD's policy concerning flyovers is: "The Blue Angels and the Thunderbirds do not perform flyovers."

REQUESTS FOR SHIPS TO VISIT A PORT

The Navy schedules ships for port visits by the quarter year, with the schedule determined three months before the quarter starts (e.g., visits for January-February-March are scheduled the prior October). All congressional requests for a ship to visit a particular port should, therefore, be submitted three to six months in advance to:
Office of Legislative Affairs (LA-2)
1300 Navy Pentagon
Washington, DC  20350-1300
(703) 695-0395
Email: navy_constituent@navy.mil

Navy OLA will ensure the requests are considered at the port visit scheduling conferences conducted separately by U.S. Fleet Forces Command and Pacific Fleet to determine which requests can be filled. Determining factors in scheduling include operational commitments, availability of the ship requested, funding constraints, accessibility of the port (water depth, dock facilities), potential recruiting benefits, significance of the event for which the ship is requested, and the size of the port city. Unfortunately, not all requests can be filled.
APPENDIX - USEFUL LINKS


American Red Cross Emergency Communication Services: http://www.redcross.org/find-help/military-families/emergency-communication-services


DoD Contract Announcements: http://www.defense.gov/contracts/

DoD Home Page: www.defense.gov

DoD Inspector General: http://www.dodig.osd.mil

Department of the Navy Issuances (Instructions): http://doni.documentservices.dla.mil/default.aspx

Department of Veterans Affairs - www.va.gov

Flag Requests: http://www.cem.va.gov/cem/bbene/bflags.asp

Funeral Honors: https://mfh.dmdc.osd.mil/mfh/

GI Bill: http://www.benefits.va.gov/gibill/
Marine Corps Office of Legislative Affairs: 
http://www.hqmc.marines.mil/Agencies/OfficeofLegislativeAffairs.aspx


National Cemetery Administration, Department of Veterans Affairs:
http://www.cem.va.gov/index.asp

Naval Inspector General Website: http://www.ig.navy.mil


Navy Home Page: www.navy.mil


Navy Outreach: http://www.outreach.navy.mil/


Navy Recruiting: www.navy.com

Navy Senior Executive Service (Civilian) Leadership Biographies: 
http://www.secnav.navy.mil/donhr/About/Senior-Executives/Pages/Biographies.aspx

Permanent Change of Station (PCS): www.move.mil

Request for Armed Forces Participation in Public Events (Non-Aviation) (DD Form 2535):  

Request for Military Aerial Support (DD Form 2535):  

Secretary of Defense for Legislative Affairs: http://la.defense.gov/

Secretary of the Navy: http://www.navy.mil/secnav/index.asp

Separation Document Request (DD Form 214):  
http://www.archives.gov/veterans/military-service-records/