

Exhibit 7

to Plaintiffs' Further Supplemental Brief in
Support of Plaintiffs' Motion for Summary
Judgment

Case No.: 1:20-cv-01104-ESH



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON, TN 38055-0000

BUPERSINST 1900.8E CH-1
PERS-2
25 Mar 2019

BUPERS INSTRUCTION 1900.8E CHANGE TRANSMITTAL 1

From: Chief of Naval Personnel

Subj: CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD 214, DD 214C, DD 214WS, AND DD 215)

Encl: (1) Revised Pages 1 and 8 of enclosure (1) of the basic instruction

1. Purpose. To transmit enclosure (1), revised pages 1 and 8 of enclosure (1) of the basic instruction. This change adds the requirement to issue the DD 214 Certificate of Release or Discharge from Active Duty to Reserve Component personnel ordered to active duty for contingency operations greater than 30 days. Also, officer designators are now required to be included in block of 11 of the DD214

2. Action. Remove pages 1 and 8 of enclosure (1) of the basic instruction and replace with enclosure (1) of this change transmittal.

3. Records Management

a. Records created as a result of this change transmittal, regardless of format or media, must be maintained and dispositioned for the standard subject identification codes (SSIC) 1000 through 13000 series per the records disposition schedules located on the Department of the Navy/Assistant for Administration (DON/AA), Directives and Records Management Division (DRMD) portal page at <https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx>.

b. For questions concerning the management of records related to this instruction [notice, change transmittal] or the records disposition schedules, please contact your local records manager or the DON/AA DRMD program office.

A handwritten signature in blue ink, appearing to read "J. W. HUGHES".

J. W. HUGHES
Deputy Chief of Naval Personnel

Releasability and distribution:

This instruction is cleared for public release and is available electronically only via BUPERS Web site, <http://www.public.navy.mil/bupers-npc/Pages/default.aspx>



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BUPERS INSTRUCTION 1900.8E

From: Chief of Naval Personnel

Subj: CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD 214, DD 214C, DD 214WS, AND DD 215)

Ref: (a) DoD Instruction 1336.01 of 20 August 2009
(b) NAVPERS 15560D, Naval Military Personnel Manual (MILPERSMAN)
(c) OPNAVINST 7220.14
(d) 10 U.S.C.

Encl: (1) Instructions for Issuance of DD 214/215 Certificate of Release or Discharge from Active Duty and Related Documents
(2) Reentry Codes
(3) Distribution of DD 214 under Retirements & Separations (R&S) Module in Navy Standard Integrated Personnel System (NSIPS)
(4) Distribution of DD 214 for Units Not Supported by Retirements & Separations (R&S) Module in Navy Standard Integrated Personnel System (NSIPS)
(5) State Directors of Department of Veterans Affairs

1. Purpose

a. To provide instructions for preparing and distributing the DD 214 Certificate of Release or Discharge from Active Duty; DD 214C Certificate of Release or Discharge from Active Duty, Continuation Sheet; DD 214WS Certificate of Release or Discharge from Active Duty Worksheet; and DD 215 Correction to DD 214, Certificate of Release or Discharge from Active Duty.

b. This instruction has been completely revised to incorporate changes made to reference (a) to include changes for electronic submission of the DD 214 when available. This instruction should be reviewed in its entirety.

2. Cancellation. BUPERSINST 1900.8D.

3. Scope and Applicability

a. This instruction applies to all active duty and Navy Reserve Service members and the total work force responsible for delivery of pay and personnel services and includes, but is not limited to:

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(1) Commanding officers (CO), commanders, heads of activities, and officers in charge (OIC) with responsibility of executing the certification of Navy military pay and personnel functions.

(2) Command administrators and Navy career counselors responsible for the administration of human resources services to Navy military personnel assigned to commands within their area of responsibility.

(3) Navy operational support centers (NOSC), Navy Reserve activities, and Reserve Component (RC) commands responsible for the administration and execution of reserve pay and personnel services.

(4) Navy afloat and shore personnel support detachments (PSD) and fleet personnel services responsible for the delivery, administration, and execution of pay and personnel services.

(5) Navy headquarters organizations responsible for the administration, execution, and oversight of pay and personnel services.

b. All commands with Navy military personnel assigned must become familiar with the contents of this instruction and comply with all policies and procedures issued for the management of personnel and pay services that fall within the scope of this instruction and its references.

4. Background

a. Per reference (a), the Department of Defense (DoD) prescribes the DD 214, DD 214C, DD 214WS, and DD 215 for use by all Military Services. Reference (b) provides separation and discharge reasons.

b. Enclosures (1) through (5) are used for the preparation and distribution of the DD 214, DD 214C, and DD 215. Separation orders will be issued from Commander, Navy Personnel Command (COMNAVPERSCOM) to the separation activities via the Navy Standard Integrated Personnel System (NSIPS) Order Writing module.

c. The DD 214 is designed to provide a short-form original which excludes “Special Additional Information” and a long-form copy with additional information selectively included based on the recipient’s needs.

d. DD 214 provides Military Services with information necessary for administrative processing and enlistment and reenlistment determination, as well as data required by separatees for personal use.

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5. Intent of the DD 214. The DD 214 is a brief, clear-cut record of a period or term of active military service that provides:

- a. Military Services with a readily available source of information used to determine eligibility for enlistment or reenlistment;
- b. Service members with a brief record of active service; and
- c. Appropriate governmental agencies with an authoritative source of information which they require in the administration of Federal and State laws.

6. Control of the DD 214, DD 214C, DD 214WS, and DD 215. These forms are documents containing sensitive information and are vulnerable to fraudulent use. DoD has directed the following procedures to prevent unauthorized use of the form:

- a. Command Responsibilities. Each command must establish internal accountability procedures for use and destruction of forms. The CO or OIC will appoint, in writing, an individual of grade E7, GS-7, or above to control and issue the DD 214, DD 214C, and DD 214WS and when appropriate, the DD 215. The CO or OIC of designated separation activities listed in reference (b), MILPERSMAN 1910-812, may authorize an E6, GS-7, or above to serve in this capacity, if so designated in writing. Letter of appointment should not be sent to Navy Personnel Command (NAVPERSCOM), but must be maintained in the command files.

- b. PSD. When a command is supported by a PSD, responsibility for issuance of the DD 214 lies with the PSD.

- c. Security. The following procedures for the security of electronic forms are provided as follows:

- (1) COs must ensure appropriate security measures are in place to safeguard unauthorized use of the electronic portable document format (PDF) file DD 214, DD 214C, DD 214WS, and DD 215 by placing the forms on a separate directory, using local area network security and restricting access only to authorized personnel creating the actual form.

- (2) For commands using the Retirements and Separations (R&S) module within NSIPS, a serial number and transaction code will be auto-generated upon finalization (digital signature of the authorizing official). For units not yet using the R&S module, assign a serial number in block 18 of the DD 214 (block 5 of the DD 215), and maintain these serial numbers in either an electronic or paper log. The manually-generated serial number consists of four elements (16-17 characters), to include command unit identification code (UIC), last two-digit calendar year, four-digit consecutive number, and initials of the preparer (e.g., SER: 62981-17-0001-DWC).

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(3) For commands using the R&S module, a report can be generated with the following: serial number, transaction code, name of person discharged or separated, effective date of discharge or separation, processed date, separation code (SEP CODE), separation clerk, and member's command. For units not using the R&S module, the command's log will consist of at a minimum, all matching information in the preceding sentence regarding NSIPS R&S report. Commands may add additional elements, as desired, to the log.

d. Destruction of Forms. Obsolete, blank, partially completed, and reproduced copies of the DD 214, DD 214C, DD 214WS, and DD 215 to be discarded must not remain intact but must be destroyed by shredding or burning. No form will be discarded intact.

7. Records Management. Records created as a result of this instruction, regardless of media and format, must be managed per Secretary of the Navy (SECNAV) Manual 5210.1 of January 2012.

8. Review and Effective Date. Per OPNAVINST 5215.17A, NAVPERSCOM, Pay and Personnel Management Department (PERS-2), will review this instruction annually on the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, DoD, SECNAV, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be reissued by the 5-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the cancellation is known following guidance in OPNAV Manual 5215.1 of May 2016.

9. Forms

a. NAVPERSCOM, Directives, Printing, and Publications Branch (PERS-532) will provide authorized separation activities with current electronic versions of the DD 214, 214C, 214WS, and 215.

b. The following forms are available online at
<http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>:

(1) DD 2648 Pre-separation Counseling Checklist for Active Component Service Members

(2) DD 2648-1 Transition Assistance Program (TAP) Checklist for Deactivating/ Demobilizing National Guard and Reserve Service Members

(3) DD 2807-1 Medical Record – Report of Medical History

(4) DD 2808 Medical Record – Report of Medical Examination

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c. NAVPERS 1070/74 Report of Home of Record and Place from Which Ordered to a Tour of Active Duty is available online or by ordering at http://www.public.navy.mil/bupers-npc/reference/forms/NAVPERS/Documents/NAVPERS_1070-74_Rev10-05.pdf.

d. VA-21-526 Veterans Application for Compensation or Pension is available online at <http://www.vba.va.gov/pubs/forms/VBA-21-526-ARE.pdf>.



J. W. HUGHES
Deputy Chief of Naval Personnel

Releasability and distribution:

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**INSTRUCTIONS FOR ISSUANCE OF DD 214,
CERTIFICATE OF RELEASE OR DISCHARGE
FROM ACTIVE DUTY AND RELATED
DOCUMENTS**



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25 Mar 2019

INSTRUCTIONS FOR ISSUANCE OF DD 214, 215 CERTIFICATE OF RELEASE OR
DISCHARGE FROM ACTIVE DUTY AND RELATED DOCUMENTS

1. Criteria for Issuance of DD 214. The DD 214 is prepared to cover periods of service on active duty, active duty for training (ADT), full-time support (FTS) duty, active duty for special work (ADSW), certain periods terminated by a change of status not concurrent with separation from active service, and release from a status that is legally determined to be void. The DD 214 will be issued to members in conjunction with their release from active duty (RELACDU) and prior to final departure from their command or separation activity on permissive temporary additional duty, terminal leave, and associated travel.

a. Eligible Personnel. The DD 214 will be issued to the following personnel:

(1) RELACDU. The DD 214 will be prepared for each member at the time of separation from a period of active naval service as specified below or a period of service determined to be void. The DD 214 will be provided to officers dismissed under the sentence of a general court-martial or dropped from the rolls. (NOTE: Members who are placed on appellate leave are not RELACDU. Appellate leave is a statutorily authorized non-pay leave status. Do not, in such cases, issue a DD 214.)

(2) RELACDU for ADT, FTS, or ADSW. The DD 214 will be prepared for personnel being separated from a period of ADT, FTS, or ADSW when the period of service was 90 days or more or when required by the SECNAV for shorter periods. The DD 214 will also be prepared for personnel being separated for cause or for physical disability, regardless of length of time served on active duty. In the case of disability, the DD 214 will show active duty for only the period for which the member was ordered. The period of hospitalization subsequent to that period may be shown in block 18.

(a) RC personnel ordered to active duty for a contingency operation greater than 30 days will be issued a DD 214. Contingency operation is defined in reference (d), section 101, subparagraph (a) (13), and will be annotated as such in the mobilization orders issued by NAVPERSCOM, FTS Distribution and Augmentation Division (PERS-46) under the "Billet Information Section" immediately after the "Ultimate Activity Section."

(b) The DD 214 issuance requirement also applies to recalled retirees reverting to retired status, regardless of the period of active duty served.

(3) RELACDU Following Call-up, Partial Mobilization, or Full Mobilization. Personnel ordered to active duty in time of national emergency declared by either the President or Congress, or war declared by Congress will be provided a DD 214 upon RELACDU. The DD 214 will be issued regardless of the length of time served on active duty.

Enclosure (1)

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module, functionality exists for reissuance of electronic DD 214 for those initiated via NSIPS R&S module.

(c) Unused Space. Whenever there is unused space in blocks 11, 13, 14 and 18, type a diagonal line of “X’s” below the last typed line.

(d) More Space Required. When more space is required to complete or clarify the information, enter “SEE REMARKS” and complete or explain the information in block 18. If this space is insufficient, required information will be continued on a DD 214C, and will reference information from blocks 1 through 3 and the appropriate block(s) being continued, the member’s signature, date, and authorizing official’s signature. No entries may be made on the back of the DD 214. The use of plain bond paper as a continuation sheet is not authorized.

c. Legibility. Each copy of the DD 214 must be legible and will be printed with a reproducible screen tint using appropriate security ink on blocks 1, 3, 4a, 4b, 12, and 18 through 30. Blocks 1, 3, 21, and 22 of the DD 214C and blocks 1, 3, 5, 6, and 8 of the DD 215 will be similarly printed to make alterations readily discernible. No corrections will be permitted in the screened areas.

d. Errors and Alterations. The use of the DD 214WS should prevent errors from appearing on the DD 214. No changes or corrections may be made to the official signed DD 214. The recipient will be informed that making any unauthorized change or alteration to the DD 214 will render it void.

3. Instructions for Completing the DD 214

a. Block 1. NAME. Enter member’s name in all capital letters: (LAST, FIRST, MIDDLE). The name must match the official name listed in the member’s OMPF. Do not include spaces, hyphens, or apostrophes in last name. Type a comma after the last name. Also include, when applicable, Jr., Sr., III, etc., following the member’s middle name.

b. Block 2. DEPARTMENT, COMPONENT, AND BRANCH. Enter the word “NAVY” and the current status, using one of the following:

- “USN” – United States Navy;
- “USNR” – United States Navy Reserve;
- “USNFR” – United States Navy Fleet Reserve;
- “USNRFR” – United States Navy Reserve Fleet Reserve;
- “USN-RET” – United States Navy Retired; or
- “USN-MIDN” – United States Navy Midshipman.

c. Block 3. SOCIAL SECURITY NUMBER. Enter the member’s social security number with the digits properly grouped; e.g., 000 00 0000.

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bb. Block 21a. MEMBER SIGNATURE. The electronic signature is the preferred method and will be used as capabilities evolve. If electronic signature is not used, ensure the signature is legible on all copies. The member must be made aware of differences in the information contained on certain copies of the DD 214. When a member is discharged in absentia, enter “DISCHARGED IN ABSENTIA” in this block. For a member who is physically unable to sign or refuses to sign, enter “SIGNATURE UNATTAINABLE” and enter the reason in block 18.

cc. Block 21b. DATE. Enter the date member’s signature is obtained.

dd. Block 22a. OFFICIAL AUTHORIZED TO SIGN. Type the name; rate, rank or grade; and title of the authorizing official who has been delegated authority to sign by direction. Personnel authorized to sign the completed DD 214 would be any commissioned officer or warrant officer; enlisted personnel E6 and above; Government employees, GS-7 and above; and contract employees if included in the statement of work and are authorized to do so by the CO or OIC. The official’s signature will also be entered in this block. The electronic signature is the preferred method and will be used as capabilities evolve. If electronic signature is not used, ensure the signature is legible on all copies. In all cases the signature method used by the Service member and authorized official must be the same (i.e., both use electronic signature or both use standard signature).

ee. Block 22b. DATE. Enter the date the authorizing official signs the DD 214.

NOTE: DD 214 *MEMBER-1* copy does not contain blocks 23 through 30.

ff. Block 23. TYPE OF SEPARATION. Enter the type of separation effected from one of the following entries:

- (1) “Commission Revoked”;
- (2) “Discharged”;
- (3) “Discharged and Offered Reappointment in the Navy Reserve”;
- (4) “Discharged and Reappointed in the Navy Reserve”;
- (5) “Discharged from the Naval Academy (USNA)”;
- (6) “Discharged from USNA, Resumed/Assigned Enlisted Status”;
- (7) “Dismissed”;
- (8) “Dropped from the Rolls”;