



DEPARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
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WASHINGTON, D.C. 20350-1000

SECNAVINST 5300.30D CH-1  
PERS-8  
5 Oct 09

SECNAV INSTRUCTION 5300.30D CHANGE TRANSMITTAL 1

From: Secretary of the Navy

Subj: MANAGEMENT OF HUMAN IMMUNODEFICIENCY VIRUS (HIV)  
INFECTION IN THE NAVY AND MARINE CORPS

Encl: (1) Revised Page 21

1. Purpose. To revise the content of paragraph 15b(4)(a).
2. Action. Remove page 21 from the basic instruction and replace with enclosure (1) of this change transmittal.

A handwritten signature in black ink, appearing to read "J.M.G.", is positioned above the typed name and title of the Assistant Secretary of the Navy.

JUAN M. GARCIA  
Assistant Secretary of the Navy  
(Manpower and Reserve Affairs)

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(2) In a separation under the accession testing program.

(3) In any other administrative separation action authorized by DOD policy.

(4) In any other manner consistent with law or regulation (e.g., the Military Rules of Evidence) including:

(a) To establish the HIV antibody positive status of a member who disregards or disobeys the preventive medicine counseling in an administrative or disciplinary action based on such disregard or disobedience.

(b) To establish the HIV antibody positive status of a member as an element of any permissible administrative or disciplinary action (e.g., as element of proof of an offense charged under the UCMJ).

(c) To establish the HIV antibody positive status of a member as a proper ancillary matter in an administrative or disciplinary action (e.g., as a matter in aggravation in a court-martial in which the HIV antibody positive member is convicted of an act of rape committed after having been informed of this HIV antibody positive status).

c. The limitations in paragraph 15a pertaining to use of information obtained from a member by a health care professional during the epidemiologic assessment interview do not apply to the following: the introduction of evidence for impeachment or rebuttal purposes in any proceeding in which the evidence of drug abuse or relevant sexual activity (or lack thereof) has been first introduced by the servicemember; or, disciplinary or other action based on independently derived evidence; or, non-adverse personnel actions such as reassignment, disqualification (temporary or permanent) from a personnel reliability program, denial, suspension, or revocation of a security clearance, or suspension or termination of access to classified information; or, duties requiring a high degree of stability or alertness such as flight status, explosive ordnance disposal, or deep-sea diving. Non-adverse personnel actions that are supported by serologic evidence of HIV infection shall be accomplished under governing Navy regulations, considering all relevant factors, on a case-by-case basis.