#2

MCO P1900.16B

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(SHORT TITLE: MARCORSEPMAN)

U.S. MARINE CORPS

CMC CENTRAL FILES
HQ SUPPORT DIVISION

PCN 102 027300 00

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DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D. C. 20380

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To: Distribution List

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(Short Title: MARCORSEPMAN)

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1. Purpose. To update regulations and policies on separations and retirements.

2. Cancellation. MCO P1900.16A.

3. Summary of Revision. This revision contains a substantial number of changes and should be completely reviewed.

4. Reserve Applicability. This Manual is applicable to the Marine Corps Reserve.

5. Certification. Reviewed and approved this date.

H. L. WILKERSON
By direction

DISTRIBUTION: DY

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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INTRODUCTION

0001. PURPOSE. The purpose of the Marine Corps Separation and Retirement Manual is to promulgate policies, procedures, guidance, and administrative instructions for the separation and retirement of Marines.

0002. STATUS

1. This Manual amplifies the broad regulatory policies pertaining to the separation and retirement of Marines and is applicable to all members in matters relating to separation and retirement from the Marine Corps and Marine Corps Reserve.

2. Any deviation from the instructions contained in this Manual must be authorized by the Commandant of the Marine Corps.

0003. SCOPE

1. The Marine Corps Separation and Retirement Manual contains instructions for implementation of public law and the regulatory policies published by the Secretary of the Navy and the Commandant of the Marine Corps in matters pertaining to separation and retirement.

2. This Manual is designed to assist all personnel in the routine administration of separation and retirement of Marines and is to be used in conjunction with other Marine Corps directives to ensure compliance with the regulations and policies established by the Commandant of the Marine Corps.

0004. RESPONSIBILITY

1. The currency, accuracy, and completeness of publication and distribution of this Manual and its changes are the responsibility of the Commandant of the Marine Corps (Code MMSR).

2. If additional copies of this Manual should be required, requests should be submitted in accordance with MCO P5600.31D, Marine Corps Publications and Printing Regulations, section III.

0005. ORGANIZATION

1. The Marine Corps Separation and Retirement Manual consists of one volume containing 13 chapters and an introduction. This Manual is functionally arranged, utilizing the chapters as major divisions. The chapters are numbered in sequence and are listed in the Contents.

2. Paragraph numbering is based upon a 4-or 5-digit number which is further divided as illustrated:

Example. 6012.3a(2)

Chapter 6
Paragraph 12
Subparagraph 3a(2)

3. Each part within a chapter is assigned a block of 100 paragraphs. It is, therefore, possible to identify the various parts within each chapter by reference to the paragraph numbers not utilized within each part.

4. The pages are numbered in a separate series for each chapter, preceded by the number for the chapter; e.g., the 10th page of chapter 6 is number 6-10.

0006. CHANGES

1. Changes to the Marine Corps Separation and Retirement Manual shall be published separately and will be designed for insertion on a page for page basis.

2. A record of changes made should be maintained on the page provided for that purpose.

0007. METHOD OF CITATION. Reference to paragraphs of the Marine Corps Separation and Retirement Manual will be shown in the following manner:

1. Correspondence and messages -

   Ref: (a) MARCORSEPMAN, par. 6012.3a(2)

2. Directives -

   Ref: (a) MCO P1900.16B, MARCORSEPMAN par. 6012.3a(2)

3. Personnel records and forms only -

   MARCORSEPMAN, par. 6012.3a(2)

CHAPTER 1

GENERAL INFORMATION FOR RETIREMENT OF OFFICERS ON ACTIVE DUTY

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CHAPTER 1

GENERAL INFORMATION FOR RETIREMENT OF OFFICERS ON ACTIVE DUTY

1001. GENERAL

1. Retirement must be approved or directed by the President of the United States or the Secretary of the Navy.

2. Retirements once approved or directed by the President of the United States or the Secretary of the Navy are not normally withdrawn nor modified.

1002. DEFINITIONS

1. Officer. Unless otherwise indicated the term officer as used herein means a commissioned officer, chief warrant officer or warrant officer.

2. Voluntary Retirement. A retirement which is effected as a result of a request from an officer who is eligible for retirement.

3. Involuntary Retirement. A retirement which is mandatory under law and may not be deferred beyond the date directed. Involuntary retirement must be effected on the date directed without respect to the officer's state of health. Chief warrant officers and warrant officers not physically qualified who are subject to involuntary retirement may with the approval of the Secretary of the Navy be retained on active duty for a period not to exceed 4 months.

4. Active Duty. Full-time duty in the active military service of the United States to include full-time training duty, annual training duty, and active duty for training.

5. Effective Date. Notwithstanding other provisions of law, the Uniform Retirement Date Act requires that all retirements, except by reason of physical disability, shall become effective on the first day of a month.

1003. PHYSICAL EXAMINATIONS

1. Officers contemplating voluntary retirement and those subject to involuntary retirement shall complete a retirement physical examination not more than 6 months and not less than 3 months prior to the effective date of retirement. This physical examination should be accomplished far enough in advance of the prospective retirement date to permit correction of any minor physical defects, or if major defects are found, to permit completion of physical retirement proceedings prior to the scheduled retirement date. The time required for physical disability proceedings varies greatly, depending on the circumstances in each case. However, it may be expected that from 3 to 4 months will be required from the date of initial physical examination to the date of final action by the Secretary of the Navy. Longer periods may be required in exceptional cases (see chapter 10).

2. The retirement of officers who are subject to involuntary retirement cannot be delayed due to physical disability proceedings, except in the case of warrant officers as provided in paragraphs 3014 and 3015 of this Manual. Accordingly, it is possible that an officer who would otherwise be eligible for disability retirement would be forced into nondisability retirement while disability proceedings are in progress. The law requires that an officer must be in receipt of basic (active duty) pay at the time the Secretary of the Navy makes the final determination in order to be eligible for disability retirement.

3. In accordance with current instructions of the Bureau of Medicine and Surgery, each officer shall sign a certification on the SF 88, Report of Medical Examination, indicating that he/she understands the current BUMED instruction which provides that a member must be in receipt of basic pay in order to be eligible for disability retirement.

4. The voluntary retirement of an officer may not be effected until he/she is found to be physically qualified. If an officer has submitted a request for voluntary retirement which is permissive in nature, and disease or injury requiring medical treatment or hospitalization intervenes, the Commandant of the Marine Corps (Code MMSR-2) will be immediately notified by message. Orders and correspondence with enclosures relative to retirement will be returned to the Commandant of the Marine Corps for cancellation in all cases where medical treatment is not completed by the retirement date designated in the orders. A report by message or a SF 88, Report of Medical Examination, will be forwarded immediately to the Commandant of the Marine Corps (Code MMSR-2) when an officer whose retirement has been delayed, is found physically fit. Orders will be reissued by the Commandant of the Marine Corps to effect retirement on the first day of the first month following receipt of the message or the SF 88. In the event the officer's case is referred to a Physical Evaluation Board, retirement cannot be effected until final action is taken by the Secretary of the Navy or the Commandant of the Marine Corps, as appropriate.

5. Orders are not normally required in connection with retirement physical examination, except in those cases where travel is required. In such cases, temporary additional duty orders will be requested from the command having authority to issue such orders. Travel costs are chargeable to the command issuing the orders.

1004. RECEIPT OF RETIREMENT REQUESTS

1. Upon receipt of a request for voluntary retirement the Commandant of the Marine Corps will acknowledge receipt of the request and will issue a pre-retirement package directly to the officer requesting retirement. Preretirement packages will be enclosed in the status letters that notify officers that they are subject to involuntary retirement.

2. Should the Commandant of the Marine Corps disapprove a request for voluntary retirement the officer will be notified via the chain of command as soon as the basis for disapproval is established.

3. The issuance of authority for retirement constitutes official approval of retirement request and hence directs retirement.

4. Requests are normally processed upon receipt irrespective of the requested date. The authority for release for retirement is issued upon completion of processing an approved request provided the retirement date is within 6 months and the Marine is physically qualified. Inasmuch as requests for retirement may be submitted as early as 14 months in advance of the intended retirement date, the authority to release will be held in abeyance until the retirement date is less than 6 months away and only then if the Marine is found physically fit for retirement.

1005. AUTHORITY TO RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE RETIRED LIST AND RETIREMENT ORDERS

1. Authority to release from active duty and individual orders in the case of colonels and above will be issued by the Secretary of the Navy or the Commandant of the Marine Corps. Individual orders on lieutenant colonels and below will be issued by the local command using the format contained in figure 1-1. Release from active duty on the occasion of retirement is normally effected on the day

preceding the effective date of retirement and retired pay commences on the effective date of retirement. In addition to the authority to release from active duty (lieutenant colonels and below) and individual orders (colonels and above) the Commandant of the Marine Corps will issue a retirement letter to colonels and above.

2. In cases of voluntary retirement authority to release from active duty and individual orders for transfer to the retired list will be issued as described in paragraph 1004.4 above, and will not be issued prior to notification that the officer is physically fit. Authority to release from active duty and individual orders in cases of involuntary retirement are issued 3 months prior to the effective date of retirement.

3. Officers detached after the effective date of retirement are considered to be in a retired status from the effective date of retirement unless they are in receipt of orders prior to the effective date of retirement continuing them on active duty in a retired status. The Comptroller General of the United States has held that a retirement is effective from the date specified by law or by the Secretary of the Navy irrespective of whether retirement and release orders are received subsequent to the effective date of retirement.

1006. RETIREMENT CERTIFICATE AND BUTTON. A retirement certificate and button will be forwarded to the officer via the chain of command with the authority to release orders. Each certificate will be enclosed in a red leather composition folder. Should the certificate, button, or folder be received in unsatisfactory condition, immediately notify the Commandant of the Marine Corps (Code MMSR-2).

1007. RETIREMENT CEREMONY

1. An appropriate retirement ceremony will be held within the capabilities of the command for all Marines retiring unless the Marine specifically desires otherwise.

2. The commander will personally interview each Marine and advise him/her what type of ceremony is appropriate and planned, based on the conditions that exist at the command. If the Marine finds this undesirable to him/her either because of date or content, the Marine will be offered alternatives. Should the Marine desire no ceremony, his/her wishes will be accepted.

3. While the capabilities of commands will vary, each command will ensure the preference of the Marine is fulfilled to the extent feasible.

1008. LEAVE

1. The number of days of unused leave for which settlement may be made will be determined from the latest available Leave and Earnings Statement (LES) and documents reflecting leave taken but not yet deducted on the LES. For information concerning entitlement to lump-sum payment for accrued leave see Department of Defense Military Pay and Allowances Entitlements Manual (DODPM), Part Four, Chapter 4, Section A.

2. The law provides that a member of a uniformed service who has performed active service and who is on terminal leave pending separation from, or release from active duty in that service under honorable conditions may accept a civilian office or position in the Government of the United States, its territories or possessions, or the government of the District of Columbia, and he/she is entitled to receive the pay of that office or position in addition to pay and allowances from the uniformed service for the unexpired portion of the terminal leave. Accordingly, terminal leave may be authorized by the Commandant of the Marine Corps in applicable cases. Terminal leave may not exceed 60 days and such leave is chargeable in the same manner as annual leave. Should an officer

desire to take terminal leave he/she may request authority to do so at the time he/she submits his/her request for voluntary retirement. Those officers subject to involuntary retirement may submit a request for terminal leave anytime after receipt of their retirement orders.

3. All leave incident to retirement is subject to the approval of the retiree's commanding officer.

4. An officer of the regular Marine Corps, other than a retired officer, may not be employed by a person furnishing naval supplies or war materials to the United States. If such an officer is so employed, he is not entitled to any payment from the United States during that employment.

1009. RETIRED GRADE

1. As a general rule, an officer is retired in the grade in which serving at the time of retirement. However, in the event the officer concerned had previously served in a higher grade than that held at the time of retirement, he/she may be eligible for advancement on the retired list. Each officer shall be advanced on the retired list to the highest officer grade in which he/she served satisfactorily under a temporary or permanent appointment as determined by the Secretary of the Navy. The determination by the Secretary of the Navy is made in connection with processing the retirement, and individual requests for this purpose are not required.

2. An officer who is serving or has served in the grade of lieutenant general by reason of appointment for appropriate higher command or performance of duty of grave importance and responsibility, upon retirement, may be appointed by the President, by and with the advice and consent of the Senate, to the highest grade held while on the active list and with retired pay based on that grade. However, retired pay of the higher grade based on such an appointment accrues from the date the commission is issued after confirmation by the Senate, regardless of the date of retirement.

3. The Comptroller General has ruled that military personnel may retire in the highest grade held in any Armed Force in which they served satisfactorily without regard to whether that grade was a temporary or permanent grade, and even though the armed service in which the individual held that higher grade is not the service in which he/she retired.

1010. RETIRED PAY

1. Retired pay is computed in conformity with specific provisions of law. The information in this paragraph applies only to nondisability retirements effected in accordance with the provisions of this Manual.

2. An officer who is voluntarily retired under the law requiring 30 or more years of active service for retirement is entitled to retired pay at the rate of 75 percent of the basic pay to which he/she would be entitled if serving on active duty in the grade in which retired, or the grade to which advanced on the retired list.

3. An officer who is voluntarily retired under any law requiring more than 20 years but less than 30 years of active service for retirement, or is involuntarily retired for age and/or statutory service, is entitled to retired pay at the rate of 2 ½ percent of the basic pay to which he/she would be entitled if serving on active duty in the grade in which retired or to which advanced on the retired list multiplied by the sum of the following:

a. Total years of service (active and inactive) creditable for basic pay purposes as of 31 May 1958, and

b. Total years of active service, including active duty for training, performed subsequent to 31 May 1958.

4. For the purpose of the calculation in paragraph 1010.3b above, 1 day of credit (with a maximum of 60 days of credit for any 1 year) for each retirement point earned as a member of a Reserve component subsequent to 31 May 1958, through authorized attendance at drills, completion of correspondence courses; periods of equivalent instruction or appropriate duty performed as authorized by the Commandant of the Marine Corps, the Commanding General, 4th Marine Division/Commanding General, 4th Marine Aircraft Wing/Marine Air Reserve Training Command, or the Director, Marine Corps Reserve Forces Administrative Center; and 15 points per year gratuitous credit for Reserve membership.

5. The retired pay of any warrant officer who is retired under any law cited within this Manual will be based upon the applicable monthly basic pay of the grade in which retired, or to which advanced on the retired list. However, if the applicable basic pay of the grade to which advanced is less than that of any warrant grade satisfactorily held by him/her on active duty, his/her retired pay will be based on the higher applicable basic pay.

6. Retired pay may not exceed 75 percent of the basic pay on which subject pay is based.

1011. PAY ACCOUNTS. Pay accounts of retired personnel are maintained at Marine Corps Finance Center, Kansas City, Missouri 64197. Any inquiries pertaining to retired pay matters should be addressed to the Commanding Officer (Code CPR), Marine Corps Finance Center. Unless the Marine being retired requests otherwise, all allotments except allotments to charitable organizations and allotments in amounts greater than the anticipated amount of retired pay will be automatically continued when retirement is effected.

1012. CURRENT ADDRESS AND RESIDENCE OF RETIRED OFFICERS

1. Each retired officer will keep the Marine Corps Finance Center, (Code CPR) Kansas City, Missouri 64197, informed at all times of his/her current check mailing address and current home mailing address where mail and messages addressed to him/her will be received. A request to change address must specify whether the change is for check or home mailing address, or both.

2. Subject to the above requirement, a retired officer may reside abroad except in belligerent countries.

1013. CERTIFICATE IN LIEU OF ORDERS. Certificate in lieu of orders to transfer to the retired list will not be issued more than 45 days in advance of date of transfer to the retired list, and only then if the request has been approved and the Marine has been certified physically qualified for transfer to the retired list.

From: (Issuing Command)
To: (Marine concerned)

Subj: Release from active duty and transfer to the Retired List

Ref: (a) Title 10, U. S. Code
(b) JTR, pars. M4158, M7010, and M8260
(c) MCO P1070.12C, IRAM, par. 2003
(d) MCO P1080.35B, PRIM, par. 5153

Encl: (1) Retired Pay Data Form (encls. (1) through (4) will be provided by HQMC)
(2) Retirement Button
(3) Certificate of Retirement
(4) CMC ltr MMSR-2/js of w/encls. (issue to regular officers)

1. On _____ you will be placed on the Marine Corps Officers Retired List in accordance with reference (a). Accordingly, at 2400_____ you will be detached from your present duty station and released from active duty. You will proceed to your home (MCC W95) and complete all travel within the time specified in reference (b). Active duty pay and allowances terminate _____.

2. As of (input to this paragraph will be provided by Commandant of the Marine Corps (Code MMSR-2)).

3. Your commanding officer will issue an identification card pursuant to reference (c), issue DD Form 214, and report retirement in accordance with reference (d).

4. Your unused leave to include date of release from active duty is _____. Settlement for your leave will be included in your final active duty paycheck.

5. You have stated your future address for mailing purpose is:

_____

6. Enclosure (1), to include a current mailing address should be completed and forwarded to the Marine Corps Finance Center (Code CPR), Kansas City, Missouri 64197. You cannot be paid until this form is received by the center. Enclosures (2) and (3) are furnished for your retention.

7. The Statement of Employment (DD Form 1357), attached to enclosure (4) must be completed within 30 days after date of retirement and forwarded to the Marine Corps Finance Center (Code CPR).

8. Furnish the disbursing officer maintaining your active duty pay accounts two copies of these orders for settlement of your pay account.

9. You may select a home and receive travel allowance for the travel performed thereto, from this command in accordance with reference (b) provided that the travel is completed within 1 year from the date of your release and transfer to the Retired List.

10. You may wear your uniform from this command to your home if travel is performed within 3 months after your release from active duty, and on such occasions as the wearing of the uniform is appropriate under the Marine Corps Uniform Regulations.

Figure 1-1.--Format for Orders to Release from Active Duty and Transfer to the Retired List.

11. If you are not physically qualified at time of retirement, these orders are canceled. (Delete this paragraph from orders issued to officers who are transferred to the Involuntary Retired List.)

12. Expenditures under these orders are chargeable to (input to this paragraph will be provided by Commandant of the Marine Corps (Code MMSR-2)).

13. Your presence will be missed by your fellow Marines, who continue to serve on active duty. We request that you continue to support them in their undertakings. We express the appreciation of the Marine Corps for your service, and wish you health, happiness, and every success in the future.

By direction

Copy to:
CMC (Code MMSR-2)
(Code MPI)
(Code MMPR-3)
(Code HQSH)
(Code LA)
(Code MMPR)
(Code MMOA)
(Code MMAD-3)
MCFC, (Code CPR), KSC
Officer Concerned
Dir MCD
OQR

NOTES:

1. The following will be inserted as paragraph 3 to the orders of officers who are advanced on the Retired List. "The Secretary of the Navy has determined that you are entitled to be advanced on the Retired List, with retired pay computed on the basis of the higher rate of basic pay of the two grades involved. I take pleasure in transmitting as enclosure (1), your letter of advancement to the grade of _____."

2. In the case of officers reverting to permanent grade for the purpose of retirement, Commandant of the Marine Corps (Code MMSR-2) will provide additional package.

Figure 1-1.--Format for Orders to Release from Active Duty and Transfer to the Retired List.--Continued.

CHAPTER 2

VOLUNTARY RETIREMENT OF OFFICERS ON ACTIVE DUTY

2001. GENERAL

1. All laws applicable to voluntary retirement of male officers on active duty are applicable in a like manner to women officers on active duty.

2. Chapter 4 contains instructions for the voluntary retirement of Reserve officers not on active duty.

3. Unless otherwise indicated the term officer as used herein means any commissioned, chief warrant officer or warrant officer, W-1.

4. Requests for voluntary retirement will be forwarded to the Commandant of the Marine Corps (Code MMSR) via official channels using the format contained in figure 2-1. Requests should be submitted so as to arrive at Headquarters Marine Corps not more than 14 months and not less than 3 months prior to the requested retirement date. Requests should include the following:

a. The requested effective date of retirement (must be the first day of the month).

b. The commanding officer will certify (see figure 2-1) one of the following:

(1) That the officer has been found physically qualified for retirement. (See figure 2-1.) The medical examination (SF 88) will be forwarded as the top document of terminated health record to the Commandant of the Marine Corps (Code MSRB-20) in accordance with IRAM, paragraph 4001.5, table 4-1.

(2) (In the remarks section of NAVMC 10831.) That a physical examination has been or will be scheduled for the officer and the Commandant of the Marine Corps (Code MMSR-2) will be notified by message of the result. (Required on applications submitted more than 6 months in advance.)

(3) (In the remarks section of NAVMC 10831.) The officer has been admitted to the (name of service hospital) for appearance before a medical board. This endorsement will not be necessary in those cases where the officer has appeared before a physical evaluation board within a period of 6 months prior to the requested date of retirement and has been found fit to perform the duties of his/her grade by the Secretary of the Navy as a result of the disability proceedings. See paragraph 1003 for instructions regarding physical examinations.

c. Complete and detailed justification if retirement is requested as an exception to current policy.

5. An officer who is subject to involuntary retirement may request voluntary retirement to be effective on or prior to the date of involuntary retirement, provided he/she is eligible for voluntary retirement.

6. Officers who desire to request voluntary retirement may utilize the Application for Retirement/Transfer to FMCR (NAVMC 10831), see figure 2-1. Forward the original and one copy to Commandant of the Marine Corps (Code MMSR). Second and subsequent endorsements may be prepared on the reverse side. Should local commanders desire copies of the application for planning purposes, they should issue appropriate instructions for the preparation and distribution of such copies. If the current NAVMC 10831 is not available, the application may be submitted in Naval letter format; however, all items of information, including required remarks, must be contained in the letter. The retirement request will be prepared by typewriter and each item will be completed in accordance with the following instructions.

a. Item 1. Enter officer's social security number (SSN) in section 1a. Enter MOS in section 1b.

b. Item 2. Enter officer's current grade.

c. Item 3. Enter officer's last name, first name and middle initial.

d. Items 4 and 5. Enter officer's complete military mailing address.

e. Item 6. Enter the officer's date current tour began (DCTB) or, if outside CONUS, his/her rotation tour date (RTD).

f. Item 7. Enter "N/A."

g. Item 8. Enter date of rank.

h. Item 9. If the officer held a grade higher than the grade listed in item 2, enter the highest grade held while serving on active duty. Otherwise enter "N/A."

i. Item 10. Enter "N/A."

j. Item 11. Check the appropriate block. In addition enter the effective date of retirement desired by the officer (e.g., 1Mar77). Must always be the first day of the month. For reversion and transfer to the FMCR, date must be last day of the month.

k. Item 12. If the officer is in receipt of permanent change of station orders, check "Yes." Otherwise check "No."

l. Item 13. Enter the officer's Pay Entry Base Date in section 13a, and Active Duty Base Date in section 13b.

m. Item 14. For Reserve officers check appropriate block and if applicable enter EAS.

n. Item 15. If the officer served on active duty during college NROTC midshipman cruises, check "Yes." Otherwise check "No." Include the dates and NROTC service number.

o. Item 16. If the officer has inactive service since 31 May 1958, check "Yes." Otherwise check "No."

p. Item 17. Enter "N/A."

q. Item 18. If the officer has served with the Regular U.S. Navy, check "Yes." Otherwise check "No." (If yes include dates.)

r. Item 19. Enter officer's date of birth.

s. Item 20. Enter the date the officer was certified physically qualified for retirement. (If requested date is more than 6 months in advance, use appropriate statement in paragraph 2001.4b.)

t. Item 21. Enter "N/A."

u. Item 22. Enter "N/A."

v. Item 23. Enter the date the officer last attended a civilian or military school of more than 20 weeks duration. Otherwise enter "N/A."

w. Item 24. Enter "N/A."

x. Item 25. Indicate component USMC or USMCR.

7. Upon signing request for retirement the officer is also certifying that he/she has been informed of and understands the provisions of the current edition of BUMED Instruction 6120.6 which states that in order to qualify for physical disability retirement benefits outlined in Chapter 61, 10 U. S. C., he/she must be on active duty at the time the Secretary of the Navy approves any proceedings of a Physical Evaluation Board.

8. Prior to forwarding the request for retirement the commanding officer or his/her designated representative will:

a. Verify the information.

b. Ensure the request is submitted within the timeframe established in paragraph 2001.4.

c. Counsel applicant concerning his/her option under the Survivor Benefit Plan (SBP). An election not to participate in SBP, election for coverage of spouse only or children only, or election for coverage on a reduced base amount, must be submitted to the Marine Corps Finance Center (Code CPR), Kansas City, Missouri 64197, 30 days prior to effective date of retirement. Such elections should be made on DD Form 1883.

9. Once the request has been forwarded, the Commandant of the Marine Corps (Code MMSR) will be notified by message when any of the following occur.

a. The officer is found to be not physically qualified (include diagnosis and estimated period of hospitalization). Such a report will not terminate processing action at Headquarters, U. S. Marine Corps. However, issuance of retirement orders and other documents will be held in abeyance if not issued. If already issued, the command will hold the retirement orders and documents pending instructions from the Commandant of the Marine Corps. Should the officer be subsequently found physically fit for duty the command will immediately notify the Commandant of the Marine Corps (Code MMSR). In the event the officer is referred to the Naval Disability Evaluation System the Commandant of the Marine Corps will be notified and all retirement orders and documents previously issued will be returned. See chapter 10 for disability retirements.

b. Death.

c. Reassignment to a command other than that one previously reported in the original request.

d. Officer is promoted.

10. Requests for voluntary retirement, once submitted in the proper manner, will not normally be canceled. However, when a request for cancellation is made by an officer, due to unforeseen conditions, the case shall be referred to the Commandant of the Marine Corps with all pertinent facts, together with affidavits or other supporting documentary evidence showing changed conditions that could not be foreseen.

2002. CRITERIA

1. Voluntary retirements normally will not be recommended for approval unless;

a. An officer has completed 24 months service subsequent to attending a service school when the prescribed course of instruction is 20 or more weeks duration and attendance is in compliance with official orders. The 24-month service requirement also applies to an officer who does not complete a prescribed course of 20 or more weeks duration. In this case the service requirement commences on the date the officer is transferred from the course.

b. An officer who attended the Naval Postgraduate School, Air Force Institute of Technology, or a civilian school while participating in the College Degree Program, Special Education Program, Advanced Degree Program, Funded Law Education Program, Excess Leave Program (Law), or other full time and/or funded schooling has completed the service requirement prescribed in the applicable Marine Corps directive in effect at the time of the officer's selection for the program.

c. An officer has completed all service requirements voluntarily agreed to and incurred as a result of participating in any requested training or schooling.

d. An officer serving in the pay grade of W2, W3, W4, 05, or 06 has completed 2 years active service in grade.

e. An officer has completed a minimum of 1 year at a CONUS duty station or the minimum prescribed tour at an overseas duty station in accordance with the current series of MCO 1300.8 (for this purpose, Alaska and Hawaii are considered to be overseas locations).

f. Subsequent to receipt of orders or publication of the annual officer slates, requests for retirement/reversion and transfer to the FMCR from officer personnel who are otherwise eligible to retire will receive favorable consideration only if the effective date of retirement is not later than the first day of the month following the scheduled month of arrival at the new duty station. An officer not eligible for retirement but within 12 months of obtaining retirement eligibility will not be required to accept orders to an unaccompanied overseas assignment; he/she must, however, request retirement effective the first of the month following his/her initial retirement eligibility. Officers having more than 12 months prior to attaining retirement eligibility, who have submitted requests, and who subsequently receive orders, are required to serve an unaccompanied overseas tour; they will be returned to CONUS not later than 10 days prior to the requested date of retirement. When the application of the above results in a cancellation/nonissuance of orders thereto, a subsequent request to withdraw the application to retire will not normally be given favorable consideration.

g. Officers who have sufficient time in service as outlined in subparagraph 2002.3 to retire or revert and transfer to the FMCR but are not otherwise eligible in accordance with subparagraphs 2002.1a, 1b, 1c, 1d, 1e, and 1f, above, will not normally be permitted to retire/revert and transfer to the FMCR until the obligations above have been fulfilled. Exceptions to the above policy will be made only in cases where there is a demonstrated hardship/humanitarian consideration or where extenuating circumstances dictate that it is in the best interest of the Marine Corps to make such an exception. (See current edition of SECNAV Inst 1811.3_).

2. Officers who have served in a higher grade are not subject to the provision of subparagraph 2002.1d, above.

3. An officer who applies for retirement after completing more than 20 years of active service in the Army, Navy, Marine Corps, Air Force, or Coast Guard, or Reserve components thereof, of which at least 10 years was service as a commissioned officer in the grade of chief warrant officer (CWO-2), or above, at the discretion of the President, may be retired. To be eligible for retirement under this provision of law, an officer must complete at least 1 day more than 20 years of active service.

4. A chief warrant officer or warrant officer, who applies for retirement after completing 20 or more years of active service, at the discretion of the Secretary of the Navy, may be retired.

5. An officer holding a permanent appointment in the grade of warrant officer (W-1), or above, who applies for retirement after completing 30 or more years of active service, at the discretion of the Secretary of the Navy, may be retired.

6. Each temporary commissioned officer or temporary warrant officer of the Regular Marine Corps holding a permanent enlisted grade, who applies for retirement after completing 30 or more years of active service, shall be retired by the President.

7. Each temporary commissioned officer including a temporary limited duty officer or temporary warrant officer of the Regular Marine Corps holding a permanent enlisted grade, may apply to the Secretary of the Navy via the Commandant of the Marine Corps for reversion to his/her permanent enlisted grade at any time. If reversion is approved he/she may transfer to the FMCR after completing 20 years of active service. Such a request may be processed concurrently and the request for reversion may be submitted in the remarks space of NAVMC 10831.

8. Each officer holding a permanent appointment in the grade of warrant officer (W-1), or above, who applies for retirement after completing 40 or more years of active service, shall be retired by the Secretary of the Navy.

APPLICATION FOR RETIREMENT/TRANSFER TO FMCR (1830)
NAVMC 10831 (REV. 4-77) (*Previous editions are obsolete and will not be used.*)
SN: 0000-00-006-3723 U/I: PADS OF 50 SHEETS

REFERENCE: (a) BUMED Instruction 6120.6 series

DATE OF APPLICATION: 3 May 1977

1. SSN: 987 65 43 21
2. MOS: 7521
2. GRADE: LtCol
3. NAME (Last) (First) (Middle Initial): CUNNINGHAM Alfred A.

4. COMPLETE CURRENT MILITARY ADDRESS: VMFA-333, MAG-31, 2d MAW, MCAS, Beaufort, S.C.

5. ZIP CODE: 29902

6. DATE CURRENT TOUR BEGAN: 21 Mar 1975
7. TIME LOST CURRENT ENLISTMENT (*Enlisted only*): N/A
8. DATE OF RANK: 1 July 1974
9. HIGHEST GRADE HELD: N/A
10. EXTRAORDINARY HEROISM (*Enlisted only*): N/A [ ] YES [ ] NO

[X] RETIREMENT [ ] TRANSFER TO FMCR [ ] REVERT AND TRANS TO FMCR — DATE: 1 Sep 1977

12. IN RECEIPT OF PERMANENT CHANGE OF STATION ORDERS? [ ] YES [X] NO — IF YES, ENTER NEW MCC

13a. PAY ENTRY BASE DATE: 5 Jun 1954
b. ACTIVE DUTY BASE DATE: 22 Mar 1956
14. [ ] SWAG [ ] EAD [ ] EDR DATE OF EAS

15. I SERVED ON ACTIVE DUTY DURING COLLEGE NROTC MIDSHIPMEN CRUISES. (*If YES, include dates and serial nos.*) [ ] YES [X] NO

16. I HAVE INACTIVE SERVICE SINCE 31 MAY 1958 (*Officers only*) [ ] YES [X] NO

17. I HAVE ACTIVE DUTY FOR TRAINING AFTER 9 AUGUST 1956 (*Enlisted only*): N/A [ ] YES [ ] NO

18. I SERVED WITH REGULAR U.S. NAVY (*If YES, include dates*) [ ] YES [X] NO FROM ____ TO ____

19. DATE OF BIRTH: 29 Oct 1935
20. DATE CERTIFIED PHYSICALLY QUALIFIED: 27 Apr 1977
21. PLACE OF LAST REENLISTMENT (*Enlisted only*): N/A

22. DID YOU HAVE A SHORT TERM ENLISTMENT/EXTENSION IN USMC SINCE 1 JANUARY 1968? [ ] YES [ ] NO N/A

23. DATE LAST ATTENDED CIVILIAN OR MILITARY SCHOOL OF MORE THAN 20 WEEKS DURATION: 30 Jun 1973

24. SERVED AS OFFICER (*Enlisted only*): N/A
FROM ____ TO ____

25. COMPONENT (*Check one*) [X] USMC [ ] USMCR

CERTIFICATION

I CERTIFY that I have been informed of and understand the provisions of reference (a) which states that in order to qualify for physical disability retirement benefits outlined in Chapter 61, U.S. Code, Title 10, I must be on active duty at the time the Secretary of the Navy approves any proceedings of a Physical Evaluation Board.

STATEMENT

In the event I receive permanent change of station orders after submission of this request I will immediately notify the Commandant of the Marine Corps (Code MMR).

REMARKS

SIGNATURE OF APPLICANT: Alfred A. Cunningham

FIRST ENDORSEMENT

DATE: 4 May 1977

FROM: CO, VMFA-333, MAG-31, 2d MAW
TO: Commandant of the Marine Corps (Code MMSR)

1. The above information has been verified and I certify that I have personally counselled the applicant concerning his options under the Survivor Benefit Plan (SBP) and of the automatic maximum coverage provisions of this plan.

SIGNATURE: D. L. Sanchez

Figure 2-1.--Application for Retirement/Transfer to FMCR.

CHAPTER 3

INVOLUNTARY RETIREMENT OF OFFICERS ON ACTIVE DUTY

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CHAPTER 3

INVOLUNTARY RETIREMENT OF OFFICERS ON ACTIVE DUTY

3001. GENERAL

1. The laws pertaining to involuntary retirement are varied and are not only different for each category of officers but also are different in some grades within the same category.

2. Chapter 4 contains instructions for the involuntary retirement of Reserve officers not on active duty.

3002. TOTAL COMMISSIONED SERVICE

1. In many cases total commissioned service is the determinate factor which governs involuntary retirements.

2. The service date as listed in the Combined Lineal List of Officers on Active Duty in the Marine Corps is defined as the date from which the total commissioned service is computed. The date on which involuntary retirements must be effected if total commissioned service is the determinate factor, is 30 June. For example, a colonel unless continued on active duty under special provisions who has a service date of 1955 must involuntarily retire on 30 June 1985.

3. Total commissioned service is not applicable in determining the involuntary retirement of temporary officers, limited duty officers, women officers or warrant officers.

4. Total commissioned service is not a determinate factor in the computation of active service for voluntary retirement.

3003. INVOLUNTARY RETIREMENT OF MAJOR GENERALS

1. Each major general who is not recommended for retention on the active list in the approved report of a board convened for this purpose shall be retired on 30 June of the fiscal year in which he first completes 5 years of service in the grade of major general and 35 years of total commissioned service as defined in paragraph 3002, above. An officer is not subject to retirement under the foregoing provisions of this paragraph while serving as Commandant of the Marine Corps (10, U. S. C. 6373).

2. Each year the Secretary of the Navy may convene a board to recommend officers serving in the grade of major general for retention on the active list. However, he shall convene such a board in any year when three or more such officers will be subject to retirement in accordance with subparagraphs 3003.1, above and 3003.3, below. The number of officers that may be recommended by a board for retention on the active list may not exceed the number that the Secretary of the Navy determines to be necessary to meet the requirements of the Marine Corps. In any year in which the number of officers subject to retirement is three or more, the Secretary shall fix the maximum number that may be recommended for retention at not less than the number of officers subject to such retirement minus two.

3. Each major general who would otherwise be retired under subparagraph 3003.1, above, shall be retained on the active list if recommended for retention in the approved report of a board convened for this purpose. An officer so retained shall be retired on 30 June of any succeeding fiscal year in which no board

is convened or in which he is not again recommended for retention in the approved report of such a board.

4. For the purpose of this Chapter, each officer serving under an appointment in the grade of general or lieutenant general and each officer serving in the grade to which promoted under 10 USC 5787 is considered as serving in the grade that the officer would hold if not so appointed or promoted.

5. The Secretary of the Navy may convene a board of officers to consider and recommend for retirement major generals on the active list of the Marine Corps.

3004. INVOLUNTARY RETIREMENT OF BRIGADIER GENERALS

1. Each brigadier general on the active list whose name is not on a promotion list shall be retired on 30 June of the fiscal year in which he is considered as having twice failed of selection for promotion to the grade of major general (10 U.S.C. 6374).

2. The Secretary of the Navy may convene a board of officers to consider and recommend for retirement, brigadier generals on the active list of the Marine Corps. Each brigadier general recommended for retirement by such a board shall, if the recommendation is approved by the President, be retired on the first day of any month designated by the Secretary, but not later than the first day of the seventh month after the date of approval by the President.

3005. INVOLUNTARY RETIREMENT OF MALE COLONELS

1. Each colonel on the active list shall be retired on 30 June of the fiscal year in which he completes 30 years total commissioned service (as defined in paragraph 3002, above) if his name is not on a promotion list and he is considered as having twice failed of selection to the grade of brigadier general, or when he completes 31 years of total commissioned service if he is not on a promotion list (10 U.S.C. 6376).

2. A colonel who has lost numbers or precedence may not be retired because of completing 31 years total commissioned service until 30 June of the fiscal year in which he completes 5 years service in the grade of colonel. For this purpose, an officer is credited with service in that grade from the date of his eligibility for promotion to colonel.

3006. INVOLUNTARY RETIREMENT OF UNRESTRICTED MALE LIEUTENANT COLONELS. Each lieutenant colonel on the active list not designated for limited duty shall be retired on 30 June of the fiscal year in which he completes 26 years total commissioned service (as defined in paragraph 3002, above) if his name is not on a promotion list and he is considered as having twice failed of selection for promotion to the grade of colonel (10 U.S.C. 6379).

3007. INVOLUNTARY RETIREMENT OF UNRESTRICTED MALE MAJORS. Each major on the active list not designated for limited duty shall be retired on 30 June of the fiscal year in which he completes 20 years total commissioned service (as defined in paragraph 3002, above) if his name is not on a promotion list and he is considered as having twice failed of selection for promotion to the grade of lieutenant colonel (10 U. S. C. 6380).

3008. INVOLUNTARY RETIREMENT OF OFFICERS DESIGNATED FOR LIMITED DUTY

1. Each officer designated for limited duty shall be retired on the first day of the second month following the month in which he completes 30 years

of active naval service, exclusive of active duty for training in a Reserve component (10 U.S.C. 6383).

2. Each major designated for limited duty shall be retired on 1 July of the fiscal year in which he is considered as having failed of selection for promotion to the grade of lieutenant colonel for the second time. However, if any such officer had the permanent status of chief warrant officer (CWO) or warrant officer (W-1), when first appointed as a limited duty officer, he has the option, instead of being retired, of reverting to the grade and status he would hold if he had not been so appointed. If any such officer had a permanent grade below the grade of warrant officer (W-1), when first so appointed he had the option, instead of being retired, of reverting to the grade and status he would hold if he had not been so appointed but had instead been appointed a warrant officer (W-1). In any computation to determine the grade and status to which such an officer may revert under this subparagraph, all active service as an officer designated for limited duty or as a temporary or Reserve officer is included. An officer who does not exercise the option of reverting, if not otherwise retired, shall be involuntarily retired. See subparagraph 3015.3, below.

3. See paragraph 3017 for status of temporary officers designated for limited duty and officers designated for temporary limited duty (LDO(T)).

3009. INVOLUNTARY RETIREMENT OF MALE COMMISSIONED OFFICERS FOR AGE. Each officer above the grade of chief warrant officer, (CWO 4) shall be retired by the President on the first day of the month following that in which he becomes 62 years of age. The President, at his discretion, may defer retirement of any such officer for the length of time he considers advisable but not later than the first day of the month following that in which such officer becomes 64 years of age. Not more than 10 such officers, including Navy officers whose retirement is so deferred, shall be on active duty at any one time (10 U.S.C. 6390).

3010. INVOLUNTARY RETIREMENT OF WOMEN COLONELS. Each woman officer on the active list of the Marine Corps who holds a permanent appointment in the grade of colonel shall be retired on the first day of the month following the month in which she completes 30 years of active commissioned service in the Navy or the Marine Corps (10 U.S.C. 6398).

3011. INVOLUNTARY RETIREMENT OF WOMEN LIEUTENANT COLONELS. Each woman officer on the active list of the Marine Corps who holds a permanent appointment in the grade of lieutenant colonel and is not on a promotion list for a higher permanent grade shall be retired on the first day of the month following the month in which she completes 26 years of active commissioned service in the Navy or Marine Corps (10 U.S.C. 6398).

3012. INVOLUNTARY RETIREMENT OF WOMEN MAJORS. Each woman officer on the active list of the Marine Corps who holds a permanent appointment in the grade of major shall be retired on 30 June of the fiscal year in which she is not on a promotion list and she has completed 20 years of active commissioned service in the Navy or the Marine Corps (10 U.S.C. 6400).

3013. INVOLUNTARY RETIREMENT FOR FAILURE OF PROFESSIONAL REEXAMINATION. The foregoing provisions relating to the retirement of officers above the grade of captain who have twice failed of selection for promotion shall be applicable to such officers who fail professional reexamination for promotion in the same manner as if such officers had twice failed of selection for promotion (10 U.S.C. 5865).

3014. INVOLUNTARY RETIREMENT OF WARRANT OFFICERS

1. Unless separated or retired under other provisions of law, a permanent Regular warrant officer shall be retired in accordance with this paragraph (10 U.S.C. 564).

2. For the purpose of this paragraph, the decisive dates may be any one of the following:

a. The date on which the Secretary of the Navy approves the report of a selection board pursuant to which he/she failed of selection to the next higher permanent Regular warrant officer grade for the second time.

b. The date on which the Secretary of the Navy, the President, or the United States Senate for the second time, removes his/her name from a promotion list, or the date on which the Secretary of the Navy approves the report of a selection board which does not recommend his/her promotion after he/she has been once removed from a promotion list as indicated above.

c. The date on which the Secretary of the Navy approved the report of a board which reported his/her name as having failed to meet the moral qualifications, or upon reexamination, the professional qualifications prescribed by the Secretary of the Navy for such promotion.

3. If on the decisive date applicable to his/her case, a warrant officer has completed at least 18 years but not more than 20 years of active service, he/she may be retained until he/she has completed 20 years of active service and shall be placed on the retired list on the first of the month following the 60th day after the date he/she completes that service, unless he/she is selected for promotion to the next higher permanent Regular grade before that date.

4. If on the decisive date applicable to his/her case, a warrant officer has completed 20 or more years of active service he/she shall be retired on the first of the month following the 60th day after that decisive date.

3015. INVOLUNTARY RETIREMENT OF WARRANT OFFICERS FOR AGE OR SERVICE

1. A permanent Regular male warrant officer who has completed at least 20 years of active service in the Armed Forces shall be retired on the first of the month following the 60th day after he becomes 62 years of age (10 U.S.C. 1263).

2. Any permanent Regular warrant officer who has at least 30 years of active service in the Armed Forces shall be retired on the first day of the month following the 60th day after the date that he/she completes that period of active service (10 U.S.C. 1305).

3. The temporary appointment in a higher grade of any warrant officer shall be terminated on the date the officer is subject to retirement. This action does not necessarily effect entitlement of advancement to the highest grade satisfactorily held on active duty once the officer is placed on the retired list.

3016. DEFERMENT FOR DISABILITY OF WARRANT OFFICERS. The Secretary of the Navy in his discretion may defer, for not more than 4 months, the involuntary retirement or separation of any warrant officer if, because of unavoidable circumstances, evaluation of his/her physical condition and determination of his/her entitlement to retirement or separation for physical disability requires hospitalization or medical observation that cannot be completed before the date when he/she would otherwise be required to be retired under provisions of this chapter (10 U.S.C. 564, 1263, 1305).

3017. STATUS OF TEMPORARY OFFICERS DESIGNATED FOR LIMITED DUTY AND OFFICERS DESIGNATED FOR TEMPORARY LIMITED DUTY

1. Each temporary officer designated for Limited Duty under 10 U.S.C. 5596 will be restricted to 30 years of active service or active naval service as follows:

a. Permanent warrant officers shall be retired pursuant to the provisions of paragraph 3015 above, on the first day of the month following the 60th day after the date that they complete 30 years of active service.

b. Permanent enlisted members in the absence of a request for voluntary retirement will be reverted and separated from the Marine Corps on the first day of the month following the month in which they complete 30 years active naval service.

2. Each officer designated for temporary limited duty, LDO(T), will be required to retire or revert after serving 10 years as an LDO(T). The following applies:

a. All LDO(T)'s with permanent warrant officer grade may voluntarily retire in current grade or if completion of 10 years service as an LDO(T) occurs prior to completion of 30 years active service, then they may revert to their warrant officer grade. If reverted to warrant officer grade they may continue to serve as a warrant officer until completion of 30 years active service.

b. All LDO(T)'s with permanent enlisted grade may voluntarily retire in current grade or if completion of 10 years service as an LDO(T) occurs prior to completion of 30 years active service, they may revert to the warrant officer grade they would have attained had they been selected for the warrant officer program or they may revert to their permanent enlisted grade. In either case, upon reversion, they are restricted to 30 years active service.

3. See the current edition of MCO 1040.14 for amplifying details concerning the Limited Duty Officer Program.

CHAPTER 4

RESIGNATION, SEPARATION AND RETIREMENT OF RESERVE OFFICERS NOT ON ACTIVE DUTY AND RETIREMENT OF ENLISTED RESERVISTS NOT ON ACTIVE DUTY

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CHAPTER 4

RESIGNATION, SEPARATION AND RETIREMENT OF RESERVE OFFICERS NOT ON ACTIVE DUTY AND RETIREMENT OF ENLISTED RESERVISTS NOT ON ACTIVE DUTY

4001. DEFINITIONS. Certain terms have special definition with reference to Reserve retirements as outlined below:

1. Active Status. The status of a reservist who is not assigned to the inactive status list or Retired Reserve. A reservist in an active status may be on active or inactive duty.

2. Reserve Retirement Credit and Points. Terms used interchangeably which have reference to the method provided by law for awarding actual or constructive days of service. These points are used for determining qualifying service counting toward eligibility for retirement and for computing the amount of retired pay to be received. They are also used to determine promotion eligibility and retention in the Ready Reserve.

3. Qualifying Service

a. Qualifying service is credited in accordance with 10 U. S. C. 1332. In essence, this law provides that almost all military service prior to 1 July 1949 is qualifying service. Subsequent to 30 June 1949 a year of qualifying service is one in which the member is credited with a minimum of 50 retirement points (including 15 gratuitous membership points) during the member's anniversary year. (See paragraph 4014, below.)

b. Qualifying service for retirement has in the past been commonly referred to as "Satisfactory Federal Service". However, since 10 U. S. C. 1332 is based on "qualifying service" vice "satisfactory service," use of the term "qualifying service" vice "Satisfactory Federal Service" is desired.

c. In any given anniversary year any retirement point credit which results in less than a 50-point total is added to a cumulative retirement point total but that anniversary year is not a qualifying year.

4. Anniversary Year. A period of 12 consecutive months (365 days or 366 days during a leap year) during which a member must accrue a minimum of 50 points (including gratuitous) if such period is to be credited as a qualifying year for retirement purposes.

5. Anniversary Date. Anniversary date is the date on which the anniversary year commences. It is assigned to all reservists based on the following criteria:

a. For reservists who were members of the Marine Corps Reserve on 1 July 1949, the anniversary year begins on 1 July of each year as long as continuous active Marine Corps Reserve status is maintained.

b. For reservists who were members of the Marine Corps Reserve after 1 July 1949 but prior to 1 July 1965, the anniversary year begins on the date of entry or reentry, and each succeeding "year" will begin on the anniversary of that date as long as continuous active Reserve status is maintained.

c. For reservists who were members of the Marine Corps Reserve after 30 June 1965, the anniversary year begins on the date shown below and each succeeding "year" will begin on the anniversary of that date as long as a member does not have a break in military service of more than 24 hours.

(1) Member whose initial entry, or whose reentry after a break in service of more than 24 hours, into the service is after 30 June 1965, anniversary year begins on the date of entry or reentry, and each succeeding "year" will begin on the anniversary of that date as long as continuous service in any branch or

component of the Armed Forces is maintained. A change of service or component which does not result in a break in service of 24 hours or more does not change this member's anniversary date.

(2) Members of a Reserve component of another branch of the Armed Forces on 1 July 1965 who are subsequently enlisted or appointed in the Marine Corps Reserve without a break in service of 24 hours or more, anniversary year begins on the same date as the anniversary date established by the Armed Forces in which they were a member.

(3) Members of a Regular component of any branch of the Armed Forces on 1 July 1965 who were subsequently assigned to, enlisted or appointed in the Marine Corps Reserve without a break in service of 24 hours or more, anniversary year begins on the date of entry into that Regular component in which they served prior to 1 July 1965.

d. Assignment to the inactive status list constitutes a break in active Reserve status. Consequently, the anniversary year for members removed from the inactive status list commences on the date they are restored to an active status, and each succeeding year will begin on that anniversary date.

e. When it is determined that an anniversary date/year is incorrect, a letter (with appropriate documentation) requesting correction will be submitted to the Commandant of the Marine Corps (Code MMSR-5).

4002. RESIGNATION OF OFFICERS

1. The President, or the Secretary of the Navy acting for the President, may accept the resignation of an officer of the Marine Corps Reserve. Officers will include the reason for resignation in their letter. The provisions of paragraph 5002, of this Manual to tendering and accepting of resignations of Regular officers are applicable except that periods of obligated service acquired under law or contractual agreement must be completed before a resignation will be accepted. Exceptions may be made when the separation of an officer is considered to be in the best interests of the service. Subject to the foregoing, a woman officer may tender her resignation at any time after completing 3 years of active commissioned service, unless a previous agreement specified 2 years of active duty, or 4 years of total commissioned service. In addition, a woman officer may tender her resignation by reason of marriage provided she has completed 3 years of active commissioned service. Reserve officers may tender their resignation for any of the reasons which would result in involuntary discharge. See paragraph 5001, for additional provisions concerning separation of Reserve officers.

2. Letters of resignation will be submitted to the Secretary of the Navy via the Commandant of the Marine Corps (Code MMSR-5). Resignations from Selected Reserve Officers will be submitted via the Commanding General, 4th Marine Division or Commanding General, 4th Marine Aircraft Wing, as appropriate. Resignations from Individual Ready Reserve Officer and Standby Reserve officers will be submitted via the Director, Marine Corps Reserve Forces Administrative Center. Endorsements by the custodian of the officer's records will contain a statement that the officer has completed his/her obligated service.

3. An officer tendering a resignation from the Marine Corps Reserve under circumstances which might reasonably be susceptible to subsequent characterization as "under conditions other than honorable," must include one of the following statements:

a. "I have been fully advised concerning provisions of statutes and regulations relative to court-martial trials and action by boards of officers, and concerning the application of such statutes and regulations to the factual situation obtaining in my case. After fully weighing the benefits which might inure to me as a result of such action, and although considering that I would suffer no

greater prejudice as a result of such action, I hereby waive any and all court-martial action under the Uniform Code of Military Justice, and I further waive any consideration of my case by any board of officers and findings and recommendations by any such board of officers. This waiver is made in the interest of expediting ultimate disposition of my case, as I feel that my position in the matter has been made clear, and I have full confidence in the ability and fairness of the officers in higher authority who will act upon my case," or

b. "I request referral of the papers in my case to a board of officers for findings and recommendations in the premises."

4003. INVOLUNTARY DISCHARGES

1. Reserve commissioned officers may be discharged at the pleasure of the President. Other reservists may be discharged under regulations prescribed by the Secretary of the Navy. The discharge of warrant officers, W-1, shall be effected at the pleasure of the Secretary of the Navy. See paragraph 5001 for additional provisions concerning separation of Reserve officers.

2. A Reserve officer who has not completed 3 years of commissioned, warrant or combined commissioned and warrant service may be involuntarily discharged in the absence of an approved recommendation of a board of officers under any of the following circumstances:

a. Upon failure to complete satisfactorily any course of training, intruction, or indoctrination which he/she has been ordered to undergo and the satisfactory completion of which is considered important in achieving maximum qualifications for general or any special duty assignments or assigned ordered or in contemplation, or for any promotion, classification or designation.

b. Low caliber or unsatisfactory performance of duty as evidenced by either or both official reports of fitness or special reports by letter submitted by no less than two reporting seniors under whom the officer in question has served. The term "low caliber performance of duty" is used herein to denote performance which is considered to be qualitatively below standard for officers of comparable grade, experience, and length of service, and is by no means restricted to performance falling below any specific numerical or adjectival grade, mark, or description.

c. Unsuitability for service by reason of a medically diagnosed condition or state other than physical disability.

d. Except as provided in subparagraphs 4003.2a, 4003.2b, and 4003.2c, above, Reserve officers who have completed less than 3 years of commissioned and warrant service shall be discharged only pursuant to the approved recommendation of a board of officers convened in accordance with subparagraph 4003.3, below.

3. Except as otherwise provided in paragraphs 4004 through 4008, below, a Reserve officer who has completed 3 years of commissioned service shall not be involuntarily discharged except pursuant to the approved recommendation of a board of officers convened by one of the following: The Commandant of the Marine Corps; by a general court-martial convening authority, when requested by the Commandant of the Marine Corps; Director, Marine Corps Reserve Forces Administrative Center (MCRFAC); Commanding General, 4th Marine Division; or by the Commanding General, 4th Marine Aircraft Wing/Marine Air Reserve Training Command. However, in the cases of officers serving on active duty, commands authorized to convene a board of officers will do so only after reporting all pertinent facts and recommending to the Commandant of the Marine Corps that such action be taken and the Commandant of the Marine Corps has directed the convening of a board of officers. The board shall consist of not less than three members who shall be officers of the Marine Corps Reserve on extended or temporary active duty. This board may recommend discharge for any of the following reasons:

a. When a male officer fails on reexamination to qualify professionally for promotion.

b. When found not physically qualified for promotion or for active duty, and when he/she is ineligible for transfer to the retired list of the Marine Corps Reserve.

c. Failure to complete basic military training, unless waiver and retention are authorized by the Commandant of the Marine Corps.

d. Failure to carry out agreements entered into prior to appointment.

e. Civilian occupation incompatible with Marine Corps Reserve status.

f. For such other full and sufficient cause, as determined by the Secretary of the Navy such as failure to successfully complete prescribed course of study, failure to answer and/or comply with official correspondence, obvious lack of interest in the Reserve, and serious breach of discipline.

4. An officer or a chief warrant officer of the Reserve component may be dismissed and a warrant officer of the Reserve component may be discharged as a result of the approved sentence of a general court-martial.

5. The President or the Secretary of the Navy may drop from the rolls any member of the Reserve components who has been absent without authority from his/her place of duty for a period of 3 months or who is sentenced to confinement in a Federal or State penitentiary or other correctional institution after having been found guilty of an offence by a court other than a court-martial or other military court, and whose sentence has become final.

6. A Reserve officer discharged or separated for cause, other than as specified in subparagraph 4003.5, above, shall be given an honorable or general discharge under honorable conditions unless:

a. A discharge under conditions other than honorable is effected pursuant to the approved sentence of a court-martial or the approved findings of a board of officers convened by competent authority, or

b. The officer consents to discharge under conditions other than honorable in lieu of being tried by court-martial or appearing before board proceedings.

7. Men and women officers on the retired list of the Marine Corps Reserve, with or without pay, shall not be discharged therefrom without their consent except by sentence of a court-martial, or when sentenced by civil authorities to confinement in a State or Federal penitentiary as a result of a conviction for a felony.

4004. TRANSFER TO ANOTHER RESERVE

1. A Reserve officer on inactive duty who desires to enlist or accept appointment in the Reserve component of another Armed Force shall:

a. Apply to the Secretary of the Navy via the unit of the Armed Force in which entry is sought, his/her commander; Commanding General, 4th Marine Division; Commanding General, 4th Marine Aircraft Wing; or Director, Marine Corps Reserve Forces Administrative Center, as appropriate; and the Commandant of the Marine Corps (Code MMSR-5).

b. Include in his/her application evidence of fulfillment of one of the conditions in subparagraph 8006.1a, as applies to enlisted reservists.

c. Tender the contingent resignation with his/her application to read: "I hereby tender my resignation from the U.S. Marine Corps Reserve. I request that my resignation be accepted contingent upon and effective as of the day prior to my enlistment or acceptance in the (specify service)."

2. Upon approval of the application, the Commandant of the Marine Corps will furnish the officer concerned a conditional release. This release will contain the elements set forth in subparagraph 8006.1c.

3. Upon notification from the gaining Armed Force that a Reserve officer has accepted appointment or enlisted, the officer's discharge from the Marine Corps Reserve will be effected on the day prior to appointment/enlistment.

4. Conditional releases will normally be granted for a period of 9 months. Extensions will be granted upon request. At expiration of conditional release, if the Commandant of the Marine Corps (Code MMSR-5) has not received notification that an appointment has been effected, the request will be filed without further action.

5. Notwithstanding that a conditional release is normally granted for a period of 9 months, officers subject to mandatory elimination from active status pursuant to paragraphs 4006 through 4008, below, will be so eliminated from active status on the mandatory date unless acceptance of appointment or enlistment is effected prior to the mandatory date.

4005. RETIREMENT OR SEPARATION FOR AGE AND SERVICE

1. The Comptroller General of the United States has ruled that a member of the Reserve who is 60 years of age and qualified for retired pay is not entitled to credit for any service or retirement credits after the date he/she becomes so qualified unless the member is retained under exceptional circumstances by specific orders of the Secretary of the Navy (38 CompGen 647). In view thereof and in order to protect the interests of the members concerned, the Secretary of the Navy has directed that Reserve personnel shall be retired or discharged in accordance with the following instructions.

a. Reserve officers, other than general officers, and enlisted members of the Reserve, who, upon reaching age 60 and are then qualified for retirement with pay, shall be transferred to the Retired Reserve upon their own request, effective on the first of the month following their 60th birthday. However, if they fail to request retirement after being afforded an opportunity, they shall be discharged.

b. General officers of the Reserve, subject to their consent and upon specific orders of the Secretary of the Navy, may be retained in an active status until age 62. The Secretary, subject to their consent, may retain, within the number specified by law certain general officers in an active status until age 64.

c. Reserve officers who have attained age 60 but have not yet completed 20 years of qualifying service shall be retired or discharged as of the earliest of the following dates:

(1) The first of the month following the date on which they first complete 20 years of qualifying service and become qualified for retirement with pay.

(2) If commissioned prior to 1 January 1953, the first of the month following their 62d birthday if they cannot qualify for retired pay on or before their 64th birthday. An officer in this category may be retired without his/her consent (10 U.S.C. 6391).

(3) If commissioned on or subsequent to 1 January 1953, the first of the month following their 62d birthday. An officer in this category may be retired without his/her consent (10 U.S.C. 6391).

d. Enlisted members of the Reserve, upon reaching age 60, are qualified for retirement with pay and will be transferred to the Retired Reserve upon their request, effective on the first of the month following their 60th birthday. However, if they fail to request retirement after being afforded an opportunity, they shall be discharged by the command concerned for convenience of the Government, citing subparagraph 6012.1f, below, as authority.

e. Enlisted members are normally subject to the 55-year age policy delineated in the current edition of MCO P1040R.35. Enlisted members who have attained age 60 as an exception to the foregoing policy but who have not yet completed 20 years of qualifying service, shall be transferred to the Retired Reserve or discharged as indicated above as of the earliest of the following dates:

(1) The first of the month following the date on which they complete 20 years of qualifying service and become eligible for retirement with pay.

(2) The first of the month following their 62d birthday.

2. A Reserve officer, except a limited assignment officer, not on active duty and not on a promotion list will be discharged, allowed to resign, or transferred to the Retired Reserve, if qualified, upon attaining the following ages in grade (see paragraph 4010, below, for exceptions):

Second and First Lieutenants	40 years
Captains	46 years
Majors	52 years
Lieutenant Colonels	58 years

4006. RETIREMENT OR SEPARATION OF MALE OFFICERS AFTER TWICE FAILING OF SELECTION FOR PROMOTION

1. Warrant Officers. Subject to the exceptions outlined in paragraph 4010,below, a Reserve officer in active status in the permanent grade of warrant officer (W-1) or commissioned warrant officer (W-2 or W-3) who is considered as having twice failed of selection for promotion to the next higher grade, shall be eliminated from active status on 30 June of the fiscal year in which the second failure of selection occurs. An officer who is to be eliminated from an active status under this subparagraph, if qualified, shall be given an opportunity to request transfer to the appropriate Retired Reserve. If he is not transferred, he shall be discharged from the Marine Corps Reserve.

2. Captains/Lieutenants. Subject to the exceptions outlined in paragraph 4010, below, a Reserve officer in an active status in the permanent grade of captain or first lieutenant, who is considered as having twice failed of selection for promotion to the next higher grade shall be eliminated from an active status on 30 June of the fiscal year in which the second failure of selection occurs. An officer who is to be eliminated from an active status under this subparagraph, if qualified, shall be given an opportunity to request transfer to the appropriate Retired Reserve. If he is not transferred, he shall be discharged from the Marine Corps Reserve.

3. Colonels/Lieutenant Colonels/Majors. Subject to the exceptions outlined in paragraph 4010, below, a Reserve officer in an active status in the permanent grade of major or above, who is considered as having twice failed of selection for promotion to the next higher grade, if qualified, shall be given an opportunity to request transfer to the appropriate Retired Reserve. If he is not transferred, he shall be discharged from the Marine Corps Reserve if he has completed a period of total commissioned service equal to that specified below for the permanent grade in which he is serving:

Colonels----------30 years
Lieutenant Colonels----------26 years
Majors----------20 years

4. Total Commissioned Service. As defined in 10 U.S.C. 6389(d), the total commissioned service of an officer who has served continuously in the Marine Corps Reserve following appointment therein in the permanent grade of second lieutenant is computed from 30 June of the fiscal year in which he accepted appointment. Each other officer (initially appointed in a permanent grade above second lieutenant) is considered to have as much total commissioned service as any officer of the Regular Marine Corps not restricted in the performance of duty who has served continuously since original appointment as a second lieutenant in the Regular Marine Corps and has not lost numbers or precedence and who is or has been after 6 September 1947 junior to such other officer, except that the total commissioned service of such other officer may not be less than the actual number of years he has served in commissioned officer status above the grade of chief warrant officer (W-4). Notwithstanding the first two sentences of this subparagraph, the Secretary of the Navy may defer the retirement or discharge under this paragraph of an officer serving in the permanent grade of major or above for a period of time which does not exceed the amount of constructive service in an active status which was credited to the officer at the time of his original appointment or thereafter under any provision of law, if the officer can complete at least 20 years of satisfactory Federal service during the period of such deferment.

5. Failure of Selection Criteria. For the purposes of this paragraph a Reserve officer will be considered as having failed of selection if his name has been withheld from consideration for promotion because he failed to attain a minimum number of 27 Reserve retirement credit points during the anniversary year immediately preceding the date on which the selection board is convened. See MCO P1400.29B, subparagraph 2410.1.

4007. RETIREMENT OR SEPARATION OF WOMEN RESERVISTS FOR AGE. A woman reservist not on active duty is subject to the age regulations prescribed for male reservists in paragraph 4005, above.

4008. RETIREMENT OR SEPARATION OF WOMEN RESERVE OFFICERS FOR LENGTH OF SERVICE

1. Subject to the exceptions outlined in paragraph 4010,below, a woman Reserve officer not on a promotion list shall be eliminated from active status on 30 June of the fiscal year in which she completes a period of total Navy and/or Marine Corps commissioned service equal to that specified below for the permanent grade in which serving:

First Lieutenants----------7 years
Captains----------13 years
Majors----------20 years
Lieutenant Colonels----------26 years

2. Subject to the exceptions outlined in paragraph 4010, below, a woman Reserve officer in the grade of colonel shall be eliminated from active status on the first day of the month following the month she completes 30 years total commissioned service in the Navy or the Marine Corps.

3. An officer who is to be eliminated from active status under the foregoing subparagraphs shall, if qualified, be given an opportunity to request transfer to the Retired Reserve, and if she requests it shall be so transferred. If she is not so transferred, she shall be discharged from the Marine Corps Reserve.

4. No woman Reserve officer shall be involuntarily eliminated from an active status pursuant to this paragraph except upon the recommendation of a board which shall be appointed by the Secretary of the Navy and convened at such times as the Secretary may direct.

5. Elimination from active status under the foregoing regulations will commence on 30 June 1978 and applies to all women Reserve officers including those on active duty. Any woman officer who is credited with the requisite service as of 30 June 1978 to project her into the safety zone provisions of paragraph 4010 will be afforded the safety zone provisions of paragraph 4010.

4009. RETIREMENT OR SEPARATION FOR UNSATISFACTORY PARTICIPATION

1. Each nonobligor officer of the Individual Ready Reserve in an active status, who is credited at the end of his/her anniversary year with less than 27 retirement points, shall be separated or retired unless qualified for assignment to the inactive status list or retention in an active status in accordance with current directives, except company grade officers who have not completed 3 full anniversary years in an inactive duty status since date of last release from active duty. In the latter case the action described above will be taken in the event the officer fails to accrue a minimum of 16 Reserve retirement credits at the end of his/her anniversary year. Such a member will be informed by letter by the Director, Marine Corps Reserve Forces Administrative Center, that because he/she has not met prescribed satisfactory participation requirements, his/her separation or retirement is mandatory under existing law. Each officer qualified for transfer to the Retired Reserve will be afforded the option of requesting such transfer or tendering his/ her resignation.

a. Those members who elect one of the options afforded under subparagraph 4009.1, above, will be processed in accordance with the provisions of this chapter.

b. Each officer subject to separation or retirement who does not elect one of the options afforded him/her under subparagraph 4009.1, above, will be referred to a board convened in accordance with subparagraph 4003.3, above, and a recommendation submitted relative to his/her retention or discharge. Each officer who is to be considered by a board will be properly notified in advance that his/her case is to be considered by a board for separation and will be afforded an opportunity to appear in person or be represented or submit a statement before the board. Appearance or representation before the board will be at no expense to the Government.

c. In the event a Reserve officer commissioned under the current edition of MCO 1040R.27, Organized Marine Corps Reserve Commissioning Program, fails to participate satisfactorily in the Marine Corps Reserve during his/her period of obligated service, his/her commanding officer will recommend involuntary discharge from the Marine Corps Reserve.

2. Reservists who have completed 20 years of qualifying service must earn a minimum of 50 points each anniversary year to remain in active status. Those members who do not are subject to the action described in subparagraph 4009.1, above.

4010. RESERVE OFFICER MANDATORY RETIREMENT OR SEPARATION EXCEPTIONS

1. The retirement or separation of certain Reserve officers required by paragraphs 4005 through 4008, above, shall not apply to an officer who has completed 18 but less than 19 years of qualifying Federal service until the third anniversary of the date on which he/she would otherwise be transferred from an active status or discharged, or upon completion of 20 years of satisfactory qualifying service, whichever is earlier; nor shall the above referenced requirements apply to an officer who has completed 19 but less than 20 years of satisfactory qualifying service until the second anniversary of the date on which he/she would otherwise be transferred from an active status or discharged, or upon completion of 20 years of satisfactory qualifying service, whichever is earlier.

2. The exception explained in subparagraph 4009.1, above, will not be extended to an officer who would not be able to complete 20 years of satisfactory qualifying service prior to reaching the age at which retirement is mandatory under paragraph 4005, above.

3. Each male person who after 9 August 1955, becomes a member of an Armed Force before his 26th birthday shall serve in the Armed Forces for a total of 6 years. Any part of such service that is not active duty or active duty for training shall be performed in a Reserve component. Unless pursuant to regulations prescribed by the Secretary of the Navy wherein he is promoted to a higher Reserve grade, an officer shall be retained in an active status in his Reserve grade for the remaining period of required service and may not be discharged from that status unless he is so discharged because of personal hardship under regulations prescribed by the Secretary of Defense.

4. Notwithstanding paragraphs 4006 and 4008, above, a Reserve commissioned officer, other than a commissioned warrant officer, who is assigned to the Selective Service System may be retained in an active status in that assignment until he/she becomes 60 years of age (10 U.S.C. 1007). Retention under this provision is subject to the needs of the Selective Service System.

4011. RETIRED RESERVE

1. The Retired Reserve consists of reservists who have been transferred or assigned thereto under the provisions of 10 U.S.C. 274 and the current edition of DOD Directive 1200.15 as implemented in succeeding paragraphs.

2. Enlisted members must be serving within the unexpired term of an enlistment or valid extension thereof on the effective date of transfer to the Retired Reserve. Discharge by reason of expiration of enlistment effected before the transfer to the Retired Reserve is effected separates a Marine from membership in the Marine Corps Reserve and such person becomes a former member. Former members are not entitled to transfer to the Retired Reserve or any retirement benefits except as may be provided by law.

4012. RETIREMENT WITH PAY BASED ON ACTIVE SERVICE

1. Reserve commissioned officers on active duty who have completed 20 or more years of active service of which at least 10 years was service as a commissioned officer may request retirement under the provisions of chapter 2 of this Manual.

2. Enlisted reservists on active duty who have completed 20 or more years of active service may request retirement under the provisions of chapter 9 of this Manual.

4013. TRANSFER TO THE MARINE CORPS RESERVE RETIRED LIST WITH PAY

1. A reservist who has completed 20 years of qualifying service is eligible upon application to transfer to the Retired Reserve List and to receive retired pay benefits upon or after reaching age 60, subject to the following requirements:

a. He/she performed the last 8 years of qualifying service while a member of a Reserve component.

b. He/she is not entitled under any other provision of law to retired pay from an Armed Force or retainer pay as a member of the Fleet Marine Corps Reserve.

c. No person who before 16 August 1945 was a Reserve of an Armed Force, or a member of the Army without component or other category covered by subparagraph 4014.1a, below, except a Regular component is eligible for retired pay under this paragraph unless he/she performed active duty after 5 April 1917 and before 12 November 1918, or after 8 September 1940, and before 1 January 1947, or unless he/she performed active duty, other than for training, after 26 June 1950 and before 28 July 1953.

2. For the purpose of subparagraph 4013.1a, above, the last 8 years of qualifying service does not have to be continuous. In the event a period of service

in a Regular component intervenes between periods of Reserve service aggregating the required 8 years, then that particular period of Regular service must be excluded in determining whether the requirement that the person performed the last 8 years of qualifying service as a member of a Reserve component has been met. For example, an individual who served 14 years as a reservist and then 6 years in the Regular Marine Corps must serve an additional 6 years in a Reserve status to qualify for retired pay; and an individual who served 13 years in the Regular Marine Corps, then 7 years as a reservist, followed by 4 years in the Regular Marine Corps must serve an additional year in a Reserve status to qualify for retired pay. In the first example, an additional 6 years service in a Reserve status is necessary to meet the requirement that the last 8 years of qualifying Federal service be as a member of a Reserve component. While this person has completed 20 years of qualifying Federal service, the last 8 years of such service was not as a member of a Reserve component, as only 2 years of the last 8 years were served as a member of a Reserve component. In the second example, even though this person has completed over 20 years of qualifying Federal service, he/she must serve 1 more year as a member of a Reserve component in order to meet the requirement that the last 8 years of such service was as a member of a Reserve component (10 U.S.C. 502).

3. As provided by 10 U.S.C. 1331(d) and the current edition of MCO 1070R.6, each person who has completed the years of service required for eligibility for retired pay under this paragraph will be notified in writing within 1 year after he/she has completed that service. A notification of eligibility for retired pay at age 60 issued by other than the Commandant of the Marine Corps (Code MMSR-5) is not valid. Individual requests are not desired unless a qualified member has not received notification within the prescribed 1-year period.

4014. QUALIFYING SERVICE

1. For the purpose of determining whether a member has completed the required 20 years of qualifying service for retired pay purposes, his/her years of service (less time lost) performed in the status of a commissioned officer, warrant officer, nurse, flight officer, aviation midshipman, appointed aviation cadet, or enlisted member are creditable as follows:

a. Service Before 1 July 1949. Add the member's years of service before 1 July 1949 in:

(1) Armed Forces.

(2) Federally recognized National Guard before 15 June 1933.

(3) Federally recognized status in the National Guard before 15 June 1933.

(4) National Guard after 14 June 1933, if his/her service therein was continuous from the date of his/her enlistment in the National Guard, or his/her Federal recognition as an officer therein, to the date of his/her enlistment or appointment, as the case may be, in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States.

(5) Naval Reserve Force.

(6) Naval Militia that conformed to the standards prescribed by the Secretary of the Navy.

(7) National Naval Volunteers.

(8) Army Nurse Corps, Navy Nurse Corps, Nurse Corps of Army or Navy, as it existed at any time after 2 February 1901.

(9) Army under an appointment under the Act of 22 December 1942.

b. Service Subsequent to 1 July 1949. Add the member's years of service for each 1-year (anniversary year) period in which he/she has been credited with at least 50 points on the following basis:

(1) One point for each day of active service, including annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned.

(2) One point for each attendance of drill or period of equivalent instruction that was prescribed for that year by the Secretary of the military department concerned and conformed to the requirements prescribed by law, including attendance at National Guard training.

(3) Points (gratuitous) at the rate of 15 for each anniversary year of membership in an active status in a Reserve component of an Armed Force or in the Army or in the Air Force without component.

2. Noncreditable Service. The following service may not be credited as qualifying service:

a. Service, other than active service, in an inactive section of the Organized Reserve Corps of the Army Reserve, or in an inactive section of the officers section of the Air Force Reserve.

b. Service, other than active service, after 30 June 1949 while on the Honorary Retired List of the Naval Reserve or of the Marine Corps Reserve.

c. Service in the inactive National Guard.

d. Service in a nonfederally recognized status in the National Guard.

e. Service in the Fleet Reserve or the Fleet Marine Corps Reserve.

f. Service in any status other than that as a commissioned officer, warrant officer, flight officer, aviation midshipman, appointed aviation cadet, or enlisted member.

3. Retirement Point Credit Limitations. For retired pay purposes, total retirement points credited since 30 June 1949 may not exceed 365 in a normal year or 366 in a leap year. Total retirement points credited for inactive duty participation may not exceed 60 in any anniversary year. Retirement points earned during any anniversary year may not be credited to any anniversary year other than that in which the points are earned.

4. Partial Anniversary Year

a. If a member was in an active status for only a portion of an anniversary year, that year will not be credited as a full year of qualifying service for retirement purposes irrespective of the number of retirement points earned while in an active status during that particular year. The time the member was in an active status will be considered as qualifying service provided he/she earned the required points, on a pro rata basis, during that particular period. Figure 4-1 shows minimum points required to establish a partial year as qualifying service. Figure 4-2 shows membership points to be awarded for less than a full anniversary year.

b. In order to pro rate, the member must be removed from an active status at the end of the period to be pro rated by discharge, transfer to the inactive status list, or transfer to the Retired Reserve. Retention in an active status after a member ceases to earn points may result in a part of a year which is otherwise satisfactory becoming not creditable as qualifying service.

5. Time Not Creditable. The following service will not be counted in any computation of years of service under this paragraph or years of service for the computation of retired pay under paragraph 4015, below:

a. Service in an inactive status on the inactive status list.

b. Time spent after retirement or transfer to the Retired Reserve.

6. Members of the Reserve are not eligible to earn retirement credits while on the inactive status list or in the Retired Reserve, and they are not entitled to gratuitous credits for membership during such periods (10 U.S.C. 1334).

7. See Department of Defense Military Pay and Allowances Entitlements Manual (DODPM) for other service not creditable in the case of officers.

4015. COMPUTATION OF RETIRED PAY

1. For the purpose of computing the retired pay of a person entitled to retired pay under paragraph 4013, above, years of service and any fraction of such a year are computed by adding the following and then dividing the sum of the addition by 360:

a. Days of active service.

b. Days of full-time service while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary of the military department concerned.

c. One day for each inactive duty point credited under subparagraphs 4014.1b(2) and 4014.1b(3), above, but not more than 60 days in any 1 year.

d. Fifty days for each year before 1 July 1949, and proportionately for each fraction of a year of service, other than active service, in a Reserve component of an Armed Force, in the Army or the Air Force without component, or in any other category, except a Regular component, covered by subparagraph 4013.1a, above.

2. The monthly retired pay of a person entitled pursuant to paragraph 4013, above, is computed by this formula:

Monthly basic pay at rates applicable on date when retired pay is granted of highest grade held satisfactorily at any time in the Armed Forces.	Multiplied by 2 1/2 percent of the sum of years of service credited to him/her under subparagraph 4015.1, above.	Subtract excess over 75 percent of pay upon which computation is based. (10 U.S.C. 1333 and 1401)

In simpler terms the formula for computing retired pay is:

P%360 X.025 X B = $/month

"P" denotes total number of retirement points and "B" denotes monthly basic pay at rates applicable on date when retired pay is granted. Years of service for basic pay purposes are computed from pay entry base date (PEBD) to date of first eligibility for retired pay (date of separation if a former member).

4016. TRANSFER TO THE RETIRED RESERVE WITHOUT PAY

1. A reservist, officer or enlisted, may request transfer to the Retired Reserve provided he/she:

a. Has completed a total of 20 years of honorable service in the Armed Forces; or

b. Has been found physically disqualified for active duty as a result of a service-connected disability; or

c. Has been found physically disqualified for active duty, not as a result of his/her own misconduct.

2. A reservist, officer or enlisted, who has attained the age of 37 years may request transfer to the Retired Reserve provided he/she:

a. Has completed a minimum of 8 years satisfactory Federal service by having been credited with at least 50 retirement points each year; or

b. Has completed a minimum of 8 years Federal service, including at least 6 months of honorable service on active duty in time of war or national emergency; or

c. Has consistently supported the Armed Forces in an outstanding manner as determined by the Secretary of the Navy.

3. A reservist, officer or enlisted, may request transfer to the Retired Reserve provided he/she has completed 10 or more years of active commissioned service in the Armed Forces.

4. Upon assignment or transfer to the Retired Reserve, a member shall be placed on the retired list in the highest grade in which he/she has satisfactorily served as determined by the Secretary of the Navy, or in the highest grade for which eligible according to law.

4017. PHYSICAL DISABILITY RETIREMENT

1. Reservists are eligible for physical disability retirement under the conditions of chapter 10 of this Manual. Reservists retired for physical disability under the provisions of Chapter 61, 10 U. S. C., are entitled to the same pay, rights, benefits, and privileges provided by law or regulation for retired members of the Regular Marine Corps.

2. Reservists not on active duty who are found not physically qualified for retention in the Marine Corps Reserve will be processed in accordance with paragraph 10407 of this Manual.

4018. APPLICATION FOR TRANSFER TO THE RETIRED RESERVE (WITHOUT PAY)

1. A qualified member who desires transfer to the Retired Reserve will request such transfer in writing by letter to the Commandant of the Marine Corps (Code MMSR-5) and shall include the following information:

a. Name, grade, social security number.

b. Current mailing address.

c. Desired date. (In accordance with 5 U.S.C. 8301, the effective date of retirement must be the FIRST day of a month.)

d. Date of birth.

2. Applications will be forwarded via the commanding officer and command holding the service record. When forwarding a request for transfer to the Retired Reserve, the commanding officer of the Reserve activity on whose rolls the member is carried will provide the following documents and information with his/her endorsement:

a. A Code 2 Reserve Retirement Credit Report covering the period from the beginning of the member's current anniversary year up to and including the day prior to the requested effective date. When the member does not request an effective date, the first day of the month following the month in which the request is received will be utilized as the effective date. An exception to the foregoing is when a member is notified that he/she must be removed from an active status under mandatory provisions of law. In this case, if the member does not elect an effective date, or if he/she elects an effective date beyond that authorized by law, the maximum retention date specified in the letter of notification to him/her will be utilized.

b. A copy of the Officer Chronological Record of Duty Assignments or Enlisted Chronological Record of Service, whichever is applicable.

c. A copy of all Reserve Retirement Credit Reports contained in the member's record.

d. A statement indicating if the member has ever been assigned to the inactive status list and inclusive dates of such assignments, if applicable.

e. For enlisted personnel, the date of expiration of enlistment or valid extension thereof.

3. When a reservist who is subject to involuntary separation pursuant to this chapter is eligible for transfer to the Retired Reserve, he/she shall be so informed and afforded an opportunity to apply for such transfer prior to taking final action in his/her case. Such opportunity may be considered as having been given by the mailing of notice to the latest address of the reservist on file with the appropriate command maintaining his/her records and granting of a reasonable period of time in which to receive his/her reply.

4019. APPLICATION FOR RETIRED PAY BENEFITS AT AGE 60

1. Retired pay benefits must be requested; the process is not automatic. Members of the Retired Reserve and former members of the Reserve who are eligible under paragraph 4013, above, may apply for retired pay by use of DD Form 108 (Application for Retired Pay Benefits). The form should be forwarded so as to arrive at Commandant of the Marine Corps (Code MMSR-5) not less than 2 months nor more than 4 months prior to the attainment of age 60.

2. It is the policy of this Headquarters to provide a DD Form 108 to eligible personnel approximately 4 months prior to attainment of age 60. This form will contain a verified summary of creditable service and points to be confirmed or refuted by the member. Should an eligible person not receive subject form within the foregoing timeframe, it is imperative that the Commandant of the Marine Corps (Code MMSR-5) be notified.

3. Reservists not retired and/or currently on the inactive status list should submit their DD Form 108 concurrently with a request for transfer to the Retired Reserve and must request retirement no later than the first of the month following their 60th birthday.

4020. STATUS IN THE RETIRED RESERVE

1. Title 10 U.S.C. 672 provides that a member of the retired Reserve may be ordered to active duty in time of war or national emergency declared by Congress, or when otherwise authorized by law. However, no member of the Retired Reserve may be ordered to active duty without his/her consent unless the Secretary of the Navy, with the approval of the Secretary of Defense, determines that adequate numbers of qualified members of the Ready and Standby Reserve in an active status are not readily available.

2. The following general information is applicable to members of the Retired Reserve.

a. Members are not eligible to earn retirement credits or accrue additional satisfactory Federal service unless ordered to active duty as indicated in subparagraph 4020.1, above.

b. Members are not required to participate in any training program, and they are not eligible to participate in any training or other program of the Marine Corps Reserve in a pay status.

c. Members are not required to submit qualification questionnaires or obtain periodic physical examinations.

3. Members of the Retired Reserve without pay are entitled to the following privileges.

a. Retain their grade as members of the Marine Corps Reserve.

b. Wear the prescribed uniform upon appropriate occasion of ceremony.

c. Identification card, DD Form 2MCR(Red), which is for identification purposes only.

d. Use of facilities of service clubs/open messes when local space and staff capabilities permit and if authorized by membership rules.

e. Space available transporation within the continental United States on DOD aircraft upon presentation of a Notification of Eligibility for Retired Pay at age 60 and the DD Form 2MCR(Red).

2. A member of the Retired Reserve credited with 20 years or more of satisfactory Federal service and having attained age 60, will become eligible for the following additional privileges:

a. Retired pay.

b. Medical care on a space available basis.

c. Exchange and commissary privileges.

d. Space available transportation via Military Airlift Command.

4021. STATUS OF FORMER MEMBERS

1. Former members of the Marine Corps Reserve who have resigned or been discharged may apply for retired pay under paragraph 4019, above, if qualified. Such former members may receive retired pay, but are not carried on the retired list and are ineligible for any privileges or rights of the Retired Reserve. They retain their civilian status. However, such former members who are in receipt of retired pay are entitled to certain fringe benefits (i.e., commissary, exchange privileges, and health care benefits as provided by 10 U.S.C. 55, and as otherwise provided by law).

2. An enlisted member who requests discharge to be effective upon completion of 20 years of qualifying service, or whose enlistment expires after completion of that service, should be encouraged to transfer to the Retired Reserve in lieu of being discharged.

4022. CURRENT ADDRESS OF RETIRED RESERVIST. A member who has transferred to the Retired Reserve and who is eligible for retired pay benefits at age 60 shall keep the Commandant of the Marine Corps (Code MMSR-5) informed of his/her current

address until retired pay is granted. Thereafter, current address will be maintained by the Marine Corps Finance Center (Code CPR).

4023. RETIREMENT CEREMONY

1. An appropriate retirement ceremony will be held within the capabilities of the command for all Marines retiring unless the Marine specifically desires otherwise.

2. The commander will personally interview each Marine and advise him/her what type of ceremony is appropriate and planned, based on the conditions that exist at the command. If the Marine finds this undesirable to him/her either because of date or content, the Marine will be offered alternatives. Should the Marine desire no ceremony, his/her wishes will be accepted.

3. While the capabilities of commands will vary, each command will ensure the preference of the Marine is fulfilled to the extent feasible.

Number of Days in an Active Status		Minimum Points Required	Number of Days in an Active Status		Minimum Points Required	Number of Days in an Active Status		Minimum Points Required
FROM	THRU		FROM	THRU		FROM	THRU	
0	7	1	125	131	18	249	255	35
8	14	2	132	138	19	256	262	36
15	21	3	139	146	20	263	270	37
22	29	4	147	153	21	271	277	38
30	36	5	154	160	22	278	284	39
37	43	6	161	168	23	285	292	40
44	51	7	169	175	24	293	299	41
52	58	8	176	182	25	300	306	42
59	65	9	183	189	26	307	313	43
66	73	10	190	197	27	314	321	44
74	80	11	198	204	28	322	328	45
81	87	12	205	211	29	329	335	46
88	94	13	212	219	30	336	343	47
95	102	14	220	226	31	344	350	48
103	109	15	227	233	32	351	357	49
110	116	16	234	240	33	358	365	50
117	124	17	241	248	34			

Figure 4-1.--Minimum Points Required to Establish a Partial Anniversary Year as Qualifying Service.

FOR LESS THAN A FULL ANNIVERSARY YEAR IN AN ACTIVE STATUS					
Number of Days in an Active Status		Membership Points to be Credited	Number of Day in an Active Status		Membership Points to be Credited
FROM	THRU		FROM	THRU	
1	12	0	183	206	8
13	36	1	207	231	9
37	60	2	232	255	10
61	85	3	256	279	11
86	109	4	280	304	12
110	133	5	305	328	13
134	158	6	329	352	14
159	182	7	353	365	15

Figure 4-2.--Membership Points (Gratuitous).

CHAPTER 5

RESIGNATIONS AND SEPARATIONS OF REGULAR OFFICERS AND RESERVE OFFICERS ON ACTIVE DUTY

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CHAPTER 5

RESIGNATIONS AND SEPARATIONS OF REGULAR OFFICERS AND RESERVE OFFICERS ON ACTIVE DUTY

5001. GENERAL

1. Except as otherwise indicated, the information contained in chapter 5 pertains to the resignation, discharge, revocation of commission of officers on active duty. No officer will be discharged without specific authority from the Commandant of the Marine Corps

2. Chapter 4 contains information relevant to the separation of reservists not on active duty.

3. The following types of discharges are prescribed for issuance to officers of the Marine Corps or Marine Corps Reserve totally separated from the naval service:

TYPES OF DISCHARGE	CHARACTER OF SEPARATION
Honorable Discharge	Honorable
General Discharge	Under honorable conditions
Under other than honorable conditions	Under conditions other than honorable

4. The foregoing discharges will be issued by the Secretary of the Navy and forwarded by the Commandant of the Marine Corps. Under no circumstances will any other organization issue any form of certificate of discharge to an officer separated from the service.

5. The determination of the type of discharge and character of separation of any officer shall be made by the Secretary of the Navy based on the officer's military record, as defined in subparagraph 6001.5e of this Manual. The following will be used as a guide in determining the type of discharge to be recommended:

a. An honorable discharge is a separation from the service with honor. It is issued for proper military conduct and industrious and proficient performance of duty. An honorable discharge may be issued for the following reasons:

(1) Unqualified resignations.

(2) Discharge of Reserve officers not on active duty for age in grade, as a result of failure to pass physical examination, or for other reasons which, by administrative determination, entitle them to honorable discharge.

(3) Discharge by reason of no future need for the services that an officer is qualified to perform.

(4) Discharge because of failure to pass professional examination for promotion or failure of selection for promotion.

(5) Academic or leadership training failure despite honest effort.

(6) Personality defects or physical deficiencies despite which the individual concerned is believed to have performed service to the best of his/her ability.

(7) Other conditions generally resulting in an honorable discharge for enlisted personnel.

b. A general discharge is a separation from the service under honorable conditions of a Marine whose military record is not sufficiently meritorious to warrant an honorable discharge. It may be issued because administrative separations for cause in cases wherein the cause for separation or the previous record of the officer concerned is of such a nature as to preclude honorable discharge, but is not of such a nature as to require discharge under conditions other than honorable, for example:

(1) Academic or leadership training failure due at least in part to lack of effort.

(2) Personality defects or physical deficiencies unaccompanied by a record of performance deemed to represent the best of which the individual is capable.

(3) Separation of Reserve officers for failure to answer official correspondence, willful absence from scheduled drills, and like causes.

(4) Separation for any cause wherein review of the military record of the individual concerned indicates performance of duty of a consistently below average or unsatisfactory character.

(5) Discharge of a Reserve officer, not on active duty, commissioned under the Organized Marine Corps Reserve Commissioning Program, for failure to participate satisfactorily in the Marine Corps Reserve during his/her period of obligated service.

c. A discharge under other than honorable conditions may be issued for the following reasons:

(1) Separation of officers who resign for the good of the service and to escape trial by general court-martial.

(2) Separation of an officer as the result of an approved recommendation of a board of officers convened in accordance with the current edition of SECNAVINST 1920.6. Specific reasons for such separation may include, but are not limited to:

(a) Homosexual acts or tendencies.

(b) Drug addiction.

(c) Habitual drunkenness.

(d) Chronic default in the fulfillment of legal obligations.

(e) Record of conviction by civil authorities on criminal charges. (Note exception in subparagraph 5001.6 below, for officers dropped from the rolls for conviction by civil authorities, to whom no certificate of discharge is awarded.)

(f) Any basis not already mentioned which would result in the issuance of a discharge under other than honorable conditions or a punitive discharge if the individual were an enlisted Marine.

6. Certificates of discharge will not be issued to officers separated by one of the following procedures.

a. Dismissal pursuant to approved sentence following conviction before a general court-martial. The letter or other document informing the officer concerned of the final action in such a case and effecting his/her dismissal from the naval service shall be deemed equivalent in all respects to a dishonorable discharge.

b. Separation of an officer through dropping from the rolls of the service.

c. Separation of an officer through dismissal, removal from office, or other separation procedure required by statutes existing or hereinafter enacted prohibiting certain activities by officers. Examples of the class of statutory prohibitions referred to, whether or not specifically applicable to Marine officers, are:

(1) Carrying on of trade or business by fiscal officers in funds, debts, or public property of Federal or State Governments.

(2) Using appropriated funds to influence legislation.

(3) Accepting bribes.

d. Separation through statutorily implied resignation upon accepting or holding of an appointment in the Foreign Service of the U. S. Government.

8. In all cases in which administrative separation of an officer from the service is being recommended, the authority so recommending shall further make recommendation as to the type of discharge which should be awarded in accordance with the foregoing paragraphs. If the officer concerned should submit a resignation from the naval service in lieu of the recommendation for separation, such resignation shall contain one of the following paragraphs, as appropriate:

a. "I have been informed and understand that if my resignation is accepted, I shall subsequently receive a certificate of honorable discharge from the naval service."

b. "I have been informed and understand that if my resignation is accepted, I may subsequently receive a certificate of general discharge from the Marine Corps; that such a separation, although considered by the Navy Department to be under honorable conditions, is not the highest qualitative type of separation provided for officers of the naval service; and that, while I shall be entitled to the major portion of veterans' rights and benefits presently authorized for former officers whose service has been similar to my own, should any present or future statutes specifically require honorable discharge as a condition precedent to the granting of rights and benefits thereunder, my eligibility for any such rights and benefits may be at least doubtful."

c. "I have been informed and understand that if my resignation (for the good of the service) (for the good of the service and to escape trial by general court-martial) which is herein submitted be accepted, I may subsequently receive a certificate of discharge from the Marine Corps which will state upon its face that it is under conditions other than honorable; that I may be deprived of substantial rights; benefits, and bounties which Federal or State legislation confers or may hereafter confer upon persons with honorable service in, or separated from, the Armed Forces of the United States; and that I may expect to encounter substantial prejudice in civil life in situations wherein the nature of service rendered in, or the character of separation from, the Armed Forces may have a bearing."

9. Where the separation of an officer is being accomplished by other than acceptance of a letter or resignation, a brief statement of the facts constituting the cause for separation shall be provided the officer, upon request, by the separating activity in accordance with the instructions and format contained in paragraph 11002 of this Manual. In cases in which the date of separation from the service is specified in the orders or other document designated to effect such separation, the appropriate certificate of discharge will

be forwarded therewith. When the date of separation is not so specified, the appropriate certificate will be forwarded at such times as the Commandant of the Marine Corps (Code MMSR-3) is advised of the date that the separation was actually effected.

10. Once issued, the Commandant of the Marine Corps does not have the authority to change, modify or correct the character or type of discharge awarded to a former Marine either administratively or by the sentence of a court-martial. Within the Department of the Navy, only the Secretary of the Navy has this authority. Further, two boards, the Navy Discharge Review Board and Board for Correction of Naval Records, have been established by statute to review applications for relief and to make recommendations to the Secretary of the Navy regarding the appropriate corrections or changes, if any, that should be made to the petitioner's official records. Specific information about the Navy Discharge Review Board and Board for Correction of Naval Records may be found in paragraphs 6001.6 and 6001.7, respectively, of this Manual. Applications for review and explanatory matter may be obtained by writing the Navy Discharge Review Board, or Board for Correction of Naval Records, as appropriate, Department of the Navy, Washington, D.C. 20370.

5002 RESIGNATIONS

1. Officers of the Marine Corps serve at the pleasure of the President, and only the Secretary of the Navy, acting in the President's behalf, may accept an officer's resignation. Letters of resignation will be addressed to the Secretary of the Navy via official channels and will be prepared in accordance with the instructions contained herein and in the format shown in figure 5-1.

2. Letters of resignation shall be submitted by the officer concerned so as to be received by the Commandant of the Marine Corps (Code MMSR-3) not more than 14 months nor less than 3 months prior to the requested effective date of separation or date of departure on anticipated leave, whichever date is earlier.

3. The resignation of a commission is a voluntary act and must be without condition. However, if a Regular officer has not completed the period of obligated commissioned service as specified in his/her service agreement, the acceptance of his/her resignation normally will be contingent upon his/her acceptance of a Reserve commission. A statement indicating whether or not the officer concerned desires a Reserve commission will, therefore, be included in all letters of resignation submitted by Regular officers. In those cases in which the officer has not completed his/her obligated commissioned service and in those cases in which the officer has requested a Reserve commission, the officer's commanding officer must include in his/her forwarding endorsement a specific recommendation as to whether or not the officer should be tendered a Reserve commission.

4. An officer submitting his/her resignation or request for termination of his/her permanent appointment will determine if he/she is indebted to the Government. The records of his/her account, held by the local disbursing officer, will serve as the basis for the determination of indebtedness or nonindebtedness. One of the following statements is required in the text of the letter of resignation (figure 5-1):

"I certify that I am not financially indebted to the Government of the United States."

"I certify that I am financially indebted to the Government of the United States in the following amount:_____. If this resignation is approved I propose to pay such indebtedness as follows: _____."

5. An officer submitting his/her letter of resignation or request for termination of his/her permanent appointment will include therein the reason for its

submission. A desire to attend school, enter business, or accept a position in civil life is frequently given as the reason. If, however, an officer desires separation because he/she considers his/her opportunity for promotion poor, the pay inadequate, or the deprivation of home life excessive, these reasons should be given in addition to any others. While the Marine Corps does not desire to pry into the personal affairs of an officer, for its own information and for the information of Congress, it is desirable to know why officers separate themselves from the Marine Corps and give up a service career.

6. When an officer's resignation has been accepted by the Secretary of the Navy, the officer shall be separated from the service at a date specified by the Commandant of the Marine Corps. A resignation may be withdrawn at any time prior to its acceptance by the Secretary of the Navy but, once accepted, it normally cannot be withdrawn. If an officer desires to withdraw his/her resignation, a formal written request must be submitted to the Secretary of the Navy via the chain of command and must contain the reasons why the officer desires to remain on active duty. The officer's immediate commanding officer will include in his/her forwarding endorsement a specific recommendation concerning the withdrawal of resignation.

7. The acceptance of an officer's resignation will be adjudged on the needs of the service and on the basis of the following:

a. Completion of the period of active commissioned service, chief warrant officer or warrant officer service, as appropriate, as specified in the officer's service agreement. Officers augmenting into the Regular Marine Corps will retain their original active duty obligation. All active service, exclusive of active duty for training, in the grade of warrant officer or above, will be counted.

b. Completion of the period of service specified in the officer's flight training agreement.

c. Completion of 24 months service subsequent to attending a service school when the prescribed course of instruction is 20 or more weeks duration and attendance is in compliance with official orders. The 24-month service requirement also applies to an officer who does not complete a prescribed course of 20 or more weeks duration. In this case the service requirement commences on the date the officer is transferred from the course. Officers serving their initial obligated active duty tour who are involuntarily ordered to attend such school are excluded from the above provisions.

d. Completion of the service requirement prescribed in the applicable Marine Corps directive in effect at the time of the officer's selection for the College Degree Program, Special Education Program, Advanced Degree Program, Funded Law Education Program, Excess Leave Program (Law), or other full time and/or funded schooling.

e. Completion of 24 months active duty following completion of a course for which financial assistance was accepted pursuant to the Tuition Assistance Program.

8. Officers' resignations will not be recommended for approval if:

a. Orders have been issued to the officer by the Commandant of the Marine Corps directing the officer overseas where dependents are not authorized.

b. The officer is scheduled for an operation or maneuver outside the United States.

c. The officer is serving overseas and desires separation prior to completion of his/her overseas tour.

d. The officer has not completed 1 year at current continental United States duty station.

9. Exceptions to the foregoing policies will be considered in those cases where an undue hardship would result from the officer's retention. Requests to resign based on undue hardship must include the information required by subparagraph 6014.6 of this Manual. The criteria listed in subparagraphs 6014.3 through 6014.5 of this Manual will be used in evaluating requests to resign.

10. An officer may be released from active duty, permitted to resign, or discharged as appropriate, for the purpose of performing the duties of: the President of the United States; the Vice President of the United States; a Presidential appointee to a statutory office; a member of either of the legislative bodies of the United States; a Governor, any other State official chosen by the voters of the entire State or the several States; a member of the legislative bodies of the several States; and a judge of courts of record of the United States and of the several States, and the District of Columbia. In the case of a reservist who is eligible for the Retired Reserve List or the individuals's name is already on the Retired Reserve List, he/she will be relieved from active duty.

5003. SEPARATION OR RETENTION OF OFFICERS COMMISSIONED PURSUANT TO THE DIRECT PROCUREMENT PROGRAM

1. The Secretary of the Navy, during the second quarter of each year, shall cause to be examined the records of all officers appointed in the Regular Marine Corps pursuant to 10 U.S.C. 6909 (direct procurement) who in that year will reach the third anniversary of the acceptance of their appointment, and who apply for retention before that anniversary, but not later than 31 March of that year. From among the officers whose records are so examined, the Secretary shall cause to be selected for retention as many as he considers necessary.

2. The commission of each officer appointed in the Regular Marine Corps pursuant to the above provision of law who does not apply for retention within the time limits prescribed in subparagraph 5003.1, above, shall be terminated not later than the third anniversary of the acceptance of his/her appointment. The commission of each officer who applies for retention and is not selected shall be terminated before 1 July of the calendar year of the third anniversary of the acceptance of apppointment, or not later than that anniversary, if it occurs after 30 June.

3. Upon the termination of his/her appointment in accordance with subparagraph 5003.2, above, such officer, if considered qualified, may be appointed a first lieutenant in the Marine Corps Reserve with a date of rank 3 years after the date of rank of his/her original commission.

5004. INVOLUNTARY DISCHARGE OF PERMANENT REGULAR OFFICERS

1. Each male officer on the active list serving in the grade of captain or first lieutenant shall be honorably discharged on 30 June of the fiscal year in which he is considered as having failed of selection for promotion to the grade of major or captain a second time. However, if the officer so requests, he may be honorably discharged at any time prior to 30 June of that fiscal year.

2. Except as otherwise provided for second lieutenants in subparagraph 5004.3, below, any officer discharged under subparagraph 5004.1, above, or 5004.3, or 5004.5, below, is entitled to severance pay equal to 2 months' basic pay at the time of discharge multiplied by the number of years of total commissioned service as computed under paragraph 3002 of this Manual, not to exceed a total of 2 years' basic pay. However, no person discharged under subparagraph 5004.1, above, or 5004.3 or 5004.5, below is entitled to a lump-sum payment that is more than $15,000. In determining the total number of years of service to be used as a multiplier, a part of a year that is 6 months or more is counted as a whole year, and a part of a year that is less than 6 months is disregarded.

3. A male officer in the grade of first lieutenant or above who is found not professionally qualified upon reexamination for promotion is considered as having twice failed of selection for promotion. Accordingly, subparagraphs 5004.1 and 5004.2, above, apply to captains and lieutenants in this category. An officer in the grade of second lieutenant who is found not professionally qualified upon reexamination for promotion shall be honorably discharged with severance pay computed on the basis of 2 months' basic pay at the time of discharge multiplied by the number of years of active commissioned service in the naval service, exclusive of training duty, but the payment may not be more than 1 year's basic pay.

4. An officer scheduled for discharge under subparagraph 5004.1 or 5004.3, above, may tender his resignation, and upon acceptance thereof, may be enlisted or reenlisted in the Regular Marine Corps provided he is qualified. Under no circumstances shall an officer in receipt of severance pay or an officer eligible for retirement pay upon separation be permitted to enlist or reenlist. An officer who desires to enlist or reenlist should apply to the Commandant of the Marine Corps (Code MMEA-6) at least 90 days prior to the scheduled date of discharge for grade and MOS determination. The criteria governing appointment or reappointment are as follows:

a. An officer who at the time of his permanent appointment as a commissioned officer in a grade above chief warrant officer (W-4) was a permanent chief warrant officer or warrant officer, or was a temporary officer with permanent enlisted status, will be appointed or reappointed to pay grade E-7 upon enlistment or reenlistment.

b. Any other officer who resigns his commission and forfeits his severance pay normally will not be appointed to a pay grade higher than E-3. A higher pay grade may be authorized, however, dependent upon the needs of the service and the special qualifications of the applicant.

5. Each officer on the active list with less than 20 years' total commissioned service whose record, in the opinion of a selection board, indicates unsatisfactory performance of duty in his grade, and in the opinion of the board indicates that he would not satisfactorily perform the duties of a higher grade shall be honorably discharged on 30 June of that fiscal year or, at the discretion of the Secretary of the Navy, on any earlier date, if the officer so requests. Upon discharge he is eligible to apply for enlistment or reenlistment.

6. A male officer designated for limited duty subject to discharge under subparagraph 5004.1, 5004.3 or 5004.5, above, who had the permanent status of a warrant officer when first appointed as an officer designated for limited duty, has the option of reverting to the grade and status he would hold if he had not been so appointed instead of being discharged. If any such officer had a permanent grade below the grade of warrant officer (W-1) when first so appointed, he has the option, instead of being discharged, of reverting to the warrant grade and status he would hold if he had not been appointed an LDO but had instead been appointed a warrant officer (W-1). In any computation to determine the grade and status to which an officer may revert, all active service as an officer designated for limited duty or as a temporary or Reserve officer is included. Application for such reversion will be forwarded to the Commandant of the Marine Corps (Code MMSR) via official channels.

7. An officer above the grade of second lieutenant and below the grade of colonel who is found by a naval examining board to be from any cause arising from his/her own misconduct not morally qualified to perform the duties of the grade for which he/she is being examined shall, if the finding is approved by the President, be discharged with not more than 1 year's pay. He/she is not eligible for enlistment.

5005. REVOCATION OF COMMISSIONS. The Secretary of the Navy may revoke the commission of any Regular officer who has completed less than 3 years of continuous service as a commissioned officer as of the date the Secretary of the Navy signs the document effecting the revocation of commission. See current edition of SECNAVINST 1920.6 for those circumstances which do/do not require a hearing or proceedings by a board of officers prior to revocation of a Regular officer's commission.

5006. INVOLUNTARY DISCHARGE OF RESERVE OFFICERS ON ACTIVE DUTY. The Secretary of the Navy may discharge a Reserve officer on active duty at any time regardless of the officer's length of service. See current edition of SECNAVINST 1920.6 for those circumstances which do/do not require a hearing or proceedings by a board of officers prior to recommending a Reserve officer for discharge.

5007. RESIGNATIONS OF WOMEN OFFICERS

1. The provisions of paragraph 5002 concerning the general conditions under which resignations of male officers are tendered and accepted are equally applicable to women officers. Resignations normally will be accepted from women officers under the following conditions:

a. After the period of active commissioned service specified in the officer's service agreement, except in the case of an officer who has additional active service obligations under law, agreement, or policy. The provisions of subparagraph 5002.7a, above, apply in the case of an officer who is appointed in the Regular Marine Corps through the augmentation program.

b. When it is established that a woman officer is pregnant (see Figure 5-2, Eligibility for Maternity Care); however, if pregnancy is terminated as a result of spontaneous or therapeutic abortion or a stillbirth prior to separation from the service, the woman officer will be retained in the service, if she is determined to be physically qualified for retention.

5008. INVOLUNTARY DISCHARGE OF WOMEN OFFICERS

1. Each woman officer serving in the permanent grade of captain or first lieutenant in the Regular Marine Corps, whose name, on 30 June of the fiscal year in which she completes 13 or 7 years active commissioned service in the Marine Corps, respectively, is not then on a promotion list for promotion to the next higher grade, shall be honorably discharged from the Marine Corps on that date. However, if she so requests, she may be honorably discharged at any time prior to 30 June of that fiscal year. A captain is entitled to a lump-sum payment equal to 24 times the monthly basic pay to which she is entitled at the time of discharge, and a first lieutenant is entitled to a lump-sum payment equal to 2 months' basic pay at the time of discharge multiplied by the number of years of her active commissioned service in the Regular Marine Corps or the Marine Corps Reserve, except that no payment may exceed $15,000. A part of a year that is less than 6 months is disregarded in the computation of such severance pay.

2. The commission or warrant of any woman serving in the Regular Marine Corps may be terminated regardless of grade, or length of service, by or at the direction of the Secretary of the Navy, except as may be otherwise provided

by law, under the same circumstances, procedures and conditions and for the same reasons under which a male member of the Regular Marine Corps and of the same grade and length of service may be totally separated from the service by administrative action, whether by termination of commission, termination of appointment, revocation of commission, discharge, or otherwise.

3. A woman officer who has been determined to be pregnant must either submit her resignation or request retention in accordance with the current MCO 5000.12. In the event such officer neither submits her resignation nor requests retention, her commander will submit a detailed report to the Commandant of the Marine Corps (Code MMSR) enclosing substantiating documents and requesting disposition.

4. Each woman officer whose commission or warrant is terminated will be awarded a certificate of discharge of such type and character as may be warranted by her military record and the circumstances surrounding the termination.

5009. TERMINATION OF APPOINTMENT TO WARRANT OFFICER

1. The Secretary of the Navy may, at his discretion, terminate the appointment of a permanent warrant officer in the Regular service at any time within 3 years after the date of acceptance of his/her initial permanent appointment in the Regular service. An officer whose appointment is thus terminated shall not be entitled to severance pay, but may apply for and be enlisted in the grade, and with the date of rank in that grade, held on the day before he/she accepted his/her appointment as a warrant officer. The application for enlistment of a person whose appointment as a warrant officer has been terminated in accordance with this paragraph must be approved by the Secretary of the Navy prior to enlistment. A temporary appointment in a warrant grade may be terminated at any time.

2. When a selection board is convened by the Secretary of the Navy to consider permanent warrant officers for promotion to the next higher grade, the board shall report the names of those warrant officers considered by it whose records and reports establish, in its opinion, their unfitness or unsatisfactory performance of duty in their present grades. A warrant officer whose name is so reported shall be retired, enlisted, or separated in accordance with the recommendation of the board and the provisions of this Manual.

3. The Secretary of the Navy may convene a board of officers similar in composition to a selection board which will consider the records of all warrant officers submitted to it by the Secretary of the Navy. The records will be those of warrant officers not eligible for consideration by a selection board and among whose records there are records or reports which indicate unfitness or unsatisfactory performance of duty in their present grade. The board shall submit a report in writing to the Secretary of the Navy via the Commandant of the Marine Corps and shall certify that: "The board has carefully considered the records furnished to it and the chief warrant officers or warrant officers, W-1, whose names, if any, are reported have reports and records which establish their unfitness or unsatisfactory performance of duty in their present grade."

4. Each warrant officer whose name is reported in the approved report of a selection board or a board of officers pursuant to subparagraph 5009.2 or 5009.3, above, if eligible for retirement under any provision of law, shall be placed on the retired list on the first of the month following the 60th day after the date on which the Secretary of the Navy approves the report of the board. If not eligible for retirement, and if he/she has completed at least 3 years' active service from the date he/she accepted his/her original permanent appointment as a Regular warrant officer, such officer shall be separated with severance pay not later than 60 days after the date on which the Secretary of the Navy approves the report of the board. Such warrant officer's severance pay is computed by multiplying his/her years' of active service, but not more than 12, by the monthly basic pay

to which he/she is entitled at the time of separation. A part of a year that is 6 months or more is counted as a whole year and a part of a year that is less than 6 months is disregarded in the computation of such severance pay. However, no person is entitled to severance pay in amount more than $15,000. Each warrant officer, in lieu of separation with severance pay, shall be accorded the enlistment privilege as provided in subparagraph 5009.1. If any such warrant officer has less than 3 years of active service, his/her appointment shall be terminated in accordance with subparagraph 5009.1.

5010. DISCHARGE ORDERS

1. The Commandant of the Marine Corps (Code MMSR-3) will normally direct by message the discharge of officers who resign their commissions or who are discharged for failure of selection. Orders will be locally prepared and issued in the appropriate format as prescribed in figures 5-3, 5-4 and 5-5.

2. The separation orders for officers who are separated for other than the foregoing reasons will be issued by the Commandant of the Marine Corps.

3. Officer discharge certificates and, in the case of officers who are commissioned in the U. S. Marine Corps Reserve, a letter of appointment (NAVMC 763) and Reserve commission will be issued by the Commandant of the Marine Corps. Discharge certificates will not be locally prepared.

(LETTERHEAD)

From: First Lieutenant John S. DOE, 012 34 56 78/0000 USMC
To: Secretary of the Navy
Via: (1) Chain of Command
(2) Commandant of the Marine Corps (Code MMSR-3)

Subj: Resignation; request for

Ref: (a) MCO P1900.16B, MARCORSEPMAN, par. 5002

1. I hereby tender my resignation of commission in the United States Marine Corps (Reserve), in accordance with the reference, and request an effective date of _____.

2. I (do, do not) desire to accept a commission in the U.S. Marine Corps Reserve. (Nonobligors) I will accept a commission in the U.S. Marine Corps Reserve if tendered. (Obligors) (Omit this paragraph if resigning Reserve commission.)

3. I certify that I am not financially indebted to the Government of the United States.

OR

I certify that I am financially indebted to the Government of the United States in the following amount:_____. If this resignation is granted I propose to pay such indebtedness as follows:_____.

4. My reason for submitting my letter for resignation/termination of permanent appointment is_____. (Information contained in this paragraph is utilized by the Career Planning Branch for analysis and appraisal of career management problems.)

_____
(Signature)

FIRST ENDORSEMENT

From: Commanding Officer
To: Secretary of the Navy
Via: (1) Chain of Command
(2) Commandant of the Marine Corps (Code MMSR-3)

1. Forwarded recommending_____*Note 1_____.

*Note 1: The reporting senior must recommend as to whether a Reserve commission should be tendered if the officer submitting the resignation is obligated by law to accept a Reserve commission; or requests a Reserve commission.

_____
(Signature)

Figure 5-1.--Request for Resignation.

(LETTERHEAD)

From: Commanding Officer
To:

Subj: Eligibility for Maternity Care

1. In view of the fact that you are being separated from the Marine Corps for pregnancy you are eligible for medical care and surgical care incident to pregnancy. This care includes prenatal, delivery, and postnatal care at Armed Forces medical facilities subject to the availability of space and facilities. CIVILIAN MEDICAL CARE AND HOSPITALIZATION IS NOT AUTHORIZED AT GOVERNMENT EXPENSE.

2. In making an application for maternity care you should present your discharge certificate or a photostat thereof and a copy of DD 214. You should register at a military medical activity, where suitable facilities are available, at least 30 days prior to the anticipated date of delivery. In areas where more than one military facility providing maternity care is available you must apply to the Naval Medical Facility.

3. The Navy Department assumes responsibility for care of the child only during your hospitalization and further arrangements for the child must be made by you. If you contemplate release of the child for adoption all arrangements must be made by you with local authorities in advance of hospitalization. Local Red Cross and public welfare activities are available to advise you in such matters.

4. The provisions of this document do not apply to those individuals who are dependents of a member of the armed services.

_____
(Signature)

(LETTERHEAD)

From:
To: Commanding Officer

Subj: Eligibility for Maternity Care

1. I understand that medical care after my discharge is available only at Armed Forces medical facilities and that Civilian medical care will not be paid for by the Government for my pregnancy, unless I am otherwise eligible for such care as the dependent of a serviceman.

_____
(Signature)

Figure 5-2.--Eligibility for Maternity Care.

(LETTERHEAD)

IDENT SYMBOLS

From: (Issuing Command)
To: (Marine Concerned)

Subj: Acceptance of resignation of Regular commission in the U.S. Marine Corps

Ref: (a) Your ltr of
(b) CMC msg
(c) JTR, par. M4157

1. Your request to resign your Regular commission contained in reference (a) has been accepted. Effective 2400 _____ you will be discharged from the U.S. Marine Corps as directed by reference (b).

2. Entitlement to pay and allowances terminates on the effective date of your separation from the U. S. Marine Corps. You are entitled to mileage and other allowances as are authorized by reference (c).

3. By endorsement to these orders you must state the point of election for mileage allowances in accordance with reference (c). Furnish two certified copies of these orders with endorsements to the disbursing officer having custody of your pay records.

4. TravChar appn_____.

_____
(Signature)

Figure 5-3.--Acceptance of Resignation of Regular Commission in the U. S. Marine Corps.

(LETTERHEAD) IDENT SYMBOLS

From: (Issuing Command)
To: (Officer Concerned - *Note 1)

Subj: Discharge from the U.S. Marine Corps

Ref: (a) CMC msg
(b) JTR, par. M4157.1

1. As directed by reference (a), your discharge from the U.S. Marine Corps is effective 2400,_____.

2. You are entitled to those travel allowances authorized by reference (b); by endorsement to these orders you must state the point of election for mileage allowances. Furnish two certified copies of these orders, with endorsements, to the disbursing officer having custody of your pay records.

3. Entitlement to all pay and allowances terminates on the effective date of your separation.

4. TravChar appn_____.

_____
(Signature)

*Note 1: This format will be used for those officers discharged with severance pay who have less than 8 years of continuous active duty.

Figure 5-4.--Discharge from U.S. Marine Corps (Less Than 8 Years Continuous Active Duty).

(LETTERHEAD)

IDENT SYMBOLS

From: (Issuing Command)
To: (Officer Concerned - *Note 1)

Subj: Discharge from the U.S. Marine Corps

Ref: (a) CMC msg
(b) JTR, par. M4158.1

1. As directed by reference (a), your discharge from the U.S. Marine Corps is effective 2400,_____.

2. You are entitled to those travel allowances authorized by reference (b); by endorsement to these orders you must certify your home of selection for travel allowances. Furnish two certified copies of these orders, with endorsement, to the disbursing officer having custody of your pay records.

3. Entitlement to all pay and allowances terminates on the effective date of your separation.

4. TravChar appn_____.

_____
(Signature)

*Note 1: This format will be used for those officers discharged with severance pay who have 8 years or more of continuous active duty.

Figure 5-5.--Discharge from U.S. Marine Corps (More Than 8 Years Continuous Active Duty).

CHAPTER 6

DISCHARGING OF ENLISTED PERSONNEL

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CHAPTER 6

DISCHARGING OF ENLISTED PERSONNEL

6001. GENERAL

1. The Marine Corps has the right, obligation, and duty to separate from the service, with an appropriately characterized discharge certificate, members who are entitled to or who have earned discharge, and members who clearly demonstrate that they are unqualified for retention. At the same time, such members have rights which shall be protected.

2. All discharges and separations of enlisted Marines will be governed by and effected in accordance with the provisions of this chapter, which is applicable to all enlisted and inducted personnel of the Marine Corps and Reserve components thereof.

3. All commands shall establish appropriate procedures to ensure that each member receives periodic explanations and separation counseling as follows:

a. Periodic Explanations. The various types of discharge certificates; the basis for their issuance; their possible effect upon the member's reenlistment, veterans' benefits, future civilian employment, and other situations in civilian life wherein the nature of service rendered in, or the character of separation from, the Armed Forces may have a bearing will be fully explained to each member at each time the articles of the Uniform Code of Military Justice (UCMJ) are explained, pursuant to article 137 thereof. The fact that this explanation has been given will be recorded on page 11 of the member's service record book as part of the entry required for recording the explanation of articles of the UCMJ. Failure on the part of the member to receive or to understand such explanation may be considered by an administrative discharge board and by a discharge authority, along with all other factors in the case, in determining whether or not a discharge is appropriate, and if so, the type and character of discharge to be awarded. However, in no event shall the failure of the member to receive or to understand such explanation be considered a defense in an administrative discharge proceeding or a bar thereto.

b. Separation Counseling. The purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records will be explained at the time the notice of intent is given any member, whether or not he/she is under military control, being discharged with other than an honorable discharge. The contents of subparagraphs 6001.6, 6001.7, 6001.8, and 6001.9 may be used for this purpose.

4. As used in this chapter, the term "continental United States" means the United States, except Alaska and Hawaii, unless otherwise indicated.

5. As used within this chapter, the following definitions will apply:

a. Discharge. Complete severance from all military status.

b. Release from Active Duty. Termination of active duty status and transfer or reversion to a Reserve component not on active duty.

c. Separation. A general term which includes discharge and release from active duty. This definition is broader than the definition of the word "separation" used in Marine Corps Manual, subparagraph 1900.1a.

d. Administrative Separation. Discharge or release from active duty upon expiration of enlistment, period of induction, or other required period of service, or prior thereto, in the manner prescribed herein, by law, by the Secretary of Defense, or by the Secretary of the Navy, but specifically exluding punitive separation by the sentence of a general or special court-martial.

e. Military Record. A Marine's military record comprises all incidents and events of his/her behavior while in military service, including his/her general comportment and performance of duty, and reflects the character of the service he/she has rendered while a member of an armed service. The military record is not limited to entries in the Marine's service record book, or other specific service documents, but includes all available information pertaining to the Marine while a member of an armed service.

f. Prior Enlistment or Period of Service. Service in any component of the Armed Forces, including the Coast Guard, which culminated in the issuance of a discharge certificate, certificate of service, or report attesting to the type and character of service rendered during that period.

g. Administrative Discharge Board. A board appointed to render findings based on the facts of a case, to recommend a respondent's retention in or separation from the service, and if separation is recommended, to further recommend the reason therefor, and the type of separation or discharge certificate to be furnished.

h. Discharge Authority. An official who is, under the provisions of this chapter, authorized to take final action with respect to specified types of administrative discharges. Whenever a discharge authority is designated in this chapter, either the official so designated, or his/her temporary successor in command, is authorized to act as a discharge authority. As used in this connection, the phrase "Marine general officers in command" contemplates those Marine commanders in the chain of command between the respondent and the Commandant of the Marine Corps.

i. Respondent. A member who has been notified, as prescribed in this chapter, that action has been initiated to separate him/her under a provision of this chapter.

j. Counsel. A lawyer within the meaning of UCMJ, article 27(b)(1), unless the officer empowered to convene an administrative discharge board having jurisdication over the member's case (or in cases involving proceedings to vacate a suspended administrative discharge, the officer exercising special court-martial jurisdiction over the respondent), certifies in the permanent record the nonavailability of a lawyer so qualified, and sets forth the qualifications of the substituted nonlawyer counsel and the reasons for the nonavailability of lawyer counsel. See also paragraphs 6023, 6024, and 6025.

k. Member. An enlisted or inducted man or an enlisted woman of the Marine Corps or Reserve component thereof.

l. Minority Group. A segment of the population that possesses common traits that are transmissable by descent or common characteristics and a cultural heritage significantly different from that of the general population. Such groups include, but are not limited to Negroes, American Indians, Mexican Americans, Puerto Ricans, Eskimos, Aleuts, Asian Americans and Spanish-Surnamed Americans.

m. Convening Authority. The officer who orders the convening of, or who is empowered to order the convening of, the administrative discharge board which initially hears, or (in the event the respondent's case is not actually presented to a board) which would initially hear the respondent's case.

n. General Basis for Administrative Discharge

(1) There are 10 general bases for administrative discharge, as specifically set forth in subparagraphs 6002.2a through 6002.2j.

(2) In increasing order of favorability to a member, the general bases for administrative discharge which may be utilized by a discharge authority pursuant to the provisions of subparagraphs 6002.18 and 6024.9b(3) are as follows:

(a) Misconduct, security, or request for discharge for the good of the service.

(b) Unsuitability.

(c) Convenience of the Government.

o. Specific Basis for Administrative Discharge. The specific basis for an administrative discharge is the particular reason for a discharge set forth in this chapter by a subparagraph under the paragraph prescribing the general basis for a discharge. For example, "misconduct" is considered to be a general basis for discharge under other than honorable conditions, while "an established pattern for shirking" would constitute the specific basis for such discharge.

6. The Navy Discharge Review Board (NDRB), consisting of five members, was established pursuant to 10 U.S.C. 1553 in order to review, on its own motion; or upon the request of any former member of the Navy or Marine Corps; or in the case of a deceased member or former member of the Navy or Marine Corps, upon the request of his/her surviving spouse, next of kin, or legal representative, or if incompetent by his/her guardian; the type and nature of final discharges in order to determine whether or not, under reasonable standards of naval law and discipline, the type and nature of the discharge should be changed, corrected, or modified, and if so, to decide what modification should be made. The board may also issue a new discharge in accord with the facts presented to it.

a. The NDRB may review all final separations from the naval service, irrespective of the manner evidenced or brought about, except a discharge awarded by a general court-martial, or a discharge executed more than 15 years before date of review application. Such review is based on all available records of the Department of the Navy pertaining to the former member, and such evidence as may be presented or obtained by the board.

b. The NDRB has no authority to revoke any discharge; nor to reinstate any person in the military service subsequent to discharge; nor to recall any person to active duty; nor to waive prior disqualifying discharges to permit enlistment in the naval service or any other branch of the Armed Forces; nor to cancel enlistment contracts; nor to change, correct nor modify any document other than the discharge document; nor to change the reason for discharge from or to physical disability; nor to determine eligiblity for veterans' benefits. The board may, at its discretion, record a recommendation for reenlistment as part of its decision in any case; however, such recommendation is not binding upon the Commandant of the Marine Corps nor upon the Secretary of the Navy.

c. Review by the board of the type and nature of a discharge is subject to review only by the Secretary of the Navy. Unless otherwise authorized by the Secretary of the Navy after final adjudication, further proceedings before the board are permitted only upon the basis of newly discovered relevant evidence not previously considered by the board, and then only upon the recommendation of the board and approval of the Secretary of the Navy.

d. Relevant and material facts germane to the former member concerned found by a general or special court-martial, or by a court of inquiry or board of investigation where the former member was in the status of a defendant or an interested party, as approved by the reviewing authorities, shall be accepted by the board as established facts in the absence of manifest error or unusual circumstances clearly justifying a different conclusion. Relevant and material facts stated in a specification to which the former member concerned pleaded guilty before a general or special court-martial, or where, upon being confronted by such a specification, the former member elected to request discharge for the good of the service, shall be accepted by the board as established facts in the absence of manifest error or unusual circumstances clearly justifying a different conclusion, or unless the former member shall show to the board's satisfaction, or it shall otherwise appear, that arbitrary or coercive action was taken against him/her at the time, which action was not apparent to the reviewing authority from the face of the record.

e. The evidence before the board which may be considered in connection with a particular discharge document will normally be restricted to that which is relevant and material to the former member's particular term of Marine Corps service terminated by that discharge document, or to the former member's character, conduct, physical condition, or other material matter as revealed at the time of his/her entry into that particular term of Marine Corps service or during that term of Marine Corps service, or at the time of his/her separation.

f. In order to warrant a change, correction, or modification of the original document evidencing separation from the Marine Corps, the former member concerned must show to the satisfaction of the board, or it must otherwise satisfactorily appear, that the original document was improperly or inequitably issued under standards of naval law and discipline existing at the time of the former member's original separation, or under such standards differing therefrom in the former member's favor which subsequent to his/her separation, were made expressly retroactive to separations of the type and character had by the former member.

7. The Board for Correction of Naval Records, consisting of not less than three members, was established pursuant to 10 U.S.C. 1552, and considers all applications properly before it for the purpose of determining the existence of an error or an unjustice, and to make appropriate recommendations to the Secretary of the Navy. Application may be made by the member or former member, or such other persons as the board determines to be competent for such purpose. The Board for Correction of Naval Records, unlike the NDRB, may review discharges awarded by a general court-martial. Other types of cases reviewed by this board include, but are not limited to, those involving requests for physical disability retirement; the cancellation of a physical disability discharge, and substituting, in lieu thereof, retirement for disability; and increase in the percentage of physical disability; the removal of derogatory material from an official record; the review of nonjudical punishment; and the restoration of rank, grade, or rating. Also, this board will review the case of a person who is in a Reserve component and who contends that his/her release from active duty should have been honorable, rather than under honorable conditions.

a. The law requires that application be filed with the Board for Correction of Naval Records within 3 years of the date of the discovery of the error or injustice. However, the board is authorized to excuse the fact that the application was filed at a later date if it finds it to be in the interest of justice to consider the application. The board is empowered to deny an application without a hearing if it determines that there is insufficient evidence to indicate the existence of probable material error or injustice to the respondent.

b. No application will be considered by this board until the applicant has exhausted all other effective administrative remedies afforded him/her by existing law or regulations, and such other legal remedies as the board shall determine are practical and appropriately available to the applicant.

c. An application to the board for the correction of a record shall not operate as a stay of any proceedings being taken with respect to the person involved.

d. The board will consider the applicant's case on the basis of all the material before it, including but not limited to, the application for correction filed by the applicant, any documentary evidence filed in support of such applications, any brief submitted by or in behalf of the applicant, and all available pertinent records in the Department of the Navy. The applicant's service record is but one of the records which may be considered by the board.

e. In cases other than denied applications, the record of proceedings of the board will be forwarded to the Secretary of the Navy who will direct such action as he determines to be appropriate.

8. In connection with review of executed discharges by both the NDRB and the Board for Correction of Naval Records, there is no law or regulation which provides that an unfavorable discharge may be changed to a more favorable discharge solely because of the expiration of a period of time after discharge during which the respondent's behavior has been exemplary. To permit relief, an error or injustice must be found to have existed during the period of the enlistment in question and the respondent's good conduct after discharge, in and of itself, is not sufficient to warrant changing an unfavorable discharge to a more favorable type of discharge.

9. Applications for review and explanatory matter may be obtained by writing the Board for Correction of Naval Records, or the Navy Discharge Review Board, as appropriate, Department of the Navy, Washington, D. C. 20370.

10. Current administrative regulations and procedures governing the NDRB are contained in NAVEXOS P-70. Current procedures of the Board for Correction of Naval Records are contained in NAVEXOS P-473.

6002. TYPES AND REASONS FOR DISCHARGE OR RELEASE FROM ACTIVE DUTY

1. The five types of discharge, with corresponding character of separation, are as follows (the first three types of discharge are administrative and the fourth and fifth types of discharge are punitive):

Types of Discharge	Character of Separation	Given by
Honorable discharge	Honorable	Administrative action
General discharge	Under honorable conditions	-do-
Discharge Under Other Than Honorable Conditions	Conditions other than honorable	-do-
Bad conduct discharge	-do-	General or special court-martial
Dishonorable discharge	Dishonorable	General court-martial

2. There are 10 general bases for discharge; the first nine are the general bases for administrative discharge or release from active duty:

a. Expiration of Enlistment or Fulfillment of Service Obligation, as Applicable. Discharge with an honorable or a general discharge, or release from active duty, as warranted by the member's military record. See paragraph 6009.

b. Convenience of the Government. Discharge with an honorable or a general discharge, or release from active duty, as warranted by the member's military record, for any of the reasons enumerated in paragraph 6012.

c. Dependency or Hardship. Discharge with an honorable or general discharge, or release from active duty, as warranted by the member's military record, in accordance with the provisions of paragraph 6014.

d. Minority. Discharge with an honorable or general discharge, as warranted by the member's military record, or release by voidance of contract, upon a determination that the Marine's age was misrepresented upon enlistment or induction, in accordance with the provisions of paragraph 6015.

e. Disability. Discharge with an honorable or general discharge, as warranted by the member's military record, when the member has been determined to be unfit by reason of physical disability to perform the duties of his/her office, rank, grade or rating, and is not entitled to retirement under the provisions of Chapter 61, 10 U.S Code. See paragraph 6011.

f. Unsuitability. Discharge for unsuitability, with an honorable or general discharge, as warranted by the member's military record. See paragraph 6016.

g. Misconduct. Discharge by reason of misconduct, with a discharge under other than honorable conditions, unless the circumstances in a given case warrant a general or honorable discharge. See paragraph 6017 and 6018.

h. Request for Discharge for the Good of the Service. Discharge by reason of request for discharge for the good of the service, with a discharge under other than honorable conditions, unless the particular circumstances in a given case warrant a general or honorable discharge, where a member's conduct rendered him/her triable by court-martial for an offense punishable by a punitive discharge, subject to the procedures and safeguards specified elsewhere in this chapter. See paragraph 6021. As used herein, the term triable by court-martial includes alleged offense(s), in violation of the UCMJ, committed under circumstances where a court-martial would have had jurisdiction over both the member and his/her alleged offense(s) at the time such offense(s) was allegedly committed. Acceptance of a request for discharge for the good of the service and a resultant discharge based thereon does not require that a case be perfected against a member. Nor is it required that the discharge authority have available to him/her legally admissible evidence sufficient to judicially establish the member's guilt of the alleged offense(s) beyond a reasonable doubt. An offense(s) shall not be considered to be "not triable" because, before a court-martial, the member would have available to him/her one or more motions in bar of trial. See MCM, (Rev.), 1969, paragraph 68.

i. Security. Discharge, under conditions and procedures stipulated by the Secretary of Defense when retention is not clearly consistent with the interests of national security. See paragraph 6020 and the current edition of SECNAVINST 5521.6.

j. Sentence of a Court-Martial. Discharge with a finally approved, unsuspended bad conduct discharge or dishonorable discharge adjudged by sentence of a court-martial. See paragraph 6019.

3. In determining if a member should retain his/her current military status, or be administratively separated, his/her entire military record, including records of nonjudicial punishment imposed during a prior enlistment or period of service, all records of convictions by courts-martial, and any other factors which are material and relevant, may be evaluated. Acquittals, charges which have been preferred and dropped, etc., will not ordinarily be considered (see subparagraph 6005.5b). Commanding officers, investigating officers, administrative discharge boards, discharge authorities, and other agencies charged with making recommendations or determinations as to a member's retention or administrative separation will consider records of nonjudical punishment imposed during a prior enlistment or prior period of service only if such records of punishment have under the particular circumstances of the case, a direct and strong probative value in determining whether retention or administrative separation is appropriate.

a. The use of nonjudical punishment records imposed during a prior enlistment or a prior period of service shall ordinarily be limited to those involving patterns of conduct which become manifest only over an extended period of time.

b. When a member has been awarded nonjudicial punishment during his/her current enlistment or current period of service, isolated incidents and events which gave rise to the nonjudicial punishment and which are remote in time or which have little or no probative value in determining whether retention or administrative separation should be effected, shall not be considered in making the determination to retain or separate the member.

c. If a decision is made that a member should be administratively separated, the provisions of paragraph 6002 will apply for determining the type of discharge. It is of paramount importance to recognize that the decision to retain or discharge a member must be made before any decision can be reached as to the type of discharge which may be appropriate.

4. Regardless of the basis for a discharge, or the time when the act(s) or omission(s) occurred upon which the discharge is based, the type and character of the discharge certificate or report issued upon a member's administrative separation will be determined solely by the member's military record during his/her current enlistment or period of service, plus any lawful extensions thereof. The following shall not be considered in determining the type and character of the discharge certificate or report of separation to be issued, even though these factors may influence the decision to discharge the member.

a. Activities which have occurred during any of the member's periods of service prior to his/her current enlistment or current period of service or any lawful extensions thereof, including, but not limited to; records of conviction by court-martial, records of nonjudical punishment, records of absence without leave, or the commission of other offenses for which punishment was not imposed: or

b. Activities which have occurred prior to the member's entry into any period of service, excepting deliberate material misrepresentations, including the omission or concealment of facts which, if known at the time thereof, would have reasonably been expected to have precluded, postponed, or otherwise affected the member's eligibility for enlistment or induction. See the current edition of MCO P1100.74, Military Personnel Procurement Manual, Volume 4, Enlisted Procurement. See current edition of SECNAVINST 1900.9, or revisions thereof, and paragraphs 6017 and 6018 concerning preservice homosexual acts or tendencies.

5. A discharge authority, or higher authority, may suspend the execution of any approved administrative discharge, in accordance with paragraph 6026 except a discharge by reason of fraudulent enlistment, in order to afford a deserving member a specified probationary period of sufficient length to demonstrate his/her successful rehabilitation.

6. The Manual of the Medical Department, article 15-48, requires a thorough physical examination by a medical officer prior to discharge in the case of every enlisted member on active duty not discharged or retired for physical disability. See Manual of the Medical Department, article 16-13, and paragraph 7006 for instructions pertaining to the physical examination of members whose discharges are approved and who are confined by civilian authorities.

7. Where higher authority directs discharge of a member by reason of expiration of enlistment, convenience of the Government, dependency or hardship, minority, disability, or unsuitability, and such authority does not specify the type of discharge or character of separation, the commander effecting the discharge will determine the type of discharge as honorable or general, based on the military record of the Marine, in accordance with the applicable provisions of this chapter.

8. Any information coming to the attention of a command which is of the nature described below shall be reported immediately to the nearest component of Naval Intelligence, with a copy to the Commandant of the Marine Corps (Code JA). In the case of commands remote from any local Naval Intelligence component, communication should be made directly to the Office of Naval Intelligence, Naval Investigative Service, Washington, D.C. (see SECNAVINST 5500.27, or revisions thereof):

a. Members discharged with or because of an abnormal mental condition which, in the opinion of competent medical authority, is deemed to constitute a threat to the safety of others.

b. Members discharged for reasons of security, disability, unsuitability, misconduct, or by reason of request for discharge for the good of the service, and who meet one or more of the following criteria:

(1) Evidence of emotional instability, or irrational or suicidal behavior;

(2) Expressions of strong or violent anti-United States sentiment;

(3) Previous arrests, convictions, conduct, or statements, indicating a propensity for violence and antipathy toward good order in Government.

9. Commanders who recommend the administrative discharge of any member where the authority to authorize or direct discharge therefor is reserved to the Commandant of the Marine Corps, or Secretary of the Navy shall forward such recommendation to the Commandant of the Marine Corps together with all available information sufficient to permit the Commandant of the Marine Corps or, the Secretary of the Navy, to authorize or direct the member's retention, his/her retention on probation, or his/her discharge. Should the recommended discharge be based upon an investigative report, other than a Naval Investigative Service (NIS) investigative report, the original investigative report, or a certified true copy thereof, will be forwarded as a supporting document. If the recommended discharge is based upon an NIS report, an identifying reference thereto shall be contained in the recommendation for discharge.

10. When a commanding officer desires that a respondent be retained in the service and civil restraint (including probationary reporting) exists, civil authorities will be requested to terminate or suspend such restraint for the duration of the respondent's enlistment or induction.

a. This action will be taken or caused to be taken by the respondent's commanding officer who recommends his/her retention. Where such action has not been taken previously, the discharge authority directing the respondent's retention will take or cause such action to be taken.

b. In the event that civil authorities refuse to terminate or suspend the respondent's civil restraint, and persist in such refusal even after appropriate liaison with such civil authorities has been effected, the following action will be taken by discharge authorities other than the Commandant of the Marine Corps or the Secretary of the Navy:

(1) Where the discharge authority determines that the civil restraint will or may materially interfere with the respondent's military duties, or in cases where the discharge authority desires that such determination be made by the Commandant of the Marine Corps, the entire case, including all relevant documents and the recommendation will be submitted to the Commandant of the Marine Corps (Code MMSR) for final decision in the member's case.

(2) Where the local discharge authority determines that the civil restraint will clearly not materially interfere with the respondent's military duties, the respondent may be retained and neither the case nor a report thereof need be forwarded to the Commandant of the Marine Corps, except as may be required by paragraph 6005 or 6016.

11. The submission of a request by a member for a discharge for the good of the service, or for the convenience of the Government, or for dependency or hardship shall in no case prevent or preclude a discharge authority from disapproving such request, or holding it in abeyance and referring the member to an administrative discharge board, or to a court-martial, or from taking any appropriate punitive, nonjudicial, or administrative action in the member's case.

12. Pursuant to the provisions of this chapter, the appropriate discharge authority for the administrative discharge of members because of the procurement of a fraudulent enlistment, induction, or period of active service through any deliberate material misrepresentation or concealment of preservice homosexual act(s) or tendencies (subparagraph 6017.3b(6)), sexual perversion (subparagraph 6017.2a), or homosexual or other aberrant sexual tendencies (subparagraph 6016.1g), is the Commandant of the Marine Corps. In transmitting cases of this nature to the Commandant of the Marine Corps for disposition, the forwarding endorsements will, in addition to the other matters required by this chapter, contain:

a. Complete identification of all persons involved with, or implicated in, the member's act(s), omissions, conduct, or tendencies, and

b. Where all military members involved are under the command of the reporting commander, or of the commanders in the chain of command forwarding the report, the report or the endorsements thereto shall contain a statement of the action taken or contemplated with regard to all Marines involved, and a recommendation as to whether the execution of a discharge should be delayed in any particular Marine' case pending the processing of other Marines involved. Where Marines from other commands are implicated, the Commandant of the Marine Corps will assume cognizance of these other Marines and will direct action to accomplish the processing of these cases.

13. A recommendation for administrative discharge may be made and forwarded, and a member may be administratively discharged, notwithstanding the fact that the member may be in a disciplinary status; i.e., whether under investigation, under pretrial restraint, pending trial by a court-martial or civil court, pending the imposition of nonjudicial punishment, serving a sentence imposed by a court-martial or civil court, performing nonjudicial punishment, or in a probationary status as a result of the suspension of unexecuted portion of any nonjudicial punishment or sentence by court-martial which has been approved and ordered executed, or unless he/she is to be discharged with an honorable discharge when he/she is under the suspended sentence of a court-martial. The discharge authority will take, or request appropriate authority to take, action to remit any portion of the sentence which will remain unexecuted at the time of the member's administrative discharge. See MCM, (Rev.), 1969, subparagraph 97a; JAG Manual, section 0122; U.S. v. Green, 10 USCMA 561, 28 CMR 127; and U.S. v. Speller, 8 USCMA 363, 24 CMR 173.

14. In order to prevent difficulties which may otherwise arise when a recommended administrative discharge is not approved and disciplinary action is subsequently taken against the member, the action or decision to forward a recommendation for an administrative discharge, or to authorize or direct the execution of an administrative discharge, or to authorize or direct the execution of an administrative discharge when a member is in a disciplinary status, including the preliminary determination to adminstratively discharge a member rather than to try him/her by court-martial, should be taken or made in such a manner that the commander does not thereby become an accuser within the meaning of UCMJ, article 1(9).

15. Except as otherwise provided in this chapter, the discharge authority may authorize or direct a Marine's administrative discharge:

a. Even though the Marine withdraws or repudiates an admission or confession to the alleged act(s) or ommission(s) upon which, wholly or in part, the discharge is based, and even though the confession is the sole or primary evidence upon which the discharge is based; or

b. Even though a Marine withdraws a previously submitted request for discharge for the good of the service (see subparagraph 6021.4); or

c. Even though the discharge is based solely or in part upon a final conviction(s) by civil authorities (see subparagraph 6017.3c); or

d. Even though the discharge is based solely or in part upon a finally approved nonjudicial punishment(s) (for example, nonjudical punishment(s) may be imposed for acts or omissions falling within the purview of such subparagraphs as 6012.2b and 2c, 6016.1c, 6016.1e and 6016.1f, 6017.2a through 6017.2f, and 6021.1); or

e. Even though the discharge is based solely or in part upon a final convictions(s) by court-martial (see paragraph 6005.5a); or

f. Even though the discharge is based solely or in part upon act(s) or omission(s) for which the member was tried and acquitted by court-martial or civil court (see subparagraph 6005.5b); or

g. Even though the member is in a probationary status as a result of the suspension of a previously approved administrative discharge (see subparagraphs 6026.4 and 6026.8); or

h. In lieu of trial by court-martial or the imposition of nonjudicial punishment, or despite the existence of pending but untried charges by civil authorities (see subparagraph 6002.13).

16. Marines who have been granted access to Special Intelligence Information will not be administratively discharged under the provisions of paragraph 6017 or discharged with a punitive discharge pursuant to the sentence of a court-martial, without the permission of the Commandant of the Marine Corps. In these cases, the Commandant of the Marine Corps (Code MMSR) will be advised of the commander's intention to discharge the member, the basis for the contemplated discharge, and the character of the contemplated discharge. Upon receipt of this information, the Commandant will provide appropriate instructions. The provisions of this subparagraph do not affect the authority of appropriate reviewing authorities of courts-martial to approve and order executed an administrative discharge. However, the actual execution of such discharges will not be effected without approval from the Commandant of the Marine Corps.

17. Where a commanding officer or officer in charge recommends that a member be administratively discharged for any reason, or makes a report of the member's misconduct pursuant to the provisions of paragraph 6017, the recommendation or report will include all the evidence available to such officer relating to the existence or possible existence of a physical disability or mental infirmity (including character and behavior disorders) on the part of the member concerned. This is essential to permit the appropriate discharge authority to evaluate such evidence, along with all the other relevant factors present in the case, in order to determine:

a. If the discharge should be that recommended or should be a discharge based upon the physical disability or mental infirmity and/or;

b. The extenuating or mitigating effect of the physical disability or mental infirmity on the member's acts or omissions upon which the recommendation for discharge is based. See paragraphs 6011, 6016, 7006 and chapter 10.

18. Subject to the other provisions of this chapter, and except where an administrative discharge board has considered a member's case and made recommendations with regard thereto, the appropriate discharge authority may disapprove any recommendations made by lower authority or authorities as to the member's retention in the service or discharge therefrom, and as to the type and character of discharge recommended, or the general and/or specific basis therefor. For example, where a commanding officer makes a report of a member's misconduct pursuant to paragraph 6016 but recommends the member's retention in the service, and the member has waived all his/her rights with respect thereto, the discharge authority may disapprove the commanding officer's recommendation for retention in the service, and direct the member's discharge with a discharge under other than honorable conditions. See subparagraphs 6001.5o, 6017 and 6018.

19. In any case where the convening authority of an administrative discharge board, or a discharge authority, considers that there is a question as to the proper or appropriate disposition of a particular case, the matter may be referred to the CMC (Code MMSR) or, for reservists not on active duty, Commandant of the Marine Corps (Code RES) for instructions or disposition.

20. Unless directed by higher authority, a recruit administratively discharged prior to completion of recruit training under any provision of this chapter other than those specified in paragraphs 6017 or 6021 will be awarded an honorable discharge. A recruit discharged within the provisions of paragraph 6017 will be accorded a discharge which reflects the nature of military service rendered.

21. Notification given parents, spouses, or guardians of members who are to be discharged prior to expiration of their enlistment will be in accordance with MCO P1070.12C, IRAM, paragraph 4013.3u and paragraph 7027 of this Manual.

6003. HONORABLE DISCHARGE

1. An honorable discharge is a separation from the service with honor.

a. Issuance of an honorable discharge is contingent upon proper military behavior and performance of duty. In determining the character of a Marine's discharge, a commander will presume that an honorable discharge is warranted unless clearly demonstrated otherwise by the member's service record. The conduct and proficiency markings will form the basis for determining a Marine's character of service. In formulating the decision, the commanding officer will give due consideration to the Marine's age, length of service, grade, general aptitude, and meritorious material contained in the service record. A Marine will not be denied an honorable discharge solely by reason of a specific number of convictions by courts-martial or punishments under UCMJ, Article 15, during his/her current enlistment or period of obligated service, including voluntary or involuntary extensions thereof. Such convictions will be, nevertheless, considered and weighed in relation to all other relevant aspects of the Marine's behavior and performance of duty. Further considerations are detailed by subparagraphs 6002.2, 6002.17, 6003.1c, 6003.2 through 6003.5 and 6024.9. When the commanding officer has determined that a Marine is ineligible for an honorable discharge upon normal expiration of enlistment, the commanding officer will personally inform the Marine concerned of his/her decision and the reason(s) for awarding other than an honorable discharge. An entry to this effect will be placed on page 11 of the service record book and signed by the Marine.

b. Marines serving in the grade of corporal or below whose average conduct mark is 4.0 or higher and average proficiency mark is 3.0 or higher should normally be awarded an honorable discharge if they are eligible for discharge in accordance with subparagraphs 6003.1e(1) through 6003.1e(6) below.

c. For Marines serving as sergeant and above, the character of discharge will be based on an evaluation of the quality of the member's performance and behavior during the entire period of current enlistment.

d. Commands transferring Marines to CONUS for discharge upon expiration of enlistment will specify the type of discharge to be awarded in the transfer orders.

e. A Marine may be eligible for an honorable discharge for one of the following reasons:

(1) Expiration of enlistment or fulfillment of service obligation, as applicable.

(2) Convenience of the Government.

(3) Dependency or hardship.

(4) Minority.

(5) Disability.

(6) Unsuitability

(7) Eligibility for a discharge under other than honorable conditions under any of the applicable provisions of this chapter, with a determination by the discharge authority, or higher authority, that the Marine should be discharged with an honorable discharge, as warranted by the Marine's military record.

2. A Marine who has been awarded one of the following listed decorations during his/her current enlistment, period of obligated service, or any extension thereof, if otherwise ineligible, may be awarded an honorable discharge: Medal of Honor; Navy Cross; Distinguished Service Medal; Silver Star Medal; Legion of Merit; Distinguished Flying Cross; Navy and Marine Corps Medal; Bronze Star Medal; Navy Commendation Medal; Gold Life Saving Medal; Silver Life Saving Medal; or any decoration of the other Armed Forces of the United States comparable to the decorations listed above. Each case will be determined on the basis of the Marine's entire military record.

3. A member who is discharged by reason of physical disability incurred in line of duty, if otherwise eligible, may be given an honorable discharge. Each case will be determined on the basis of the Marine's entire military record.

4. When doubt exists in a particular case as to whether an honorable or general discharge is appropriate, a full report of the circumstances, with appropriate recommendations from the Marine's commander, may be forwarded to the Commandant of the Marine Corps (Code MMSR) for determination.

5. In those cases where a Marine may be issued either an honorable or general discharge upon expiration of enlistment or release from active duty and the Marine's commanding officer, officer in charge, or higher authority, is of the opinion that the Marine concerned should be issued a type of discharge different from that indicated by his/her conduct and duty proficiency markings, as set forth in subparagraphs 6003.1b or 6004.1a, a full report of the circumstances, with appropriate recommendations, shall be forwarded for decision to the proper discharge authority, to wit: the Commandant of the Marine Corps (Code MMSR) or the Marine commander exercising general court-martial jurisdication over the Marine. These exceptional cases are limited to those wherein an honorable discharge is recommended in lieu of a general discharge, or a general discharge is recommended in lieu of an honorable discharge. When a Marine is to be transferred prior to effecting this discharge, these recommendations should be made prior to the Marine's transfer. A copy of the commanding officer's initial recommendations, together with the decision of the Marine commander exercising general court-martial jurisdiction over the Marine prior to his/her transfer, or a copy of the recommendations forwarded to the Commandant of the Marine Corps (Code MMSR), will be forwarded to the activity to which the Marine is to be transferred and at which his/her discharge will be effected.

6004. GENERAL DISCHARGE

1. A general discharge is a separation from the service under honorable conditions. Issuance of a general discharge is conditioned upon:

a. A military record which under the provisions of this chapter is not sufficiently meritorious to warrant an honorable discharge (see subparagraphs 6003.1a and 6003.1b).

b. Eligibility for discharge by virtue of one of the reasons listed in subparagraphs 6003.1c(1) through 6003.1c(6), or eligibility for a discharge under other than honorable conditions, under any of the applicable provisions of this chapter, with a determination by the discharge authority or higher authority that the Marine should be discharged with a general discharge, as warranted by the Marine's military record.

2. A Marine who has been awarded one of the decorations listed in subparagraph 6003.2 during his/her current enlistment, period of obligated service, or any extension thereof, where otherwise ineligible therefor may be awarded a general discharge under honorable conditions.

3. In the case of a corporal or below, when a Marine is being considered for discharge with a general discharge because his/her military record is not considered sufficiently meritorious to warrant an honorable discharge because of average conduct marks below those set forth in subparagraph 6003.1b, such marks should be clearly supported by entries on pages 11, 12, or 13, of the Marine's service record book. When such marks are not supported, or where the provisions of subparagraph 6003.1 or 6003.3 are applicable, consideration should be given to awarding the Marine an honorable discharge.

4. When doubt exists in a particular case as to whether an honorable or general discharge is appropriate, the provisions of subparagraph 6003.4 apply.

5. Where a Marine may be issued either an honorable or general discharge upon expiration of enlistment or release from active duty, and the Marine's commanding officer, officer in charge, or higher authority is of the opinion that the Marine concerned should be issued a type of discharge different from that indicated by his/her conduct and duty proficiency markings, as set forth in subparagraph 6003.1b or 6004.1a, the provisions of subparagraph 6003.5 apply.

6005. DISCHARGE UNDER OTHER THAN HONORABLE CONDITIONS

1. A discharge under other than honorable conditions is an administrative separation from the service under conditions other than honorable. A discharge under other than honorable conditions may be issued for any of the following reasons:

a. Security.

b. Misconduct.

c. Request for discharge for the good of the service.

2. Except as provided in subparagraph 6005.3, a Marine shall not be administratively discharged under conditions other than honorable unless:

a. He/she is afforded the right to present his/her case before an administrative discharge board with the advice and assistance of counsel, and

b. Such discharge is supported by approved findings of an administrative discharge board, and by an approved recommendation of an administrative discharge board for discharge under other than honorable conditions.

3. When appropriate, a discharge under other than honorable conditions may be issued without action by an administrative discharge board in any of the following cases:

a. The Marine is beyond military control by reason of unauthorized absence and either

(1) Prosecution for the unauthorized absence is barred by the UCMJ, article 43, and, after considering extenuating, mitigating, and aggravating factors in the case, the discharge authority determines that the best interest of the naval service would be served by discharge of the Marine, or

(2) Prosecution for the unauthorized absence is not barred by UCMJ, Article 43, and the Secretary of the Navy determines that discharge would serve the national interests. (Note: See subparagraph 6023.2b for prescribed procedures.) Separation of members of the Marine Corps Reserve is subject to 10 U.S.C. 1163.

4. In any case in which discharge under other than honorable conditions is authorized by the provisions of this chapter, a Marine may, nevertheless, be awarded an honorable or general discharge if:

a. During his/her current enlistment or period of obligated service, or any voluntary or involuntary extension thereof, or during any prior period of service, he/she has been awarded one or more of the personal decorations listed in subparagraph 6003.2, or

b. Such action is otherwise warranted by the particular circumstances of the Marine's case, as determined by the discharge authority, or higher authority. Whenever a Marine's commanding officer or officer in charge considers that a member should be discharged administratively, but that the discharge authority, or higher authority, should give consideration to a discharge more favorable than the discharge under other than honorable conditions which could be awarded under the circumstances, the commanding officer or officer in charge may make such recommendation to the discharge authority. This recommendation will include any alternate recommended general basis for the discharge (i.e., other than reason of security, misconduct, or the Marine's request for discharge for the good of the service); any alternate recommended specific basis for the discharge (i.e., financial irresponsibility in lieu of an established pattern showing dishonorable failure to pay just debts); and the alternate character of the discharge (i.e., an honorable or general discharge), together with a full development of the commanding officer's or officer in charge's reasons for making such recommendation.

5. A discharge under other than honorable conditions will not be based solely upon:

a. An offense or offenses which have been tried by court-martial, irrespective of acquittal or conviction (see subparagraph 6005.5b), unless such discharge is with the express approval of the Secretary of the Navy. Cases within this category will be submitted to the Commandant of the Marine Corps (Code JAM) for submission to the Secretary of the Navy. However, this provision is not applicable and the Secretary's approval is not required, if the discharge under conditions other than honorable is based upon the member's overall conduct record, even though such record may include one or more trials by court-martial. Where the discharge authority is in doubt as to the applicability of the provisions of this subparagraph, the entire case may be submitted to the Commandant of the Marine Corps (Code JAM) for advice or disposition.

b. Acts or omissions for which the Marine has been previously tried by court-martial or by civil court resulting in acquittal or action having the effect thereof, except where such acquittal or equivalent disposition is based on a legal technicality not going to the merits. Legal technicalities not going to the merits of a case include but are not limited to the following: mistrials; motions to bar trial or dismiss charges which are granted because of the running of the statute of limitations, former punishment, former jeopardy, lack of speedy trial, withdrawal of charges or nolle prosequi before jeopardy attaches, failure of the charges to allege an offense, pardon (as an act of executive clemency), constructive condonation of desertion, or lack of jurisdiction; and motions for appropriate relief (MCM, Rev.), 1969 par. 69) and equivalent motions made in civil court resulting in the termination of proceedings before the attachment of jeopardy.

c. Where charges are dismissed because of a promise or grant of immunity, (MCM (Rev.) 1969, subparagraph 68h) such action will be considered, for the purpose of this chapter, as a legan technicality not going to the merits only when the promise or grant, by its terms, specifically excludes administrative discharge proceedings from within the scope of its immunity.

d. Acquittals or equivalent dispositions do not include those cases tried by civil court wherein local law, custom or, procedure permit charges to be dismissed or expunged from civil records after the payment of a fine, the successful completion of jail or penitentiary sentences, or the successful completion of periods of probation. See subparagraph 6017.3c(3).

6. When a commander or higher authority is considering the case of a Marine of the grade of sergeant or above for discharge with discharge under other than honorable conditions, he/she may, where he/she considers it to be appropriate, request from the Commandant of the Marine Corps (Code MSRB-10) copies of the Marine's fitness reports, and any other pertinent information which may be related to the reasons for discharge, or the type of discharge to be issued.

7. In the case of a recommendation for discharge under other than honorable conditions wherein the Marine waives all of his/her rights; the discharge authority may nevertheless disapprove the waiver and refer the case to an administrative discharge board, directing that the Marine be accorded his/her applicable rights thereat; or he/she may direct the Marine's retention; or he/she may direct the Marine's discharge by reason of security or misconduct, specifying the type of discharge certificate to be issued. See paragraph 6021 for the various actions which may be taken by the discharge authority upon a request for discharge for the good of the service.

8. When final action has been taken on any report of misconduct, or upon any request for discharge for the good of the service (paragraphs 6017 and 6021), the discharge authority will forward all papers, or copies thereof, pertaining to the case to the Commandant of the Marine Corps (Code JAM) for review.

6006. BAD CONDUCT DISCHARGE. A bad conduct discharge is a punitive separation from the service under conditions other than honorable. It may be effected only as a result of the approved sentence of a general or special court-martial.

6007. DISHONORABLE DISCHARGE. A dishonorable discharge is a punitive separation from the service under dishonorable conditions. It may be effected only as a result of the approved sentence of a general court-martial.

6008. TABLE OF MATTERS RELATING TO DISCHARGES OR RELEASES FROM ACTIVE DUTY

1. Matter relating to discharges or releases from active duty is furnished as a ready reference by the table contained in figure 6-1. The entries in the table are to be considered as a guide only. Pertinent reference should be consulted for detailed instructions and exceptions under certain conditions.

REASON FOR DISCHARGE	AUTHORITY	CONDITIONS AFFECTING THE TYPE AND CHARACTER OF DISCHARGE	CHARACTER OF DISCHARGE	DD FORM	MILEAGE (a)	TRANS-PORTA-TION IN KIND (a)	ISSUE CIVILIAN CLOTHING (b)	CASH ALLOW-ANCE (c)	RETAIN AND WEAR UNIFORM HOME (d)	REENLIST-MENT BONUS RECOUPMENT (e)
Expiration of Enlistment or Fulfillment of Service Obligation as Applicable	Par. 6009 or 8002	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No
Convenience of the Government	Par. 6012	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No(f)
Dependency or Hardship	Par. 6014	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No
Minority	Par. 6015	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No
Disability	Par. 6011	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No(g)
Unsuitability	Par. 6016	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	Yes	No	No	No
Misconduct	Par. 6017	Par. 6002 6003 6004 6005	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	Yes	No	No	Yes
			or Under Other Than Honorable Conditions	DD 794-MC	Yes	Yes	Yes	Yes	No	Yes
Request for Discharge for the Good of The Service	Par. 6021	Par. 6002 6003 6004 6005	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	Yes	No	No	Yes
			or Under Other Than Honorable Conditions	DD 794-MC	Yes	Yes	Yes	Yes	No	Yes
Security	Par. 6020	Par. 6002 6003 6004 6005	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	Yes	No	No	Yes
			or Under Other Than Honorable Conditions	DD 794-MC	Yes	Yes	Yes	Yes	No	Yes
Sentence of Court-Martial	Par. 6019	Par. 6002 6006 6007	Bad Conduct or Dishonorable	DD 259-MC DD 260-MC	No	Yes	Yes	Yes	No	Yes

(a) See paragraph 7004; Joint Travel Regulations; and Navy Travel Instructions.
(b) See paragraph 7008.
(c) See paragraph 7010 and DOD Military Pay and Allowances Entitlements Manual.
(d) See paragraph 7017.
(e) See DOD Military Pay and Allowances Entitlements Manual.
(f) Unless directed by CMC or unless marriage or pregnancy is the basis in the case of a woman Marine.
(g) Unless disability resulted from misconduct or willful neglect or was incurrent during a period of unauthorized absence.

Figure 6-1.--Table of Matters Relating to Discharges or Releases from Active Duty.

6009. DISCHARGE FOR EXPIRATION OF ENLISTMENT OR FULFILLMENT OF SERVICE OBLIGATION

1. Commanders are authorized to discharge enlisted Marines upon normal date of expiration of enlistment, extension of enlistment, or period of induction. When the normal separation date, or separation date established by higher authority falls on a Saturday, Sunday, or holiday, separation may be effected on the last preceding working day, provided the Marine concerned consents in writing. The normal date of expiration of enlistment for any enlistment is the date of the month immediately preceding the appropriate anniversary of the date of enlistment as adjusted for the purpose of making up any time lost from the enlistment, extension of enlistment or period of induction.

2. Discharge of enlisted reservists for reason of fulfillment of service obligation will be accomplished in accordance with the provisions of chapter 8. Paragraph 8002 will be cited as the authority for discharge.

3. Marines who elect to reenlist within 90 days prior to their normal expiration of active service are afforded the same benefits as though they were discharged at their normal EAS except as stated in the current edition of MCO 7220.24 and bulletins in the 7220 series regarding reenlistment bonuses. Reason for discharge will be expiration of enlistment.

4. Those Marines who are assigned an RE-4 reenlistment code will be discharged from the U. S. Marine Corps in lieu of being released from active duty and transferred to the Marine Corps Reserve (Class III). This subparagraph will be cited as the authority for discharge.

6010. DISCHARGES AT SEA. Discharges will not be executed while an enlisted Marine is attached to a Marine detachment afloat, except for the purpose of immediate reenlistment, or accepting an officer appointment.

6011. DISCHARGE FOR PHYSICAL DISABILITY

1. The Commandant of the Marine Corps, and commanders specifically authorized by paragraph 10404 and/or separate directive, may direct or effect discharge for physical disability.

2. Discharge by reason of physical disability is given only as a result of a Marine's appearance before a medical or physical evaluation board. The purpose of these boards are as follows:

a. Medical Board. A medical board is convened to examine a Marine when doubt exists concerning his/her state of health (see paragraph 10102).

b. Physical Evaluation Board. A physical evaluation board is constituted for the purpose of determining whether a Marine is unfit to perform the duties of his/her grade by reason of physical disability which was either incurred in or aggravated by a period of active military service (see paragraph 10103).

3. Marines who are recommended for discharge by a medical board based on physical disability not incurred in or aggravated by service may be discharged provided all the conditions specified in the current edition of BUMEDINST 1910.2 are met (see paragraph 10404).

4. Marines who are referred to a physical evaluation board based on a physical disability should not be discharged until the processing has been completed by the Secretary of the Navy and an appropriate directive reflecting such action is issued by the Commandant of the Marine Corps. An untimely separation of a member who is undergoing physical evaluation board proceedings may prejudice his/her case because the law requires that the Secretary of the Navy make necessary physical disability determinations while the Marine is entitled to receive basic pay (see paragraph 10108).

6012. DISCHARGE OR RELEASE FROM ACTIVE DUTY FOR CONVENIENCE OF THE GOVERNMENT

1. The Secretary of the Navy, or the Commandant of the Marine Corps, may authorize or direct the discharge or release from active duty of a Marine for the convenience of the Government for any one of the following reasons:

a. General demobilization, reduction in authorized strength of the Marine Corps or Marine Corps Reserve, or by an order applicable to all members of a class of personnel specified in the order.

b. To accept a commission or appointment in the Marine Corps, Marine Corps Reserve, or in another branch of the Armed Forces, or upon acceptance into a program leading to a commission or appointment in any branch of the Armed Forces other than the Marine Corps, for active duty only.

c. Pregnancy (see paragraph 6012.3b below, for administrative procedures).

d. For reasons of national health, safety, or interest, only when recommended by a Government agency authorized to make such determination and recommendation. Cases of this nature will not normally come to the attention of individual commanders, however, when they do, a prompt report thereof, containing all information, shall be made to the Commandant of the Marine Corps (Code MMSR) or to the Commandant of the Marine Corps (Code RES) for reservists not on active duty.

e. By reason of erroneous induction, or by erroneous enlistment or extension of enlistment. Any case coming to a commander's attention which purports to be of this nature shall be investigated, and a complete report shall be made promptly to the Commandant of the Marine Corps (Code MMSR) or Commandant of the Marine Corps(Code RES) for reservists not on active duty.

f. For other good and sufficient reasons not elsewhere listed in this chapter which are specified and published by the Secretary of the Navy. Those currently specified are as follows:

(1) For the purpose of holding public office, as set forth in subparagraph 5002.11.

(2) Obesity, provided a medical board certifies that the individual's condition is due to pathological factors or other similar causes apparently beyond the control of the member (see current editions of BUMEDINST 1910.2 and MCO 6100.3).

(3) Repeated below average or unsatisfactory markings or unfavorable remarks on enlisted fitness reports.

(4) Substandard personal behavior which reflects discredit upon the service or adversely affects the member's performance of duty, including but not limited to:

(a) A history of repeated minor disciplinary infractions, so as to present an administrative burden to the command.

(b) Repeated overindulgence in alcoholic beverages, even though such overindulgence does not exist to a degree which would permit a medical officer to diagnose the member as an alcoholic.

NOTE: See subparagraph 6012.5 concerning expeditious discharge.

(5) In case of reservist, on inactive duty, who as a result of an annual, quadrennial or any other official physical examination, is determined by the Chief, Bureau of Medicine and Surgery, to be not physically qualified for retention in the Marine Corps Reserve; provided the reservist does not demand a hearing before a physical evaluation board; or in case of a reservist on inactive duty whose physical qualification status is pending further information or examination and the reservist fails to submit to further physical examinations so as to prevent final determination of the reservist's physical qualification for retention in the Marine Corps Reserve.

(6) Upon the individual Marine's written request, where there is a demonstrated dependency or hardship, even though such dependency or hardship does not meet the criteria specified in paragraph 6014.

(7) Upon the concurrence of the Chief, Bureau of Medicine and Surgery, that a Marine is suffering from a condition not considered a physical disability and the command has determined that such condition has interfered with his/her performance of duty. Also, in a case where a reservist, on inactive duty, refuses to undergo corrective surgery required by Chief, Bureau of Medicine and Surgery.

(8) When, as determined by a medical officer or his/her commanding officer, a Marine is allergic to clothing material or cannot be fitted with appropriate uniform clothing or provided with appropriate bedding.

(9) As a result of action taken with respect to the decisions or recommendations of the Naval Clemency Board, a Marine Corps Selection and Review Board, or a Marine Corps Enlisted Performance Board or other similar board.

(10) When the Marine suffers from motion/travel sickness, as listed in the International Classification of Diseases (see current edition of BUMEDINST 1910.2).

(11) Upon the individual Marine's request when a Marine becomes a "regular or duly ordained minister of religion," as defined in subparagraph 8012.2.

(12) Upon determination by a medical officer that a member of the Marine Corps Reserve whether or not on active duty, as a member of any of the various Marine Corps officer candidate, officer training, or officer procurement programs, is not physically qualified for appointment as an officer in the naval service, provided the Marine's physical disqualification does not entitle the member to disability retirement or disability discharge under the provisions of paragraphs 10401 and 10402 of chapter 10.

(13) Upon the written request of a Marine enrolled in any of the Marine Corps Officer Candidate programs, including the U. S. Naval Academy, to be disenrolled from such program; or when a member of any of the Marine Corps Officer Candidate programs including the U. S. Naval Academy, is disenrolled from or fails to satisfactorily meet any of the requirements for completion of the officer candidate program in which he/she is enrolled, provided the Marine is not considered qualified for enlisted status.

(14) Where a member of the Marine Corps Reserve (Component Code K4 or K5), on inactive duty, becomes disqualified for enlistment in the Regular Marine Corps.

(15) Where a Marine is properly inducted, enlisted or reenlisted, but is erroneously given a higher grade than that to which he/she is entitled under applicable Marine Corps directives.

(16) Where a Marine is properly inducted, enlisted, or reenlisted, but, because of subsequent increased height, cannot be assigned duties appropriate to his/her office, rank, grade, or rating.

(17) Where a Marine is erroneously delivered a punitive discharge before review of the adjudged punitive discharge is final and, as a result of final review, the punitive discharge is set aside, suspended, or remitted.

(18) At the individual Marine's written request, to permit the member to take final vows in a religious order.

(19) As a result of the issuance of writ of habeas corpus wherein it has been determined that the Marine's retention in the naval service is illegal.

(20) In the case of a member of the Marine Corps Reserve on inactive duty who fails to comply with a request for physical examination or to submit additional information in connection therewith.

(21) At the individual Marine's written request, when it has been verified that he/she has twice failed of selection for promotion to the rank of staff sergeant. Approval of request for discharge under this provision will be based upon the needs of the service. Marines discharged under this provision may not be serving in an area where dependents are not authorized and must acknowledge in their request that all unearned portions of any reenlistment bonuses will be recouped.

(22) At the individual Marine's written request, when it has been verified that he/she has been reduced in grade from staff noncommissioned officer to sergeant or below. Approval of request for discharge under the provision will be based upon the needs of the service. Marines discharged under this provision must acknowledge in their request that all unearned portions of any reenlistment bonuses will be recouped.

g. When directed by the Secretary of the Navy.

h. For immediate reenlistment when the Marine has more than 3 months remaining to serve on his/her enlistment. See MCO P1040.31A paragraph 3006.3a.

i. At the individual Marine's written request, to permit transfer, in an active duty status, to the Hospital Corps of the Navy.

j. Inability to perform prescribed duties, repetitive absenteeism or nonavailability for worldwide assignment as a result of parenthood.

2. Commanding generals of the Marine Corps recruit depots may authorize or direct the administrative separation of recruits with an honorable discharge for the convenience of the Government in accordance with the following instructions. Recruits so discharged will be assigned an RE-3F reenlistment code.

a. When it is determined that a recruit was enlisted or inducted into the Marine Corps pursuant to at least one of the below listed conditions, the recruit may be administratively discharged due to erroneous enlistment or induction. The authority cited for the separation of a recruit pursuant to this subparagraph will be subparagraph 6012.1e.

(1) Upon receipt of a medical board which establishes the fact that the recruit failed to meet the required physical standards when accepted for enlistment or induction (see current edition of BUMEDINST 1910.2).

(2) Upon enlistment the recruit concealed the fact he/she has dependents other than spouse. See subparagraph 6017.3b(5).

(3) Upon enlistment the recruit concealed a juvenile or youthful offender record. See subparagraph 6017.3b(2).

(4) When it is determined that the recruit did not meet prescribed educational standards at the time of enlistment.

(5) If the recruit is an enlistee who concealed preservice drug use or who answered yes to item 37c, DD Form 1966, but was nevertheless enlisted.

(6) Concealment of preservice sale, use, possession or other illicit involvement with drugs. In cases where there is insufficient basis for processing a recruit for separation by reason of misconduct, pursuant to paragraph 6017, for fraudulent enlistment, based on concealment of preservice drug abuse, the recruit may be processed pursuant to this subparagraph, if applicable. See subparagraph 6017.3b(7), which indicates that a Marine who concealed preservice drug use by

answering "no" to item number 37c, DD Form 1966, and who is considered unfit for retention, shall be processed for separation by reason of misconduct for fraudulent enlistment.

(7) When the recruit, upon enlistment, was advised by an agent of the U. S. Government to complete an enlistment contract or a DD Form 1966 improperly. Separation pursuant to this subparagraph will not be premised solely upon the unsupported assertions of the individual whose discharge is being contemplated. See paragraph 7024 concerning the possible voidance of such enlistments.

(8) When it is determined that a woman recruit was pregnant at the time of enlistment or assignment to active duty.

b. When it is determined a recruit unmistakably demonstrates a lack of potential to satisfactorily complete recruit training and who meets all of the criteria listed below, the recruit may be administratively separated from the Marine Corps. This subparagraph will be cited as the authority for such a separation.

(1) Is not undergoing medical treatment and/or physical disability processing;

(2) Is not undergoing punishment under the UCMJ or awaiting disposition of charges under the UCMJ;

(3) Has clearly demonstrated that he/she cannot or will not meet acceptable standards for recruit training due to poor attitude, lack of motivation, lack of self-discipline, inability to adapt socially or emotionally, or lack of potential;

(4) Has been counseled concerning the deficiencies causing his/her unsatisfactory or marginal performance;

(5) Has been provided the opportunity to submit a statement to the discharge authority for consideration in rebuttal of the recommendation for discharge;

(6) Does not meet the criteria for administrative discharge delineated elsewhere in this Manual. See subparagraphs 6012.2a above and 6016.1.

3. Commanders shall discharge for the convenience of the Government (in the case of overseas commands, commanders will transfer for discharge to a major command within the continental United States housing women Marines):

a. A married enlisted woman at her written request provided she is not stationed at or sufficiently close to the duty station or residence of her husband to permit the maintenance of a joint residence and provided she meets all applicable conditions set forth below:

(1) A transfer request to the same or nearby duty station or place of residence of her husband has been submitted by the enlisted woman to the Commandant of the Marine Corps (Code MM) and the request has been denied.

(2) The separation of husband and wife has exceeded 18 months or if one of the members is serving overseas, the shortest "all others" tour as specified in current edition of MCO 1300.8.

(3) The enlisted woman is not serving on an extension of enlistment or reenlistment entered into subsequent to marriage.

(4) The enlisted woman has completed 24 months' service following completion of a service school if length of course was over 20 weeks.

b. A woman Marine, upon her written application, when it is determined that such woman is pregnant (see figure 5-2, Eligibility for Maternity Care). If as a result of a spontaneous or therapeutic abortion, or a stillbirth, the woman's pregnancy is terminated prior to her separation from the service, she will be

retained in the service, if she is determined to be physically qualified for retention. An enlisted woman whose pregnancy has been certified by a medical officer must apply in writing for either discharge or continuation on active duty in accordance with the current MCO 5000.12. In the event such woman Marine neither requests discharge nor applies for continuation, her commanding officer will submit a detailed report to the Commandant of the Marine Corps (Code MMSR or RESP, for reservists not on active duty) enclosing substantiating documentation and requesting disposition.

4. Administrative separation under the provisions of subparagraphs 6012.1f(3) and 6012.1f(4) will not normally be initiated until the Marine concerned has been given a reasonable opportunity to overcome his/her deficiencies. When it is determined by a commander that a Marine may come within the purview of these specific categories, the Marine shall be notified of his/her deficiencies, and he/she shall be counseled concerning them. A summary of all counseling measures taken in compliance with this subparagraph shall be recorded on page 11 of the Marine's service record book. If no improvement is forthcoming within a reasonable time, the Marine should then be recommended for the appropriate type of administrative discharge to the Commandant of the Marine Corps (Code MMSR) or Commandant of the Marine Corps (Code RES) for reservists not on active duty in accordance with subparagraphs 6001.9 and 6012.1f. Failure on the part of a Marine to receive or understand the counseling prescribed herein may be considered by the Secretary of the Navy or the Commandant of the Marine Corps along with all other factors in the case, in determining whether or not a discharge is appropriate, and if so, the type and character of the discharge to be awarded. However, in no event shall the failure of the Marine to receive or understand such counseling be considered a defense in an administrative discharge proceeding, or a bar thereto.

5. Expeditious Discharge. Officers exercising special court-martial jurisdiction are authorized to direct the discharge, with an honorable or general discharge, for convenience of the Government, Marines under the purview of this subparagraph. The provisions of this subparagraph are not intended to be a cureall for normal personnel problems or a relief from the professional obligation of commanding officers to exercise leadership. Every Marine who has graduated from recruit training has the potential to become a good Marine. Commanding officers will exert every effort to develop that potential. Further, it is contrary to the intent of this subparagraph for commanders to make arbitrary or capricious use of the authority contained herein or to force the separation of Marines who possess the potential to be rehabilitated. In addition, the provisions of the subparagraph will not be used as a substitute for more appropriate administrative action under other provisions of paragraph 6012 or under paragraphs 6015, 6016, or 6017 of this Manual, or in lieu of processing through medical channels because of physical or mental defects, or in lieu of appropriate disciplinary action.

a. Marines discharged under the authority of paragraph 6012.5 must meet all of the following criteria:

(1) On their initial enlistment with at least 180 days, but not more than 36 months, continuous active service.

(2) Not obligated for additional service as a result of formal training.

(3) Lance corporal or below.

(4) Not undergoing medical treatment and/or physical disability processing.

(5) Not undergoing punishment under the UCMJ or awaiting disposition of charges under the UCMJ.

(6) Have clearly demonstrated that they cannot or will not meet acceptable standards because of poor attitude, lack of motivation, lack of self-discipline, inability to adapt socially or emotionally to service requirements, or have failed to demonstrate promotion potential.

b. Commanding officers will identify and screen Marines who may be eligible for discharge under this paragraph based on personal observation and the service record of the member. The record must include at least two conduct and proficiency marking periods of at least 2 months each.

c. The Marine will be notified in writing by the commanding officer that he/she is to be referred for discharge, the reasons for the discharge recommendation and the possible effect of the discharge. The official notification will be in the form of the letter at figure 6-2.

(1) The Marine notified of referral for discharge will indicate an understanding of rights by completion of the endorsement contained in figure 6-3.

(2) The Marine will be given an opportunity to confer with a judge advocate for an explanation of rights within 48 hours of notification, and will be advised that it would be to his/her advantage to confer with counsel prior to making a statement or indicating his/her desire not to make a statement.

d. If the Marine indicates in writing that he/she will accept a discharge under the provisions of this paragraph, the commanding officer will forward the completed letter and the Marine's endorsement with the Marine's service record and any other supporting documentation to the officer exercising special court-martial jurisdiction over the Marine for final decision.

e. If the Marine recommended for discharge by the commanding officer objects to such discharge and submits a statement in rebuttal, such statement will be forwarded with all the documentation described in subparagraph 6012.5d above by the officer exercising special court-martial jurisdiction over the Marine to the officer exercising general court-martial jurisdiction for final decision.

f. Marines discharged pursuant to the provisions of this paragraph will be assigned an RE-3C reenlistment code. An appropriate entry regarding the assignment of this code will be made on page 11 of the Marine's service record. The entry will then be signed by the Marine. At the time of execution of the appropriate page 11 entry, the Marine will be advised that he may apply for reenlistment two years from the date of discharge.

g. When discharge action is complete, all documents to include the notification letter, acknowledgement endorsement and final decision of the special court-martial or general court-martial convening authority, as appropriate, will be permanently filed in the service record of the Marine. When discharge under the provisions of this paragraph is not approved, all documents to include the notification letter, acknowledgement endorsement and decision of the special court-martial or general court-martial convening authority, as appropriate, will be retained with the Marine's service record until he/she is otherwise discharged.

6. The commanding officer of the first Marine Corps activity to which a Marine reports upon returning to the continental United States (CONUS) for reassignment is authorized and directed to separate him/her as soon as practicable provided the Marine meets the following criteria. This paragraph and the current edition of MCO 1900.2, shall be cited as authority.

a. Criteria

(1) His/her enlistment (including any extension thereof) or period of extended active duty will expire 120 days or less after the date of his/her arrival in CONUS.

(2) He/she consents in writing as outlined in subparagraph 6012.6d, below.

(3) He/she is not indebted to the Government.

(4) He/she does not intend to reenlist.

(5) Personnel who are transferring to the Fleet Marine Corps Reserve are not to be separated early under the provisions of this program.

b. Military Obligation. Separation should be consistent with the military obligation of the Marine. In this connection enlisted Marines whose total obligated service as defined in MCO P1001R.1D, MCRAMM, par. 3000.1, will expire within a 60-day period may be discharged rather than released to inactive duty and their obligation shall be considered fulfilled. Marines desiring to reenlist immediately will not be separated under the authority delegated in subparagraph 6012.6.

c. Separation Prior to Arrival in CONUS. A Marine who is entitled to and elects transportation to an area outside CONUS may be separated overseas provided he/she meets the criteria of subparagraph 7001.3 and;

(1) He/she would be eligible for release from active duty or discharge under the provisions of subparagraph 6012.6, based on his/her scheduled date of arrival in CONUS and consents to such separation in writing as outlined in subparagraph 6012.6d, below.

(2) It is determined to be more economical to the Government.

Overseas commanders having Marines returning to CONUS for reassignment who meet the above criteria will so advise the Commandant of the Marine Corps (Code MMEA) by message at least 10 days prior to their scheduled date of departure so that appropriate orders may be issued.

d. Member's Consent. The following statement of consent will be entered on page 11 of the service record book and signed by the Marine concerned:

"I hereby consent to be (discharged)(detached for release from active duty) on _____ in lieu of my normal date of (expiration of enlistment)(detachment for release from active duty) on _____. I understand that entitlement to pay and allowances and credit for active Federal service ceases on the actual date of my separation from active service."

(1) In the event that the Marine does not consent to early separation he/she will be discharged or released, as appropriate, upon normal expiration of obligated active service.

(2) Refer to paragraph 7002.5 for information concerning the effective date of separation of reservists assigned to active duty.

e. Recoupment of Reenlistment Bonus. Recoupment of reenlistment bonus will not be made from Marines separated under subparagraph 6012.6.

f. Recall Status. In the event of future recall, Marines separated early in accordance with subparagraph 6012.6 will be considered in the same status as those who have completed their enlistment or periods of extended active duty.

g. Good Conduct Medal. Marines consenting to early discharge or release to inactive duty in accordance with subparagraph 6012.6, shall be granted a waiver not to exceed the actual number of days that the early release is effected, provided they are otherwise eligible for this award. The provisions of this subparagraph will not apply for special early release programs promulgated by Headquarters Marine Corps.

7. Discharge for the convenience of the Government to provide for early separation of members under various authorized programs and circumstances not included herein shall be processed and effected in accordance with separate directives pertaining specifically to these categories of separation.

a. Discharge of Marines qualifying as sole surviving sons. (See current edition of MCO 1300.11.)

b. Processing requests for discharge based on conscientious objection (see current edition of MCO 1306.16).

6013. NOT USED

6014. DISCHARGE FOR DEPENDENCY OR HARDSHIP

1. The Commandant of the Marine Corps and all commanders exercising general court-martial authority may authorize and direct the discharge of enlisted Marines for dependency or hardship. Application from Marines who have been granted temporary additional duty with a unit for the purpose of applying for a hardship discharge will be forwarded to the Commandant of the Marine Corps (Code MMSR-3) for consideration.

2. Enlisted Marines who desire to request discharge for dependency or hardship reasons shall be informed of these regulations and of the proper procedures for application. It should be clearly explained to each applicant that submission of a request is no assurance that discharge will be authorized. Each request of this nature that is received shall be carefully and sympathetically considered and decided on its individual merits. Subparagraph 6002.13 pertains to a Marine in a disciplinary status submitting an application for discharge by reason of dependency or hardship.

3. Undue hardship does not exist solely because of altered present or expected income or because the Marine is separated from family or must suffer the inconveniences normally incident to military service. Discharge by reason of hardship or dependency will not be authorized:

a. For personal convenience alone.

b. When the Marine requires medical treatment.

c. Solely by reason of the pregnancy of the Marine's wife.

4. Discharge will not be disapproved solely because:

a. The Marine's services are needed in his/her organization, or

b. He/she is indebted to the Government or to an individual.

5. Discharge for hardship or dependency will be warranted and may be authorized and directed when all the following conditions are met:

a. Undue and genuine dependency or hardship exists.

b. Dependency or hardship is not of a temporary nature.

c. The Marine has made every reasonable effort to relieve the hardship by means of application for dependents allowance and voluntary contributions which have proven inadequate.

d. Conditions have arisen or have been aggravated to an exessive degree since entry into the Marine Corps or entry on current tour of extended active duty. An example of a meritorious case is one in which the evidence shows that, as a result of the death or disability of a member of the Marine's family, his/her discharge is necessary for the support or care of a member or members of the family.

e. Discharge will result in the elimination of, or will materially alleviate the condition, and there are no means of alleviation readily available other than by such discharge.

6. After explaining the regulation to an applicant, he/she will be permitted to submit a written application for discharge for dependency or hardship. Consideration and assistance will be given in the preparation of the request. Requests must be accompanied by at least two affidavits substantiating the dependency or hardship claim. Where practicable, one such affidavit should be from the dependent or family member concerned. The request should contain the following additional information:

a. Reason for request.

b. Complete home address of dependent and applicant.

c. Names and addresses of persons familiar with the situation.

d. Statement as to marital status and date of marriage.

e. Financial obligations; specific amounts and methods of contributions to dependent.

f. Names, ages, occupations, and monthly incomes of members of the Marine's family, if any; where applicable income will include monetary benefits derived as the result of being beneficiary to a life insurance policy whether payment was made in lump-sum settlement or on a monthly basis, and the reasons why these members cannot provide the necessary care or support of the individual's family; and a statement that no members of the family have been omitted. Income, as used herein, will include wages, compensation of any type, social security benefits, interest and rental income from property and all other sources. If the request is based on financial conditions of specific members of the family, a statement of both monthly income and expenses of such members, and a statement of their assets and liabilities will be included. Assets will include a listing of all property, securities, and funds owned, except clothing and household furnishings.

g. If dependency or hardship is the result of death of a member of the Marine's family,occurring after his/her entrance into the service, a certificate or other valid proof of death should be furnished. If dependency or hardship is the result of disability of a member of the Marine's family, occurring after the Marine's entrance into the service, a physician's certificate should be furnished showing specifically when such disability occurred, the nature thereof, and probable duration.

7. The immediate commander will forward such application by endorsement, including:

a. A definite recommendation.

b. A statement regarding service obligation.

c. Status of any disciplinary action pending.

d. Effective date, amount and purpose of all allotments. If the applicant claims to be making cash contributions, he/she shall be required to produce substantiating evidence, such as money order receipts,etc.

8. The Marine's commander who exercises special court-martial jurisdiction over the Marine will appoint a board, consisting of not less than three members, before whom the Marine will appear. This board shall consist entirely of military personnel. It will be the responsibility of the board to study and evaluate all available information, interview the Marine, and make recommendations concerning the ultimate disposition of the case. The report of a board will include a brief summary of any factors considered in arriving at its recommendations which are not apparent in the application. The authority contained herein to appoint a board may be limited by higher authority when such action is deemed desirable; e.g., when one board may conveniently consider all cases in a larger command.

9. Upon receipt of a written request for discharge from the Marine concerned, together with the supporting evidence outlined in subparagraph 6014.6 above, the discharge authority will take the following action:

a. Carefully review the basis on which the request is made.

b. Where specific supplemental information is needed to make a proper determination in the case, request such supplemental information from the American Red Cross pertaining to the application for discharge of a Marine for hardship. Such requests will be restricted to those cases where specific supplemental information is needed to make a proper determination. If the member's request for discharge is disapproved after receipt of the American Red Cross report, include such report when forwarding the case to Commandant of the Marine Corps (Code MMSR).

c. If the case has not previously been considered by a board, appoint a board to consider the case as outlined in subparagraph 6014.8.

d. If the Marine's discharge is considered warranted, take final action on the application, regardless of the recommendations of the board. If the member is discharged, his/her application for discharge and all supporting papers will be forwarded with his/her closed out service records and health records to the Commandant of the Marine Corps (Code MSRB-20).

e. If the Marine's discharge is not considered warranted, forward his/her application for discharge with all supporting documents, together with a synopsis of the proceedings and recommendations of the local review board, to the Commandant of the Marine Corps (Code MSRB-20) for file in the member's official case. The commander authorized to take final action in the disapproval cases will officially inform the member in writing and include the specific reason or reasons for such disapproval. Some statement expressing sympathy and/or providing advice for the Marine to help alleviate the problem should be included. While such responses will not lessen the disappointment, neither will they cause or increase an attitude of negativism, or frustration. Cases submitted to the Commandant of the Marine Corps (Code MMSR-3) or (Code RES for reservists not on active duty) for decision will include the same rationale in reply as those cases where a disapproval of discharge is directed.

f. If at any time prior to final action, the Marine indicates a desire to withdraw his/her application for discharge or indicates a desire not to be discharged even though his/her application is not formally withdrawn, the cognizant command will obtain a signed statement from the Marine to that effect. Such statement will be included with the Marine's application for discharge when forwarded to the Commandant of the Marine Corps (Code MMSR-3) or (Code RES for reservists not on active duty). An entry will be made on page 11 of the member's service record book showing that he/she signed such a statement.

10. In effecting separations under this authority, the procedures set forth below will be followed:

a. If the Marine to be separated has a home of record in the continental United States:

(1) Commands located in the United States will effect the separation locally.

(2) Commands located outside the United States will transfer the Marine concerned to the nearest Marine Corps activity in the United States for separation.

b. If the Marine to be separated is entitled to and elects transportation to a point outside the United States upon separation, he/she will be transferred to the Marine Corps activity nearest the point to which transportation is authorized.

11. Any information concerning the private affairs of Marines or their families shall be treated as confidential, and shall not be disclosed to persons other than in connection with their official duties, nor will the source of such information be disclosed.

6015. DISCHARGE BY REASON OF MINORITY

1. The statutory (Title 10, U. S. Code, section 505) and administrative minimum age for enlistment in the Marine Corps and Marine Corps Reserve, for both men and women, is 17 years.

2. In any case when it appears, or is alleged, that a Marine has not yet attained the statutory minimum age for enlistment, a report of all known facts will be made immediately to the Commandant of the Marine Corps (Code MSRB-10). A Marine who has not attained the statutory minimum age for enlistment must be released from military control by voidance of his/her enlistment contract, even though the enlistment was effected with the consent of his/her custodial parents or legal guardians. Voiding of enlistments will be effected only by the Commandant of the Marine Corps. (See paragraph 7024.)

3. In addition to the above, any apparent or alleged discrepancy in a Marine's age as shown on his/her enlistment contract will be investigated by the commanding officer to ascertain the facts. Similar action will be taken when the validity of the parental or guardian consent to enlisted is questioned. In cases involving the possible discharge by reason of minority, a report will be submitted to the appropriate discharge authority. The report will include the evidence prescribed in subparagraph 6015.8 below; a definite recommendation as to the desirability of the Marine's retention in the service; the parent's/guardian's application for the Marine's release, if submitted; and a statement from the Marine himself/herself, if, after being advised of his/her rights under UCMJ, Article 31 and as to lawyer counsel, he/she desires to make a statement.

4. Regardless of whether or not the facts of a case provide a basis for the Marine's release from military control by voidance of enlistment or discharge, a Marine's local service records will be corrected, where appropriate, and a complete report of the matter will be made to the Commandant of the Marine Corps (Code MSRB-10).

5. The Commandant of the Marine Corps and all Marine Corps commanders exercising general court-martial authority may authorize or direct the discharge of a Marine by reason of minority, subject to the following conditions:

a. Male or Female Enlisted Members of the Regular Marine Corps and Marine Corps Reserve, Except Inductees

(1) If it is verified that the Marine has passed his/her 17th birthday, but not his/her 18th birthday, at the time the age discrepancy was discovered or alleged, he/she will be discharged, provided he/she was enlisted without the written consent of his/her custodial parents or legal guardians, and provided timely application for his/her release has been made by at least one of his/her custodial parents or legal guardians. For the purpose of this paragraph a timely application will normally be considered to be one submitted to the command, the Commandant of the Marine Corps, or to any other agency of the Department of the Navy within 90 days from the date of the minor's enlistment. This 90-day limitation may be waived by the discharge authority in exceptional cases where the parents or guardian presents reasonable evidence indicating that such parent or guardian had no knowledge of the minor's enlistment and upon gaining such knowledge made expeditious application for his/her discharge. Questionable cases will be referred to the Commandant of the Marine Corps (Code MMSR) for decision.

(2) If it is verified that the Marine had passed his/her 18th birthday when the age discrepancy was discovered or alleged, he/she will be retained, if otherwise qualified, regardless of the failure of his/her custodial parents or legal guardians to have consented to his/her enlistment, and regardless of any application for his/her release made by the custodial parents or legal guardians.

6. Organizations not in the chain of command of a Marine Corps commander exercising general court-martial authority will forward the report required by subparagraph 6015.3 to the Commandant of the Marine Corps (Code MMSR) for disposition.

7. A Marine serving at an overseas command whose release from military control has been directed will normally be transferred to the continental United States, excluding Alaska, for separation. A request from the custodial parent or legal guardian for the Marine to be separated at an overseas command or in Alaska will be referred to the Commandant of the Marine Corps (Code MMSR) for decision.

8. The evidence described below will be acceptable for establishing proof of a minor's age and for the correction of a minor's service records, where appropriate:

a. A certified copy of the Marine's birth certificate showing the date of his/her birth and the date his/her birth was recorded. To be acceptable, the date his/her birth was recorded must have been prior to his/her enlistment.

b. A certified copy of the Marine's baptismal certificate or other church record, showing age or date of birth.

c. A certified extract from a school census record.

d. A certified hospital record of the Marine's birth.

e. A certified census enumeration extract.

Any difference in the Marine's name as shown on the above documents and the name under which he/she enlisted or was inducted must be clarified by public record or affidavits of two disinterested and credible persons testifying from their own knowledge as to his/her identity.

9. Written consent shall be obtained from the custodial parents or legal guardians in all cases of enlistment of minors under 18 years of age. Written consent will also be obtained from the custodial parents or legal guardian in all cases of an extension of enlistment of minors under 18 years of age.

10. The enlistment of a minor with false representation as to age, or without proper consent from his/her parents or legal guardian, will not, in itself, be considered as a fraudulent enlistment.

11. The commander effecting a minority discharge or release from military control will notify the minor's next of kin of the type of separation and, in general terms, the reason for the separation. Care and discretion will be exercised in phrasing the notification so that the reason for separation may not be construed as derogatory to the minor or reflect adversely on his/her character.

12. A member whose enlistment or induction is terminated by reason of minority, including voidance of enlistment, shall not, as a result of such enlistment or induction, be considered to have acquired a period of obligated service under law, nor is service under any enlistment or induction which was so terminated creditable toward the fulfillment of any subsequently acquired service obligation.

6016. DISCHARGE FOR UNSUITABILITY

1. The Commandant of the Marine Corps and all Marine commanders exercising general courts-martial jurisdiction may authorize or direct the retention in the service or discharge of members recommended for discharge by reason of unsuitability,

except that all cases involving homosexual or other aberrant sexual tendencies as the specific basis for the porposed discharge will be referred to the Commandant of the Marine Corps (Code JAD) for disposition. Where there is evidence of homosexual or other aberrant sexual tendencies present in the case, but the local discharge authority determines that the specific basis for the proposed discharge should be one of the bases reflected in subparagraph 6016.1a through 6016.1e or 6016.1g or 6016.1h below, he/she may authorize or direct the member's discharge and is not required to forward the case to the Commandant of the Marine Corps, except for review as provided by subparagraph 6016.4. Except as provided by the foregoing, all recommendations for a Marine's discharge by reason of unsuitability submitted by commanding officers or officers in charge not under the command of a Marine commander exercising general court-martial jurisdiction will be forwarded to the Commandant of the Marine Corps (Code MMSR). Recommendations for unsuitability discharge for members of the Individual Ready Reserve or Standby Reserve will be forwarded to the Commandant of the Marine Corps (Code RESP). A discharge for reason of unsuitability will be effected with an honorable or general discharge, as warranted by the Marine's military record (unless otherwise directed by the Commandant of the Marine Corps) when it has been determined that a Marine is unsuitable for further military service because of:

a. Inaptitude. This provision is applicable to those Marines who are best described as inapt, due to lack of general adaptability, want of readiness or skill, unhandiness, or inability to learn. The permanently convened aptitude boards at the recruit depots and at Marine Corps Bases at Camp Pendleton and Camp Lejeune will conduct proceedings in accordance with instructions provided by the Manual of the Medical Department.

b. Character and Behavior Disorders. As determined by medical authority this provision contemplates those character and behavior disorders and disorders of intelligence listed in Section 5 of the International Classification of Diseases. However, discharges normally should not be effected for combat exhaustion and other acute situational maladjustments, per se, but may be effected for more basic underlying character and behavior disorders of which the transient state is a manifestation.

c. Financial Irresponsibility. This provision contemplates financial irresponsibility on the part of a Marine which clearly demonstrates that he/she is unqualified for retention, even though such financial irresponsibility does not fall within the purview of subparagraph 6017.2e or 6017.2f below.

d. Apathy; Defective Attitudes; Inability to Expend Effort Constructively; Failure to Conform to Weight Standards. As a significant observable defect, apparently beyond the control of the Marine, elsewhere not readily describable; to include cases where persistent failure to meet weight standards is determined to be the result of a lack of self-discipline, apathy, or the excessive voluntary intake of food and/or drink. In these cases, a medical officer must certify that the overweight condition is not a result of a pathological or organic condition. See current edition of MCO 6100.3. In those cases where it has been determined that failure to meet weight standards is the result of a pathological condition, the Marine will be processed under the provisions of paragraph 6012.1f(2) of this Manual.

e. Alcohol Abuse. While neither required nor binding, a diagnosis or evaluation by a medical officer concerning the Marine's alcohol abuse is desirable. A Marine need not be diagnosed alcoholic or be suffering from diagnosed alcoholism to fall within this provision. However, before discharge pursuant to this provision is appropriate, the Marine's record must reflect a failure, either through inability or refusal, to participate in, or cooperate in, or complete an alcohol abuse treatment and rehabilitation program.

f. Homosexual or Other Aberrant Sexual Tendencies. See the current edition of SECNAVINST 1900.9 or revisions thereof, for controlling policy and additional action required in homosexual cases. Homosexual or other aberrant sexual act(s) or conduct, as opposed to tendencies, will ordinarily be considered under the provisions of subparagraph 6017.2a below, rather than under the provisions of this subparagraph.

g. Personal Abuse of Drugs Other Than Alcoholic Beverages. When evidenced by a urinalysis test administered for identification of drug abusers, pursuant to enclosure (6) of MCO 6710.1B, or a member's volunteering for treatment for a drug problem, pursuant to enclosure (4) of MCO 6710.1B, and:

(1) The Marine's record indicates a lack of potential for continued military service, or

(2) The Marine's long-term drug rehabilitation is determined to be necessary, and he/she is transferred to a Veterans' Administration and/or civilian medical facility for such rehabilitation, or

(3) The Marine fails, either through inability or refusal, to participate in, or cooperate in, or complete, a drug abuse treatment and rehabilitation program.

(4) A Marine discharged pursuant to this subparagraph will not be separated with less than an honorable discharge. (Extreme care should be exercised to assure that a Marine is not separated with less than an honorable discharge, based on some separate and distinct reason for discharge, unless it can be clearly demonstrated that evidence of drug use obtained through the identification process described in this subparagraph was not directly or indirectly utilized in establishing such separate and distinct reason.)

h. Unsanitary Habits. The term unsanitary habits includes, but is not limited to the repeated occurrence of venereal disease infections during the Marine's current enlistment or period of service. See the current edition of SECNAVINST 6222.1.

2. Restrictions and guidelines regarding discharge by reason of unsuitability are as follows:

a. Action with a view to discharging a Marine as unsuitable for any of the reasons set forth in subparagraphs 6016.1a through 6016.1e above, will not normally be initiated unless the member has previously been afforded a reasonable opportunity to overcome his/her deficiencies. When it is determined that a member may come within the purview of any of these specific categories, the member shall be notified of his/her deficiencies and he/she shall be counseled concerning them. A brief summary of all counseling given in compliance with this subparagraph shall be recorded on page 11 of the Marine's service record book. If no improvement is forthcoming within a reasonable time, the member should then be processed for the appropriate type of administrative discharge. Failure of a member to receive or understand the counseling prescrived herein may be considered by administrative discharge boards (in the case of a Marine with 8 or more years of active and inactive military service), or by discharge authorities, along with all other factors in the case, in determining whether or not a discharge is appropriate, and if so, the type and character of the discharge to be awarded. However, in no event shall the failure of the Marine to receive or understand such counseling be considered a defense in an administrative discharge proceeding or a bar thereto.

3. The following procedure pertains to cases involving character and behavior disorders:

a. While a medical diagnosis that a Marine is suffering from a character and behavior disorder is essential, within the purview of subparagraph 6016.1b above, it is contemplated that the vast majority of cases in which a Marine is diagnosed as having a character and behavior disorder will be processed in accordance with subparagraph 6016.1b, rather than the current edition of BUMEDINST 1910.2 or revisions thereof. Resolution of the issue of a member's unsuitability for military service, within the purview of paragraph 6016, is a command, not a medical, function and responsibility, although it is expected that medical evidence, evaluation and diagnosis will assist the commander in ultimately resolving such issue. Before a Marine may be discharged within the purview of subparagraph 6016.1b, it is essential, not only that a Marine be suffering from a diagnosed character and

behavior disorder, but that nonmedical evidence establish the member's demonstrated difficulty in adjusting to such a degree as to render the member clearly unsuitable therefor. Where the only evidence of a Marine's unsuitability for military service consists of psychiatric evaluation(s) and diagnosis, regardless of the number thereof, the Marine should normally either be processed in accordance with the current edition ot BUMEDINST 1910.2, or revisions thereof, or he/she should be retained. The proper role of the psychiatrist in cases falling within the purview of subparagraph 6016.1b is, normally upon the request of the Marine's commander, to evaluate the Marine and diagnose, if possible, the underlying reason for the Marine's difficulty in adjusting to military service. When discharge for reason of unsuitability of a reservist who has been assigned to involuntary active duty is contemplated the entire period since his/her assignment to active duty should be considered. If a character and behavior disorder is so diagnosed, and is of such a nature that the Marine should be processed through medical discharge channels, the Marine's case becomes primarily one for medical determination and responsibility. However, if the diagnosed character and behavior disorder is not of such a nature that the Marine should be processed through medical discharge channels, the disposition thereof is a command responsibility.

b. In making any recommendation for discharge within the purview of subparagraph 6016.1b, medical evidence and psychiatric evaluations and diagnoses are to be used by the Marine's commander as an adjunct to and not as a substitute for, primarily nonmedical evidence of the Marine's demonstrated difficulty in adjusting to the demands of military service. Evidence of the Marine's unsuitability for military service obtained from nonmedical sources, including evaluations and observations by the commander and other individuals within the Marine's organization, giving due consideration to the Marine's age, length of service, grade and general aptitude; evidence that leadership, counseling, or other appropriate methods have been utilized without lasting benefit; or evidence that the Marine is a chronic disciplinary problem, will normally be considered by the Marine's commanding officer or officer in charge before he/she refers the Marine to a medical officer, preferably a psychiatrist, for evaluation and possible diagnosis. In this regard, commanding officers and officers in charge shall maintain appropriate liaison, including personal contact with Navy psychiatrists or other medical officers, and will furnish them with the Marine's service record book, if available, and such other relevant and available information including the commander's personal evaluations, observations and comments, and the evaluations and comments of other individuals within the member's organization, pertaining to the Marine's service adjustment, as will assist the medical officer or psychiatrist in making his/her evaluation and possible diagnosis and in determining whether to recommend retention or discharge in accordance with subparagraph 6016.1b, or for discharge through medical board action in accordance with BUMEDINST 1910.2, or revisions thereof. Such information and material will not be transmitted through or by the Marine concerned. Commanding officers and officers in charge should also effect appropriate liaison with Navy psychiatrists or other medical officers in order to review medical reports prepared as a result of the foregoing before such reports are filed in the Marine's medical record.

c. It is not essential that Marines be admitted to the sicklist for diagnosis of character and behavior disorders within the purview of subparagraph 6016.1b. Accordingly, more uncomplicated character and behavior disorders may be duly diagnosed through psychiatric consultations on an outpatient basis or by relatively brief hospitalization and evaluation, with discharge from the hospital by narrative summary, along with the diagnosis and recommendations of the psychiatrist or other medical officer, as appropriate. Commanding officers and officers in charge may then use such consultations and narrative summaries, together with all other available evidence relating to the Marine's suitability for military service, in determining whether or not to recommend the Marine's discharge in accordance with subparagraph 6016.1b.

d. The foregoing provisions of this subparagraph relating to the liaison which should be effected between commanders and Navy psychiatrists or other medical officers, and to the distinction between command and medical responsibility in

cases falling within the purview of paragraph 6016, in specific cases, may also be appropriate in the case of a Marine being considered for administrative discharge for unsuitability by reason of inaptitude; enuresis; apathy, defective attitudes, and inability to expend effort constructively; or alcoholism.

4. In cases where a commander considers a Marine unsuitable for further military service, he/she will refer the case, together with his/her recommendations and all evidence and documents pertaining thereto, to the appropriate discharge authority or convening authority for disposition. At the time of submission of a recommendation for discharge, an entry will be made on page 11 of the Marine's service record book showing this fact and the reasons therefor. If the recommendation for discharge is finally disapproved, an entry to this effect will likewise be recorded on page 11 of the Marine's service record book. Prior to recommending the discharge of a Marine for unsuitability, the commander will investigate or cause the case to be investigated. Where a commander, or higher authority, is considering the case of a Marine of the grade of sergeant or above for discharge by reason of unsuitability, he/she may, where considered appropriate, request from the Commandant of the Marine Corps (Code MSRB-10), copies of the Marine's fitness reports and any other pertinent information which may be related to the reasons for discharge, or the type of discharge to be issued.

a. Where a member with less than 8 years of active and inactive military service is recommended for discharge by reason of unsuitability, the Marine concerned shall be notified in writing of the proposed discharge action and the reason therefor, and he/she shall be afforded an opportunity to make a statement in his/her own behalf, or to decline this opportunity in writing. The commander's recommendation and a complete report containing all the circumstances of the case, together with the Marine's statement, if any, shall be forwarded to the appropriate discharge authority.

b. In all cases involving a recommendation for discharge by reason of unsuitability or misconduct where the Marine concerned has 8 or more years of active and inactive military service, the instructions and procedures set forth in subparagraph 6018.4 through 6018.8, as applicable, and those set forth below, shall govern:

(1) Where such Marine is under military control, he/she has the following rights:

(a) To present his/her case before an administrative discharge board

(b) To be represented by counsel; and,

(c) To waive the above rights, after being afforded an opportunity to consult with counsel.

(2) If a Marine waives the above rights, the discharge authority may nevertheless disapprove the waiver and refer the case to an administrative discharge board, directing that the Marine be accorded his/her applicable rights thereat; or he/she may direct the Marine's retention; or he/she may direct the Marine's discharge by reason of unsuitability, specifying the specific basis therefor and the type of discharge certificate to be issued.

(3) Where the Marine's case is referred to an administrative discharge board, see paragraph 6023.

(4) For the advice to be given a Marine with 8 or more years of active and inactive military service who is recommended for discharge by reason of unsuitability, and for the recording of such advice, see paragraph 6023.

5. When final action has been taken by a discharge authority on a recommendation for discharge by reason of unsuitability for any of the specific basis prescribed in subparagraph 6016.1a through 6016.1d, such discharge authority will forward all

papers, or copies thereof, pertaining to the case to the Commandant of the Marine Corps (Code MSRB-20) for filing in the official record of the member concerned. However, where the specific basis for the discharge is one of the reasons prescribed in subparagraphs 6016.1a through 6016.1d, but there is evidence of homosexual or other aberrant sexual tendencies present in the case, the discharge authority, after completion of his/her final action thereon, will forward the case to the Commandant of the Marine Corps (Code JA) for review.

6017. DISCHARGE BY REASON OF MISCONDUCT

1. The Commandant of the Marine Corps and all Marine commanders exercising general court-martial jurisdiction may authorize or direct the retention in the service or the discharge of Marines by reason of misconduct, except that in any case where the specific basis for the proposed discharge is sexual perversion, or the procurement of a fraudulent enlistment, induction, or period of active service through any deliberate material misrepresentation, or concealment of preservice homosexual act(s) or tendences the case will be referred to the Commandant of the Marine Corps (Code JA) for disposition. However, in the case of recruits, the commanding general of a Marine Corps recruit depot is authorized to take final action on recommendations for discharge based on preservice homosexual act(s) at such time as the information is corroborated with the Naval Investigative Service. The Standard Form 93 shall not be used as a basis for processing a recruit for discharge by reason of fraudulent enlistment. Where there is evidence of sexual perversion present in the case, but the local discharge authority determines that the specific basis for the proposed discharge should be one of the basis reflected in subparagraph 6017.2b, 6017.2c. or 6017.2e, he/she may direct the Marine's discharge and is not required to forward the case to the Commandant except for review, as required by paragraph 6005.8.

2. Except as provided in subparagraph 6017.2d, a commanding officer or officer in charge will recommend a Marine for discharge by reason of misconduct when he/she determines that the Marine's military record includes one or more of the following:

a. Sexual perversion, including, but not limited to:

(1) Lewd and lascivious act(s).

(2) Homosexual act(s). See SECNAVINST 1900.9 or revisions thereof, for controlling policy and additional action required in homosexual cases.

(3) Sodomy. See SECNAVINST 1900.9.

(4) Indecent exposure.

(5) Indecent act(s) with or assault upon a child.

(6) Other indecent act(s) or offense(s).

b. Frequent involvement of a discreditable nature with civil or military authorities. No specific number of acts or omissions are contemplated herein. Each case must be evaluated in light of its own particular facts to determine whether, because of such frequent involvement, the Marine concerned has clearly demonstrated that he/she is unqualified for retention and, if so, whether the character of his/her service has been other than honorable.

c. An established pattern of shirking.

d. Drug Abuse. Illegal, wrongful or improper use, possession, sale, transfer, or introduction on a military installation of any narcotic substance, marijuana, or dangerous drug, when supported by evidence not attributed to a urinalysis administered for identification of drug abusers pursuant to enclosure (6) of MCO 6710.1B, or not attributed to a Marine's volunteering for treatment pursuant

to enclosure (4) of MCO 6710.1B. A Marine who has been tried by court-martial for use and/or possession of marijuana, and all available evidence was considered during the court-martial, need not be recommended for discharge unless he/she is considered unfit for retention. In the latter connection, when the sole basis for the recommendation is the act for which he/she was court-martialed, the Marine will be recommended for separation under honorable conditions. (See also paragraph 6005.5.)

e. An established pattern showing dishonorable failure to pay just debts.

f. An established pattern showing dishonorable failure to contribute adequate support to dependents, or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.

3. The commanding officer or officer in charge shall make a report to the cognizant discharge authority of suspected or apparent misconduct by a Marine for any of the following reasons, and shall include in the report all relevant and material documentary evidence pertaining to the case, and his/her specific recommendation for discharge or for retention in the service of the Marine concerned:

a. When a continuous unauthorized absence of more than 1 year has been established by official records, but the execution of an approved punitive discharge of the member has not been authorized by competent authority. See subparagraph 6005.3a where the member is beyond military control. If the member has returned or been returned to military control, see subparagraphs 6002.13 through 6002.15. (Separation under this provision will not be effected without the approval of the Commandant of the Marine Corps.)

b. Procurement of a fraudulent enlistment, induction or period of active service through any deliberate material misrepresentation, including the omission or concealment of facts which, if known at the time thereof, would have reasonably been expected to have precluded, postponed, or otherwise affected the Marine's eligibility for enlistment or induction. See the current edition of MCO P1100.74, Military Personnel Procurement Manual, Volume 4. The enlistment of a minor with false representation as to age, or without proper consent from his/her parents or legal guardians, will not, by itself, be considered as a fraudulent enlistment. See subparagraph 6015.7. The procurement of a fraudulent enlistment, induction, or period of active service may be based upon, but is not limited to, any deliberate material misrepresentation of or concerning the following:

(1) A police record, or conviction by civil court.

(2) A record as a juvenile delinquent, wayward minor, or youthful offender. See, however, subparagraph 6012.2a(3). Except as otherwise provided in subparagraph 6012.2, and in addition to any other action required by the provisions of this chapter, in a case involving the procurement of a fraudulent enlistment, induction, or period of active service through a deliberate material misrepresentation, as defined herein, involving a record as a juvenile delinquent, wayward minor, or youthful offender, the following action will be taken:

(a) All the relevant facts pertaining to the case will be ascertained by establishing liaison with the civil authorities in order to determine the actual offense(s) committed by the Marine, all the circumstances in the case, and the final disposition by juvenile or youthful offender courts (when permitted by local law) including the actual period of confinement served and whether civil probation exists.

(b) Any other information deemed relevant to an evaluation of the Marine's case will be obtained.

(c) An evaluation of the facts obtained, the Marine's statement, the character of the Marine's military service rendered, and the provisions of subparagraph 6002.3 will be made to determine whether the Marine's discharge or retention should be directed.

(d) If discharge is deemed proper in these cases, it should normally be under honorable conditions, unless the particular circumstances of the case clearly warrant a less favorable type of discharge.

(3) Previous service in any branch of the Armed Forces.

(4) Physical defects.

(5) Marriage or dependents. See subparagraph 6012.2b.

(6) Preservice homosexual act(s) or tendencies. See the current edition of SECNAVINST 1900.9 for controlling policy and additional action required in homosexual cases.

(7) Concealment of preservice use of drugs by providing an untruthful response to enlistment questions regarding pre-service drug use.

c. Conviction by civil authorities (foreign or domestic), or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the UCMJ is death or confinement for 1 year or more; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender or is placed on probation or punishment in any way as the result of an offense involving moral turpitude. If the offense is not listed in the Manual for Court-Martial Table of Maximum Punishments, or is not closely related to an offense listed therein, the maximum punishment authorized by the U. S. Code, or the District of Columbia Code, whichever is lesser, applies.

(1) A Marine subject to administrative separation pursuant to the provisions of subparagraph 6017.3c may be processed therefor, notwithstanding the fact that he/she has filed an appeal or has stated his/her intention to do so. However, no approved administrative separation from the naval service, which is based solely or in part upon a conviction, or upon a juvenile, wayward minor, or youthful offender adjudication by civil authorities, during the period an appeal from such conviction or adjudication is actually pending, or is reasonably expected to be pending, will be executed without the prior express approval and direction of the Secretary of the Navy. Requests should not be made to the Secretary of the Navy for his approval and direction of the execution of an administrative discharge under these circumstances, except in those unusual cases where such action is essential in the interests of justice, discipline, and proper administration within the naval service. For example, such requests should be made to the Secretary of the Navy when the Marine's current period of obligated active or inactive service will expire before final action on the Marine's appeal can reasonably be expected, or in a case where it appears that the Marine's continued presence with the command is considered inimical to the health, morale, or welfare of the other Marines of the command.

(2) In each case where a Marine is recommended for discharge by reason of misconduct because of the applicability of the provisions of subparagraph 6017.3c, the permanent record will contain, where available, a copy of the court order or order of commitment, or the certificate of the judge or the clerk of the court, advising as to the charge(s) of which the Marine was convicted, the sentence adjudged, and the disposition of the appeal. Additionally, where available, a copy of the arresting officer's report and/or a copy of the presentence report of the probation officer, if any, will be included. Extreme care must be taken to ensure that the particular offense(s) of which the Marine was convicted by civil authorities and the circumstances of their commission are clearly and specifically identified and described so that the maximum permissible penalty therefor under the UCMJ, the U. S. Code, or the District of Columbia Code, as applicable, can be ascertained. In making this determination, neither the name nor label attached to an offense by civil authorities, nor the characterization of the nature of the crime (i.e., a crime involving moral turpitude, a felony, or misdemeanor), by civil authorities is controlling.

4. A member recommended for discharge under other than honorable conditions by reason of misconduct will be advised in accordance with paragraph 6023 and will be accorded those rights prescribed by paragraphs 6005, 6023, and 6024. The nature of the advice given and the method by which it is transmitted to a respondent, and the nature of the rights to be accorded a respondent, under the applicable provisions of this chapter, will depend upon whether or not the respondent is on active duty, whether or not the respondent is under military control, the extent to which a respondent effectively waives his/her rights, and whether or not the respondent requests discharge for the good of the service.

5. Where an administrative discharge board is held, the report of the board will be submitted to the convening authority thereof in accordance with paragraph 6024. Upon receipt of the board's report, the convening authority will take the following action thereon:

a. If the convening authority is not the appropriate discharge authority, he/she will forward the record of the case, including the report of the board and his/her recommendations thereon, to the Marine commander exercising general court-martial jurisdiction, or to the Commandant of the Marine Corps (Code JA) for Marines of the regular Marine Corps and reservists on active duty for disposition. Cases involving individual ready or standby reservists will be forwarded to the Commandant of the Marine Corps (Code RESP) for disposition.

b. If the convening authority is the appropriate discharge authority, he/she will take one of the actions permitted by subparagraph 6024.9b.

6. Where no administrative discharge board is held because of the applicability of any of the provisions of subparagraphs 6005.3 and 6025.2, the authority empowered to convene an administrative discharge board and to whom the case has been submitted will take the following action thereon:

a. If such authority is not the appropriate discharge authority, he/she will forward the entire record of the case, together with his/her recommendations thereon, to the appropriate discharge authority indicated in subparagraph 6018.5a for final disposition.

b. If such authority is the appropriate discharge authority, he/she will take one of the following actions, regardless of the recommendations of the Marine's commanding officer or officer in charge (see subparagraph 6002.18).

(1) Direct the Marine's retention in the service.

(2) Approve the Marine's discharge, specifying the type and basis therefore, but suspending the execution of the discharge for a specified period of probation in accordance with paragrpah 6026.

(3) Direct the Marine's discharge, specifying the type and basis therefor.

7. Marines serving outside the continental United States shall be transferred to the nearest Marine Corps activity in the continental United States by the Marine commander exercising general court-martial jurisdiction who directs or recommends the discharge. When a Marine requests excess leave while awaiting the discharge authority's action on an administrative discharge, and such request has been approved by the officer exercising general court-martial jurisdiction over him/her, that Marine may be transferred to the nearest Marine Corps activity in the continental United States, providing the action required by the current edition of MCO P1050.3 is completed prior to such transfer. Except where the discharge authority is the Commandant of the Marine Corps or the Secretary of the Navy, the authority for discharge will be included in the orders transferring the member to the continental United States. (Women Marines will be transferred to a major Marine Corps command housing women Marines.)

8. Commanders of activities outside the continental United States, not under the command of a Marine commanders exercising general court-martial jurisdiction other than the Commandant of the Marine Corps, will transfer to the nearest Marine Corps activity in the continental United States those Marines who have been recommended for discharge by an administrative discharge board convened under the provisions of paragraph 6024 or those Marines who have been recommended for administrative discharge by their commanding officer or officer in charge and who have waived the right to have their case heard by an administrative discharge board. Commanders in their endorsement of the proceedings of the board, or in the recommendation for the Marine's discharge, will indicate the activity in the continental United States to which the member is being transferred.

9. When final action has been taken on any report or recommendation by a discharge authority other than the Secretary of the Navy or the Commandant of the Marine Corps, the discharge authority will forward all papers pertaining to the case to the Commandant of the Marine Corps (Code JA) for review (see subparagraph 6005.8).

6019. DISCHARGE ADJUDGED BY SENTENCE OF COURT-MARTIAL

1. The words "discharge" or "discharges" as used in this paragraph refer to punitive (i.e., dishonorable and bad conduct) discharges adjudged by sentences of courts-martial.

2. It has been and continues to be the Navy Department's policy that convening and reviewing authorities should approve discharges only in those cases where Marine's records and conduct show conclusively that they are not fit for retention, and where retention is clearly not in the Government's interest.

3. The appropriateness of a punitive dishcarge as the sentence, or as part of the sentence, of a court-martial is discussed in the MCM 1969 (Rev.), subparagraphs 76a(6) and (7).

4. A punitive discharge will be effected only after appellate review of the proceedings and clemency action, in accordance with current directives, have been completed. In those cases where confinement is adjudged in addition to a punitive discharge, the discharge shall not be effected until the completion of appellate review or completion of the sentence of confinement, whichever is later. An exception to the foregoing may be made where the period of confinement is to be served in a Federal penal institution. In such cases the discharge may be effected upon the completion of appellate review without waiting until the sentence of confinement is completed. (See current edition of SECNAVINST 5815.3.)

5. Except when the discharge has been suspended for a stated number of months to permit the person to continue in the service after serving satisfactorily during a probationary period, the transfer of Marines sentenced to discharge (including those to be discharged on account of vacation of suspended sentence) who are serving outside the continental limits of the United States will be governed by the following instructions:

a. When an enlisted Marine who has been sentenced to discharge is serving outside the continental limits of the United States, whether it is ashore or on board ship, transfer will be made to the Marine Corps activity within the continental limits of the United States nearest the port of debarkation, for retention or redesignation of a place of temporary custody or confinement in accordance with current directives.

b. Unless appellate leave has been granted, a Marine sentenced to a punitive discharge will not be transferred to the continental limits of the United States until review has been completed by the officer exercising general court-martial jurisdiction, the promulgating order issued, and service record entries made reflecting the action by the officer exercising general court-martial jurisdiction. A Marine whose request for appellate leave has been approved may be transferred

to the continental limits of the United States before the foregoing actions are taken, provided the action required by the current edition of MCO P1050.3 has been completed.

c. Transfer to the continental limits of the United States, in those cases where, pursuant to the Manual of the Judge Advocate General, the record of trial is submitted directly to the Office of the Judge Advocate General without review by an officer exercising general court-martial jurisdiction, will be effected after appropriate entries have been made in the service record book to show the action taken by the convening authority.

d. When transfer to the United States is directed, report of same shall be made to the Judge Advocate General of the Navy in accordance with the MCM, 1969 (Rev.), with copy to the Commandant of the Marine Corps (Code JA) indicating the type of court-martial, sentence as approved at the time of transfer, the name of the activity to which the Marine is transferred, and the estimated date of reporting to the new activity. Upon the Marine's arrival at the new activity, the commander of that activity will immediately advise the Judge Advocate General of the Navy by message, or speedletter, with copy to the Commandant of the Marine Corps (Code JA). When a different activity or disciplinary command is redesignated as the place of temporary custody or confinement, this fact will be set forth in the report, and the date of transfer to that activity or command will be stated.

e. No punitive discharge is to be effected outside the continental limits of the United States, except in accordance with instructions of the Secretary of the Navy or the Commandant of the Marine Corps.

6. When an enlisted person serving at a station within the continental limits of the United States has been sentenced to discharge, and the discharge has not been suspended for a stated number of months to permit the Marine to continue in the service after satisfactorily serving during a probationary period, the Marine will be retained at the place of trial or transferred to another activity, or a disciplinary command, in accordance with periodic directives of the Commandant of the Marine Corps and the Chief of Naval Personnel governing designation of places of confinement. When a Marine is transferred to another station or to a disciplinary command, report of the transfer will be made to the Judge Advocate General of the Navy, with copy to the Commandant of the Marine Corps (Code JA). (See MCM, 1969 (Rev.)).

7. When an enlisted Marine serving within the United States attached to a vessel or organization destined for transfer to foreign duty has been sentenced to discharge and the discharge has not been suspended for a stated number of months to permit the Marine to continue in the service after serving satisfactorily during a probationary period, he shall be transferred to a disciplinary command if he meets the established criteria for transfer to such a command; otherwise he shall be transferred to the Marine Corps activity nearest to the port of departure prior to sailing. In such cases, a report of transfer will be made as set forth in subparagraph 6019.6, above.

8. An enlisted woman who has been sentenced to discharge will be retained at or transferred to the nearest post, station, or barracks in the continental United States where women are serving.

9. Where the execution of a portion of a sentence which adjudges a discharge is suspended subject to a probationary period, the suspension may be vacated pursuant to the procedures in MCM, 1969 (Rev.). Commanders are directed to give careful consideration to reports of offenses committed by Marines serving in such status, and to undertake proceedings for the vacation of suspension of the sentence only where it is established by the record that such action is appropriate and in the best interest of the Marine Corps. For a new offense the commander may:

a. Award nonjudicial punishment, or recommend or direct trial by court-martial;

b. Initiate procedure for vacation of suspension; or

c. Both.

6020. DISCHARGE BY REASON OF SECURITY. Only the Commandant of the Marine Corps or the Secretary of the Navy may direct the discharge of a member with an honorable or general discharge or a discharge under other than honorable conditions, for reason of security. See current edition of SECNAVINST 5521.6 and subparagraph 6002.21 of this Manual.

6021. REQUEST FOR DISCHARGE FOR THE GOOD OF THE SERVICE

1. All requests for discharge for the good of the service in cases involving security matters, sexual perversion, or procurement of a fraudulent enlistment, induction, or period of active service through any deliberate material misrepresentation, omission or concealment of preservice homosexual act(s) or tendencies will be referred to the Commandant of the Marine Corps (Code JA) for disposition. In other cases, the Commandant of the Marine Corps, or any Marine commander exercising general court-martial jurisdiction, without administrative discharge board action, may authorize or direct the discharge, with a discharge under other than honorable conditions of any Marine who submits a request for discharge for the good of the service (see subparagraph 6002.2h). Such requests may be submitted and processed where the Marine's conduct renders him/her triable by court-martial for any single offense in violation of the UCMJ which is listed in Section A of the Table of Maximum Punishments, paragraph 127a, MCM, 1969, (Rev.), as being punishable by a punitive discharge (the provisions of the Table of Maximum Punishments, Section B, paragraph 127c, MCM, 1969, (Rev.), have no applicability to requests for discharge for the good of the service pursuant to this paragraph); provided that the Marine has been afforded the opportunity to consult with counsel, and the Marine certifies in writing his/her understanding that:

a. His/her commission of the offense(s) which form(s) the basis of the request renders him/her triable by court-martial.

b. The maximum permissible punishment under the UCMJ for a single offense which forms the basis of the request includes a punitive discharge.

c. He/she will receive a discharge under other than honorable conditions.

d. He/she understands the adverse nature of such a discharge.

e. He/she understands the possible consequences thereof.

Notwithstanding a Marine's submission of a request for discharge for the good of the service, the appropriate discharge authority may disapprove such request and either direct the Marine's retention, or refer the Marine's case to an administrative discharge board. In such cases, see paragraphs 6002.11, 6005, 6017, and 6018.

2. For the advice to be given a Marine who requests discharge for the good of the service, and for the recording of such advice see subparagraphs 6023.1a and 6023.1c. This advice and recording thereof must be specifically tailored to the case to make it clear that a Marine who requests discharge for the good of the service, pursuant to this paragraph, is not entitled to have his/her case presented to and considered by an administrative discharge board, even though he/she may, as a result of his/her request, be discharged under conditions other than honorable. There is no waiver of a right to administrative discharge board action in these cases; simply, no such right exists in cases involving request for discharge for the good of the service pursuant to this paragraph.

3. A discharge approved as a result of a Marine's request for discharge for the good of the service may be suspended. See paragraph 6026.

4. A Marine who has submitted a request for discharge for the good of the service has the unqualified right to withdraw his/her request at any time prior to approval of the request by the discharge authority. In the event that the Marine does withdraw his request, the provisions of paragraph 6002.15(b) permit the processing of that Marine for discharge under other applicable provisions of this Manual. In such cases, the Marine may be processed for appropriate punitive or administrative action based upon the acts which his/her original request for discharge was based, or for other appropriate reasons, as if he/she had never submitted a request for discharge for the good of the service.

5. Notwithstanding a Marine's written acknowledgement that he/she will receive a discharge under other than honorable conditions as a result of his/her submission of a request for discharge for the good of the service, the discharge authority or higher authority may direct the Marine's separation with either an honorable or general discharge if he/she determines that the Marine's total record warrants such discharge characterization. The discharge authority should not approve a discharge under other than honorable conditions unless, in acting as the convening authority of a court-martial upon a conviction of the offense(s) charged, he/she would approve an unsuspended punitive discharge as part of the sentence awarded by the court.

6. A Marine who submits a request for discharge for the good of the service will complete such request by signed statement in tenor as follows, witnessed by at least once witness:

a. "Article 31, UCMJ, having been read and explained to me, and with full understanding of my rights, I hereby request discharge for the good of the service. This request is based on my commission of the following offense(s) in violation of the Uniform Code of Military Justice:

_____

_____

_____.

I understand that my commission of the foregoing offense(s) renders me triable by court-martial and that the maximum permissible punishment for such offense(s) includes a (dishonorable) (bad conduct) discharge. Prior to submitting this request I have been afforded the opportunity to consult with counsel and I have consulted with the following counsel and I am entirely satisfied with his/her advice:

_____

_____.

I understand that my discharge from the naval service, effected by acceptance of this request, will be with a discharge under other than honorable conditions, which will be issued without referral to or consideration of my case by an administrative discharge board. I understand that if awarded a discharge under other than honorable conditions I may be deprived of virtually all rights as a veteran under both Federal and State legislation, and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of service rendered in any branch of the Armed Forces or the character of the discharge received therefrom may have a bearing."

b. The signature of the witness should follow the signature of the Marine. Military witnesses should be identified by name, grade, social security number, organization and Armed Force. Civilian witnesses should be identified by name and address. Where one of the witnesses is the Marine's counsel, he/she should be identified as such.

c. Since a prerequisite for the issuance of a discharge based upon a request for discharge for the good of the service is conduct by the Marine which renders him/her triable by court-martial, the submission of such request must contain an acknowledgement by the member that he/she has committed the offenses resulting from such conduct.

7. For the forwarding of all papers pertaining to the case when final action has been taken thereon by a discharge authority other than the Commandant of the Marine Corps or the Secretary of the Navy, see subparagraph 6005.8.

8. For the action to be taken in cases involving Marines serving outside the continental United States, see paragraph 6018.

6022. DISCHARGES OF PACIFIC OCEAN AREA SECURITY FORCES PERSONNEL. The Commanding General, Fleet Marine Force, Pacific, shall exercise such administrative control over matters relating to administrative discharges involving enlisted Marines of the Marine Corps Security Forces, Pacific Ocean Area, as is otherwise delegated to all Marine commanders exercising general court-martial jurisdiction in accordance with this chapter.

6023. ADVICE TO A RESPONDENT. No administrative discharge under conditions other than honorable, and in the case of a Marine with 8 or more years of active and inactive service, no administrative discharge by reason of unsuitability or misconduct will be effected unless the respondent is tendered the advice prescribed below:

1. Advice to Respondent Under Military Control. In each case where a Marine on active duty and under military control is recommended for a discharge under other than honorable conditions, or where the Marine has 8 or more years of active and inactive military service and is recommended for a discharge by reason of unsuitability or misconduct, or requests a discharge for the good of the service under the provisions of paragraph 6021, the officer empowered to convene an administrative discharge board having jurisdiction over the Marine will take or cause to be taken the following action:

a. Notify the Marine, in writing, of the proposed discharge action, the basis therefor, and the type of discharge certificate that may be issued.

b. Advise the Marine of the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records. (See subparagraph 6001.3b.)

c. Advise the Marine that he/she has the following rights, which unless he/she waives such rights in writing, will be afforded to him/her:

(1) Present to and have his/her case considered by an administrative discharge board composed of not less than three officers, at least one of whom will be a field grade officer;

(2) Appear in person before such board, subject to his/her availability;

(3) To be represented by military counsel, who will be a lawyer within the meaning of UCMJ, Article 27(b)(1) unless appropriate authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel.

d. Advise the Marine that if he/she does not waive a hearing before an administrative discharge board, and upon the hearing of his/her case before such board, he/she will be entitled to those rights set forth in subparagraphs 6024.3b through 6024.3f, 6024.3o, 6024.3r, 6024.6 and 6024.7. The advice as to the respondent's rights contained in the cited subparagraphs of paragraph 6024 may be given in a summarized form. Further advise the Marine that before waiving any of these rights, it would be to his/her advantage to consult with a counsel and that he/she will be given the opportunity to do so.

e. Advise the Marine who indicates that he/she wishes to submit a request for discharge for the good of the service, pursuant to paragraph 6021 that, if such request is accepted, he/she may receive a discharge under other than honorable conditions without administrative discharge board action, and further advise him/her of the adverse nature of such discharge and the possible consequence thereof. Before a member is permitted to actually submit a request for discharge for the good of the service, he/she will be advised that it would be to his/her advantage to consult with counsel and he/she will be given the opportunity to do so.

f. If any case where a member is being processed for involuntary separation with a general discharge or under other than honorable conditions the member shall be provided the opportunity to consult with a judge advocate at the outset of the procedure for separation. At separate and detached commands which do not have a judge advocate in local area, the opportunity to consult with a judge advocate may be accomplished telephonically in cases where no administrative discharge board will be held.

2. Advice to Respondent Not Under Military Control. In each case when a Marine on active duty is not under military control and either is recommended for a discharge under other than honorable conditions or, having 8 or more years of active and inactive military service, is recommended for a general discharge by reason of unsuitability or misconduct, the officer empowered to convene an administrative discharge board in the member's case will take or cause to be taken the following action:

a. If the member is unable to appear before an administrative discharge board because of his/her confinement by civil authorities, advise the Marine in writing and by registered or certified mail sent to the civil institution where the Marine is confined:

(1) Of the proposed discharge action and the basis therefor,

(2) Of the type of discharge certificate that may be issued,

(3) Of the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records (see subparagraph 6001.3b), and

(4) Of the fact that administrative discharge action has been suspended to afford him/her the opportunity to exercise the following rights:

(a) To have his/her case considered by an administrative discharge board composed of not less than three officers, at least one of whom will be a field grade officer,

(b) To request the appointment of a military counsel who will be a judge advocate unless appropriate authority certifies in the permanent record the nonavailability of a judge advocate, and sets forth the qualifications of the substituted counsel,

(c) To have his/her counsel represent him/her and in his/her (the respondent's) absence present his/her case before an administrative discharge board,

(d) To submit statements in his/her own behalf, and

(e) To waive the rights specified above either in writing or by the failure to reply to the letter of notification within the prescribed reasonable time limit specified therein.

b. If the Marine is in a status of unauthorized absence (separation of Marines of the Marine Corps Reserve is subject to 10 U.S.C. 1163), advise the Marine in writing and by registered or certified mail sent, as appropriate,

either to the current home of record address of the Marine or to the current address of the Marine's next of kin as reflected in the Marine's service records:

(1) Of the proposed discharge action and the basis therefor,

(2) Of the effective date of the proposed discharge action,

(3) Of the type of discharge certificate that may be issued, and

(4) Of the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records (see subparagraph 6001.3b).

3. Recording Advice Given Respondent Under Military Control. In each case where a Marine on active duty and under military control is recommended for a discharge under other than honorable conditions, or has 8 or more years of active and inactive military service and is recommended for discharge by reason of unsuitability or misconduct or requests discharge for the good of the service within the purview of paragraph 6021, and after the advice prescribed in subparagraph 6023.1 has been given and the opportunity to consult with counsel has been afforded, the permanent record will contain either the following, or in lieu thereof, a certification by the officer taking the action prescribed by subparagraph 6023.1 that such action has been accomplished:

a. A copy of the written notification to the Marine of the basis for the proposed discharge action.

b. The Marine's written acknowledgement that he/she understands the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records.

c. The Marine's written acknowledgement that he/she was given and understands the advice prescribed in subparagraph 6023.1c and/or d.

d. The Marine's written waiver of any or all of the rights prescribed in subparagraph 6023.1c, and/or the Marine's written request for discharge for the good of the service, together with the Marine's written acknowledgement that he/she was afforded the opportunity to consult with counsel prior to effecting such waivers and/or request for discharge. The Marine's written acknowledgement will include the fact that he/she either chose not to consult with counsel prior to effecting such waivers and/or request for discharge, or, if he/she did so consult with counsel, the specific identity of the counsel and his/her legal qualifications.

4. Recording Advice Given Respondent Not Under Military Control. In each case where a Marine on active duty is recommended for a discharge under other than honorable conditions, or has 8 or more years of active and inactive military service and is recommended for a discharge by reason of unsuitability or misconduct, and the Marine is not under military control because of his/her continuous, established unauthorized absence of more than 1 year, or because of his/her confinement by civil authorities, and after advice prescribed in subparagraph 6023.2 has been given, the permanent record will contain the following:

a. A certified copy of the registered or certified mail (letter or letters) sent to the Marine pursuant to subparagraph 6023.2a or b, including a certification as to the date any letter was mailed and the address to which it was sent.

b. The complete reply or replies of the Marine and/or his/her next of kin to the registered or certified mail (letter or letters) sent purusant to subparagraph 6023.2a or b, or a certification that no reply from the Marine and/or his/her next of kin was received by a specified date.

c. Evidence that the registered or certified mail (letter or letters) sent pursuant to subparagraph 6023.2a or b was delivered, or was not delivered, or was undeliverable.

d. The Marine's waiver, if any, of any or all of his/her rights prescribed by subparagraph 6023.2b(4).

5. Advice to a Respondent Who is a Member of the Marine Corps Reserve on Inactive Duty

a. In each case where a reservist on inactive duty is recommended for a discharge under other than honorable conditions, or where such reservist has a total of 8 or more years of active and/or inactive duty and is recommended for discharge by reason of unsuitability or misconduct, the officer empowered to convene an administrative discharge board having jurisdiction over the member will take or cause to be taken the following action, in the form prescribed in subparagraph 6023.1e(2):

(1) Notify the Marine in writing, of the proposed discharge action, the basis therefor, and the type of discharge certificate that may be issued.

(2) Advise the Marine of the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records. (See subparagraph 6001.3b.

(3) Advise the Marine that if he/she is reasonably available to appear before an administrative discharge board, he/she has the following rights which, unless he/she waives such rights, will be afforded him/her: to present to and have his/her case considered by an administrative discharge board composed of no fewer than three officers, at least one of whom will be a field grade officer; to appear in person before such board, subject to his/her availability; and to be represented by civilian counsel at no expense to the Government, or to be represented by military counsel who will be a lawyer within the meaning of the UCMJ, article 27(b)(1), unless appropriate authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel. Advise the Marine that if he/she does not waive a hearing before an administrative discharge board, that upon the hearing of his/her case before such board, he/she will be entitled to those rights set forth in paragraphs 6024.3b through 6024.3e, 6024.3l, 6024.3n, 6024.3r, 6024.6, and 6024.7. The advice as to the respondent's rights contained in the cited subparagraphs or paragraph 6024 may be given in summarized form. Further, the Marine will be advised that before waiving any of these rights, it would be to his/her advantage to consult with a judge advocate and that he/she will be given the opportunity to do so.

NOTE: Despite the fact that military counsel who is a lawyer within the meaning of UCMJ, article 27(b)(1), will not normally be on active duty within a Reserve unit, the availability of such counsel, nevertheless, must be determined in each case in accordance with the general principles contained in subparagraph 6024.6.

(4) Advise the Marine that if he/she fails to respond to this notification, even if the letter is receipted for by persons other than the addressee, he/she will be considered to have waived all his/her rights cited in subparagraph 6023.5a(3).

(5) Advise the Marine that if he/she does choose to appear in person before an administrative discharge board, such appearance will be at no expense to the Government.

b. The giving of the notification and advice required by subparagraph 6023.5a, will be accomplished by the mailing of a registered or certified mail (letter), containing such notification and advice, addressed to the Marine concerned at the mailing address which the records of the activity mailing the letter indicate as the most recent one furnished by the Marine as an address at or from which official mail will be received or forwarded to him/her. In addition to, or under appropriate circumstances in lieu of that address, a registered or certified mail (letter) addressed to the member concerned containing this notification and advice may be directed to any of the following:

(1) The city, town, or community in which the Marine has last been reported to be residing, or the post office address apparently nearest his/her last reported place of residence, or

(2) In care of any person whom the Marine has at any time designated in his/her service records (i.e., NAVMC 10526) as a beneficiary or as one to be notified in the event of his/her serious injury or death. Send to the most current mailing address.

(3) In care of any institution in which the Marine has been reported to be hospitalized or confined.

6. Record Advice Given to a Respondent Who is a Member of the Marine Corps Reserve on Inactive Duty. In each case where a reservist on inactive duty is recommended for a discharge under other than honorable conditions, or where such reservist has 8 or more years of active and inactive service and is recommended for discharge by reason of unsuitability or misconduct and after the notification and advice prescribed by subparagraph 6022 has been given and the opportunity to consult with counsel has been afforded, the permanent record will contain the following:

a. A certified copy of the registered or certified mail (letter or letters) sent to the member pursuant to subparagraph 6023.3 including a certification as to the date each letter was mailed and the address to which it was sent.

b. The complete reply or replies of the Marine and/or others acting on his/her behalf to any registered or certified mail (letter) sent to him/her pursuant to subparagraph 6023.3, or a certification that no reply from the Marine and/or others acting on his/her behalf was received by a specified date.

c. Proof of delivery of advice that a registered or certified letter was delivered.

d. The Marine's written waiver of any or all of his/her rights prescribed by subparagraph 6023.5a, together with the Marine's written acknowledgement that he/she was afforded the opportunity to consult with counsel prior to effecting such waivers, or a certification reflecting that such opportunity was afforded the Marine. Certification will be made of the fact that the Marine chose not to consult with counsel prior to effecting such waivers, or if he/she did so consult with counsel, the specific identity of the counsel and his/her legal qualifications.

6024. ADMINISTRATIVE DISCHARGE BOARDS

1. Convening Authorities. An administrative discharge board as required by this chapter shall be convened by any Marine commander exercising general court-martial jurisdiction, Director, Marine Corps Reserve Forces Administrative Center, commanding officer of a Marine barracks, or by any subordinate commanding officer or officer in charge when specifically authorized to do so by a superior authority who is a Marine commander exercising general court-martial jurisdiction. When a board is convened under delegated authority, as authorized in this subparagraph, the order appointing the board will contain specific reference to the source of such delegated authority, and the recommendations of the Marine's commanding officer or officer in charge, and the report of the board, with the convening authority's recommendation thereon, will be forwarded to the Marine commander exercising general court-martial jurisdiction for appropriate action. (See subparagraphs 6018.5, 6024.4 and 6024.9.) A Marine commander exercising general court-martial jurisdiction may withhold the authority to convene administrative discharge boards of subordinate commanding officers within his/her command.

2. Composition. The voting membership of an administrative discharge board shall be composed of at least three experienced commissioned officers, at least one of whom must be serving in the grade of major/lieutenant commander or higher.

a. A nonvoting recorder will be appointed to each administrative discharge board. An assistant recorder may be appointed. The assistant recorder by the direction of the recorder, may perform any duty or function which the recorder is required or empowered to perform. The recorder's primary responsibility is to exploit all practical sources of information and to bring out all the facts in an impartial manner in order to permit the board to make fully informed findings, opinions (if required by the convening authority) and recommendations concerning the respondent. The recorder and assistant recorder should be experienced officers and may be warrant officers or commissioned officers. The recorder and /or the assistant recorder may be a lawyer within the meaning of UCMJ, article 27(b)(1); however, where the respondent is represented by counsel, neither the recorder nor the assistant recorder will possess any greater legal qualifications than those possessed by the respondent's counsel. The recorder is responsible for ensuring that the board is presented only such materials and documents which may properly be considered by it. The recorder is also responsible for ensuring that the board is presented all testimony, materials, and documents which are necessary for it to arrive at such findings, opinions (if required by the convening authority), and recommendations, as will permit the discharge authority to make a proper disposition of the case. The recorder will conduct a preliminary review of all available evidence, screening out improper matter, and obtaining such additional evidence as appears necessary (see subparagraph 6024.3m). The recorder will arrange for the time, date, and place of the hearing after consulting with the chairperson of the board and the counsel for the respondent. The recorder will also arrange for the attendance at the hearing of all material witnesses, except those witnesses whose attendance is arranged by the respondent (see subparagraph 6024.3n). At the hearing, the recorder will conduct the direct examination of all witnesses, except those requested or called by the respondent. The recorder will not participate in the closed sessions of the board or in the determination of the board's findings, opinions (if any), and recommendations. Under the direction of the chairperson, the recorder will prepare or cause to be prepared the record of the board's proceedings. The convening authority of the board may appoint a reporter or provide other clerical assistance for the purpose of assisting the recorder in preparing the record. Normally, a summary of the testimony of witnesses personally appearing before the board will suffice. The chairperson or convening authority, at his/her discretion, may direct the preparation of a verbatim or partially verbatim record.

b. When the respondent is a woman Marine, the voting membership of the board shall, upon the written request of the respondent, consist of at least one woman Marine officer.

c. When the respondent is a member of the Marine Corps Reserve, the voting membership of the board should include a majority of Marine Corps or Naval Reserve officers, if reasonably available. Should a majority of Reserve officers not be reasonably available, at least one voting Marine of the board will be a Marine Corps Reserve or Naval Reserve officer. Where the requirement that a majority of the voting membership of the board be Reserve officers cannot be met, the convening authority will certify the reasons therefor in the permanent record.

d. When the respondent is a member of a minority group, the board shall upon the written request of the respondent include as a voting member an officer who is also a minority group member if such officer is reasonably available. When requested, the appointed board member should normally be of the same minority group as the respondent; however nonavailability of an officer of the same minority group shall not preclude convening the board. In the event of nonavailability the reason shall be stated in the record proceedings.

e. If any of the above prescribed mandatory requirements for the composition of a board cannot be met in a particular case from the officer personnel locally available, the convening authority will notify the Commandant of the Marine Corps (Code JA) and request appropriate instructions.

f. The attendance at the proceedings of an administrative discharge board becomes the primary duty of an officer designated as a member. No member shall fail in his/her attendance at the appointed time unless prevented by illness, or ordered away, or excused by convening authority.

g. Unless at least three voting members of the board are present, no business other than declaring a recess or adjournment shall be transacted by the board. If it appears that a voting member will be absent for more than a short period of time and his/her absence reduces the voting membership present to fewer than three members, the convening authority will be advised and he/she shall then appoint an additional member(s) to ensure that at least three voting members of the board are present during the conduct of all business by the board.

h. The board, in the absence of a voting member, may proceed if at least three voting members are present and the senior member present is of the grade of major/lieutenant commander or higher. Where a new member of the board has been appointed (i.e., following a successful challenge against a former member), or where a member of the board who has been temporarily absent returns, that part of the proceedings conducted in his/her absence, with the concurrence of the counsel for the respondent, may be orally summarized for him/her in open session by the recorder, or the summarized record of that part of the proceedings conducted in his/her absence shall be examined by him/her and that examination noted in the record. The appointment of a new member, or the temporary absence of a member, does not preclude that member's full participation in the deliberations of the board relating to its findings of fact, opinions and recommendations.

3. Procedure. The following rules shall govern the procedures to be employed by an administrative discharge board. Where questions as to matters of procedure not covered herein are encountered, such questions will be resolved at the discretion of the board or the convening authority.

a. Rules of Evidence. An administrative discharge board functions as an administrative, rather than a judicial body. Accordingly, in the board's proceedings the strict rules of evidence governing trials by courts-martial

are not applicable. The admissibility of evidence is a matter within the discretion of the board. There is a sharp and distinct delineation between the administrative process which has as its purpose the administrative elimination of unsuitable, unfit or unqualified service members and the judicial process, the purpose of which is to establish the guilt or innocence of a member accused of a crime and to administer punishment when appropriate. However, the board may impose reasonable restrictions as to the relevancy, competency, cumulativeness, and materiality of all matters to be considered by the board so as to promote orderly procedure and ensure a full and impartial hearing.

b. Testimony of Witnesses. The testimony of all witnesses appearing in person before the board, at the discretion of the convening authority or the chairperson, may be taken under oath or affirmation, except that the respondent may make an unsworn statement, which may include, but is not limited to, matters concerning the acts or omissions which form the basis for his/her being considered for discharge, or in extenuation or mitigation thereof. The respondent may not be cross-examined upon his/her unsworn statement; however, evidence may be introduced to rebut any statements of fact contained therein. The respondent's unsworn statement may be oral, in writing, or both and may be made by the respondent or his/her counsel, or by both of them. The respondent's statement should be factual, not argumentative in nature. See subparagraph 6024.3r, pertaining to arguments.

c. Explanation of Respondent's Rights. At the outset of the proceedings, the board will ascertain whether or not the respondent has been fully advised of and understands all his/her rights before the board. The assurance of the respondent's counsel in this regard will normally suffice. If the board is not satisfied that the respondent has been so advised, or that he/she does not fully understand any explanation previously given, the board will clearly explain his/her rights to him/her.

d. Exercise and Waiver of Respondent's Rights. The respondent will be given a reasonable opportunity to exercise any and all of his/her rights before the board. However, the failure of the respondent to exercise or invoke any of his/her specified rights, after he/she has been apprised of the same, will not be considered as a bar to the board proceedings, findings, opinions and recommendations and such rights will be conclusively presumed to be waived by him/her.

e. Self-Incrimination Prohibited. Within the purview of subparagraph 6024.7c no witness, including the respondent, appearing before the board shall be compelled to incriminate himself/herself or to answer any questions, the answer to which may tend to incriminate him/her; nor shall he/she be compelled to make any statement or produce evidence if the statement or evidence is not material to any matter under investigation and may tend to degrade him/her. Other than the respondent, any person, whether or not charged with or suspected of an offense, may be called as a witness before the board, whether or not he/she requests to be a witness. See, however, subparagraph 6024.3n as to the authority to compel the attendance of witnesses. If a witness including the respondent is accused of, suspected of, or charged with an offense, he/she shall be informed of the nature of the offense and shall be advised that he/she does not have to make any statement or give any testimony regarding the offense and that any statement or testimony given by him/her may be used as evidence against him/her in a subsequent trial by court-martial prior to testifying. If the witness is not subject to the UCMJ, the phrase "any subsequent trial by court-martial" at the end of the warning should be modified as follows, i.e., "any subsequent trial." After being so informed, the right to refrain from testifying regarding the offense of which he/she is accused, suspected or charged must be claimed by the witness. Despite assertion of such right, the witness may be questioned on matters other than the offense of which he/she is accused, suspected or charged. See subparagraph 6024.7c regarding waiver of the privilege against self-incrimination by the respondent. The question of whether a witness is suspected of an offense is one for decision by the board and will depend upon the nature of the matter being considered by the board, the reasonable probability that an offense has been committed, and

the reasonable probability that the witness was the offender. The board shall resolve all reasonable doubt in favor of the witness. Each witness appearing before the board should be advised of the subject matter of the board's inquiry.

f. Warning the Witness. The board at its discretion may direct a witness not to discuss his/her testimony with other witnesses or persons who have no official interest in the matter until the board's proceedings are completed. This warning is given to ensure that the matter before the board can be fairly heard and to eliminate the possibility that disclosures of the substance of the witness' testimony may influence, however inadvertently, testimony of the witness still to be heard.

g. Oaths. While an oath or affirmation to those persons personally appearing before the board as witnesses may be required (except for any unsworn statement of the respondent), and while an oath or affirmation to a challenged member may be administered, no oath or affirmation is required for the members of the board, counsel, recorder, assistant recorder, or reporter. The oath or affirmation to be given a challenged member and to all witnesses will be in accordance with JAG Manual, section 0415, and will be administered by the recorder.

h. Authority of the Chairperson. The chairperson shall preserve order and decide upon matters relating to the routine business of the board. He/she may grant a continuance and recess and may adjourn the board to meet at a time and a place most convenient and proper. The chairperson rulings are subject to objection by any voting member of the board. Motions or objections pertaining to any matter other than matters relating to continuance, recesses or adjournments, do not require ruling by the chairperson of the board, but should be heard and merely noted in the record for resolution thereof by the discharge authority. For example, a contention that a respondent is not subject to an administrative discharge because of the applicability of the provisions of subparagraph 6005.5 will not be ruled upon by the chairperson of the board, but will be resolved by the discharge authority. Should a voting member object to the chairperson's ruling on any matter, a vote shall be taken in closed session and the question shall be decided by a majority vote. A tie vote on any question, as to challenges of members, is a determination in favor of the respondent.

i. Eliciting Further Information. Whenever it appears desirable to the members of the board that additional information be elicited or developed in the interest of clarifying any relevant matter, or otherwise for a proper hearing of the matters before the board, the chairperson will so advise the recorder and may direct the calling of a witness, the pursuance of further lines of questioning, or the adducing of other evidence.

j. Security Matters. If any matter to be heard by the board requires a security clearance and individual counsel for the respondent or other participants in the board's proceedings have not been granted such clearance, the convening authority shall be advised thereof (see current edition of OPNAVINST 5510.1 and JAG Manual, section 0140).

k. Sessions. The board may be cleared at any time for deliberation or consultation, including final deliberation, whereupon the respondent, counsel, the recorder, the assistant recorder, and the reporter, if any, will withdraw and only the voting members will be present. The open proceedings of the board will be open to the public unless the convening authority directs otherwise.

l. Challenges

(1) The respondent may challenge any voting member of the board for cause only, e.g., that the member cannot approach the case with an open mind and impartiality. A challenged member will be given the right to make a statement with respect to the challenge. The board will not receive a challenge to more than

one member at a time. After disclosing his/her grounds for challenge, the respondent may examine the member as to his/her competency to sit in that particular case. This examination may or may not be under oath at the discretion of the respondent and may be recorded verbatim or summarized at the discretion of the chairperson. The recorder and other members of the board may cross-examine the challenged member. After such examination and cross-examination, any other evidence bearing on the member's competency to sit may be heard.

(2) The burden of persuasion in establishing the challenge is on the respondent. The challenged member withdraws when the board is cleared to determine the challenge. A majority vote in favor of sustaining the challenge, or a tie vote, disqualifies the challenged member. A member so disqualified shall be excused forthwith from further participation in the case. The board will decide the challenge according to a preponderance of the evidence. A sustained challenge is immediately reported to the convening authority and if it reduces the number of voting members actually present to fewer than three, the board will adjourn until the convening authority appoints such additional voting members necessary to bring the number of voting members actually present to at least three. If the board membership actually present is not thereby reduced below three, the board will proceed with the hearing. (See subparagraph 6024.2g.)

m. Excluded Material and Documents. It is the responsibility of the recorder to ensure that the board is presented only those materials and documents which may be properly considered by it. The following materials and documents will neither be provided to nor considered by administrative discharge boards in the evaluation of cases referred to them:

(1) Information concerning polygraph examinations, including the results of such examinations, or the fact that the respondent may have declined such examination, unless this information is placed in issue before the board by the respondent. In the latter case, the board may make such inquiry into the polygraph examination as it deems necessary, including but not limited to the following:

(a) Requesting the agency which administered the examination to furnish a written report concerning the examination and the circumstances under which it was administered.

(b) Where circumstances of the examination are placed in dispute, the board may request the appearance of the polygraph examiner to provide testimony concerning the administration of the examination, his/her background and experience, his/her interpretation of the results of the examination, or such other information concerning the examination which the board may desire.

(2) Contents of NIS or similar investigative reports which cannot be made available to the respondent or his/her counsel. Where an NIS or similar investigative report is received by the convening authority of an administrative discharge board, and the report contains matters which cannot be shown to the respondent and his/her counsel, the convening authority will cause a request to be made to the district or area intelligence officer, or comparable investigative official, to permit the respondent and his/her counsel access to the report or to furnish a resume of the report which can be made available to the respondent and his/her counsel. The purpose of this provision is to ensure that the administrative discharge board considers only matters which are also available to the respondent and his/her counsel (see subparagraph 6024.7d).

n. Attendance of Witnesses

(1) No authority exists for the issuance of a subpoena in connection with administrative discharge board proceedings. Accordingly, the appearance of all civilians and members of the Armed Forces not on active duty, as witnesses before the board, must be on a voluntary basis and at no expense to the Government. However, either the respondent or the Government may obtain the

statements of, or may examine or cross-examine any absent witness, or any witness not available for the hearing, in any form which would render the consideration thereof by the board appropriate within the purview of subparagraph 6024.3a. The latter would include, but not be limited to, oral or written depositions, unsworn written statements, affidavits, or testimonial stipulations.

(2) Before any civilian or member of the Armed Forces not on active duty is invited to appear as a witness before an administrative discharge board, he/she shall be clearly advised that his/her appearance before the board will be in performance of public service, since his/her appearance may not be compelled, and will be at no expense to the Government. (See current edition of SECNAVINST 5521.6, appendix 6, may be adapted for this purpose.)

(3) As prescribed by subparagraph 6024.2a, the recorder will be responsible for arranging the attendance at the hearing of all material witnesses, except those whose attendance is arranged by the respondent. Where reasonably available, all witnesses, including those requested by the respondent, whose testimony would be material to the case, will be called to testifmony in person before the board. When in dispute, the materiality of a witness' testimony will be determined by the convening authority. In making this determination, the standards which are utilized in determining the materiality of a witness whose testimony is desired before a court-martial may be utilized. The reasonable availability of a material witness will be determined by the convening authority. Where the prospective witness is not within his/her command, the convening authority will effect appropriate liaison with the witness' commanding officer before determining the availability or nonavailability of the witness. A convening authority will be justified in determining that a witness is unavailable when any of the provisions of UCMJ, articles 49(d)(1) through (3), pertain. Testimony of active duty military personnel not in the immediate area, if needed, in most cases, should be obtained and presented in the form of written statements.

(4) Any expenses incident to the appearance of material witnesses on active duty with any of the Armed Forces before an administrative discharge board will be charged to the operation and maintenance allotment of the convening authority of the board.

o. Interviewing Witnesses. The respondent, the respondent's counsel, and the recorder have the right to an opportunity to interview a witness, regardless of whether or not that witness has previously testified.

p. Exclusion of Witnesses. Unless otherwise authorized by the chairperson, all witnesses, other than the respondent, shall be excluded from the room where the board is meeting, except when they are testifying.

q. Order of Presenting Evidence

(1) The testimony of witnesses and the presentation of other evidence will normally be in the following order:

(a) Witnesses called and evidence presented by the recorder;

(b) Witnesses called and evidence presented by the respondent;

(c) Witnesses called and evidence presented by the recorder in rebuttal;

(d) Witnesses called and evidence presented by the respondent in surrebuttal; and

(e) Witnesses called and evidence presented at the request of the board.

(2) The order of examining each witness is:

(a) Direct examination,

(b) Cross-examination,

(c) Redirect examination,

(d) Recross examination, and

(e) Examination by the board.

(3) The foregoing order of presentation and examination of witnesses need not be followed when the board, in the exercise of its sound discretion, feels that a deviation therefrom will secure a more effective presentation of evidence.

r. Final Arguments. The recorder and counsel for the respondent will be permitted to present final argument, if they so desire. The recorder has the right to make opening argument and, if argument is made on behalf of the respondent, the closing argument.

s. Burden of Proof. The burden of proof before administrative discharge boards with respect to the separation of the respondent from the naval service with less than an honorable discharge rests upon the Government. This burden never shifts. However, after the presentation of the Government's case, certain justifiable inferences which are adverse to the respondent may be drawn from the evidence by the board, the convening authority and the discharge authority. In this latter instance, the burden of going forward with the evidence to avoid the adverse effect of these justifiable inferences may then shift to the respondent.

t. Standard of Proof. As to all matters before an administrative discharge board, the standard of proof is a preponderance of the evidence.

u. Weight and Credibility of Evidence. The board will rely upon its own judgment and experience in determining the weight and credibility to be given material received in evidence.

4. Record of Proceedings and Report of the Board

a. The record of proceedings of an administrative discharge board shall be prepared as directed by the convening authority and shall be authenticated by the signatures of the chairperson and the recorder or, in the absence of either or both, by a member in lieu of the chairperson or by a member in lieu of the recorder. However, as a minimum, the record of proceedings shall contain:

(1) An authenticated copy of the appointing order and any other communication from the convening authority.

(2) A summary of the testimony of all witnesses, including the respondent, appearing in person before the board.

(3) A summary of the sworn or unsworn statements of all absent witnesses considered by the board.

(4) The respondent's acknowledgement that he/she was advised of and fully understood all of his/her rights before the board.

(5) The identity of the counsel for the respondent and the nonvoting recorder, and their respective legal (or quasi-legal) qualifications.

(6) Copies of those documents required by the provisions of paragraph 6023.

(7) Evidence of compliance with the provisions of paragraphs 6001.3, 6016.2a, 6017.3 and 6023.5 when applicable.

(8) A complete statement of the facts and circumstances, accompanied by appropriate supporting documents, upon which the recommendation for the respondent's administrative discharge is based.

(9) A summary of any unsworn statements submitted by the respondent or his/her counsel.

(10) Copies of all documents not specifically listed above and an accurate description of all real evidence considered by the board in arriving at its findings, opinions, and recommendations.

b. The record of the board's proceedings shall be transmitted to the convening authority as part of the board's report. Such report shall contain a verbatim record of the board's findings and recommendations and where required by the convening authority, a verbatim record of the board's opinions.

(1) The report of the board shall be based upon the concurrence of the majority of the voting members. If a member does not concur in the findings, opinions, or recommendations of the majority, he/she shall append his/her minority report to the record and state explicitly the parts of the majority report with which he/she disagrees and the reasons therefor. The minority report may also include additional findings of fact, opinions, or recommendations.

(2) All concurring members shall sign the report of the board immediately under the findings of fact, opinions and recommendations. In the case of a minority report, all members concurring therein shall sign the report in a manner similar to the signing of the majority report.

c. Subparagraph 6024.7f pertains to the respondent's right to a copy of the board's report, or the board's proceedings, or any endorsements thereon.

d. Subparagraph 6024.7g pertains to the notification to a respondent of the recommendations made by an administrative discharge board in his/her case.

5. Recommendation by the Board. The recommendations of the board as required by subparagraph 6024.4b will include a recommendation for one of the following alternative dispositions of the respondent:

a. Retention, or

b. Discharge. If the respondent's discharge is recommended, the general and specific bases, and the character and type of the discharge will be specified. If the respondent's discharge is recommended, it is not appropriate for the board to further recommend that the discharge be suspended and the individual placed on probation, that nonjudicial punishment be imposed, or that court-martial proceedings be instituted.

6. Counsel for a Respondent

a. Where, in an appropriate case, a member has not waived a hearing before an administrative discharge board or the right to be represented by counsel before that board, and the member, under the provisions of this chapter, is entitled to a board hearing, he/she is entitled to be represented by military counsel who shall be a lawyer within the meaning of UCMJ, article 27(b)(1) unless the officer empowered to convene an administrative discharge board having jurisdiction over the member's case certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel (see subparagraph 6001.5j). When the convening authority does not possess general court-martial jurisdiction over the respondent, he/she, before certifyng the nonavailability of lawyer counsel as contemplated

CHAPTER 2

VOLUNTARY RETIREMENT OF OFFICERS ON ACTIVE DUTY

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2-1 APPLICATION FOR RETIREMENT/TRANSFER TO FMCR 2-8

herein shall effect appropriate liaison with the officer who exercises general court-martial jurisdiction over the respondent. In every case where a certification of the nonavailability of a lawyer counsel is made, such certification will include a detailed written statement, signed by the convening authority, appended to the record, stating why lawyer counsel could not be obtained for that case. Before a board is convened without lawyer counsel, and prior to executing a certificate of nonavailability, the convening authority shall notify the discharge authority (ATTN: Staff Judge Advocate), for assistance in obtaining counsel, stating what steps have been taken to obtain counsel on a local level.

b. Where the respondent desires to be represented by civilian counsel or is represented by military counsel of his/her choice, he/she may excuse any appointed military counsel.

c. If the respondent desires to be represented by civilian counsel, the convening authority shall cause it to be clearly explained to the respondent that civilian counsel will not be provided at any expense to the Government. The respondent will be given a reasonable opportunity to obtain civilian counsel without unduly delaying the administrative discharge board proceedings. If undue delay appears likely, the convening authority may require the respondent to proceed without the desired civilian counsel. In this latter event, the convening authority will set forth the full circumstances thereof in the record and will appoint available military counsel for the respondent or will permit the respondent to be represented by reasonably available military counsel of the respondent's choice.

d. Where the respondent requests a specific military counsel of his/her own selection, whether or not such counsel is a lawyer within the meaning of UCMJ, Article 27(b)(1), and if the requested military counsel is reasonably available within the convening authority's command, such requested military counsel will normally be provided the respondent. Where requested military counsel is a member of a Marine Corps command not under the command of the convening authority, the convening authority will forward the respondent's request to the commanding officer of such requested military counsel, who will provide the requested counsel if he/she is reasonably available, or who will notify the convening authority of the unavailability of the requested counsel and the reasons therefor.

e. In determining if a specific military counsel of the respondent's own choice is reasonably available, the same standards will be applied as are applicable when an accused who is to be tried by special court-martial requests to be represented by a specific military counsel. In determining whether undue delay in administrative discharge board proceedings appears likely to result from either the respondent's efforts to obtain a civilian counsel, or from the availability of such civilian counsel only at a future date which would unduly delay the board's proceedings, the same standards will be applied as are applicable when an accused to be tried by special court-martial desires to be represented by civilian counsel.

f. Any necessary expenses incident to the authorized travel or per diem of a respondent's military counsel will be borne by the operation and maintenance allotment of the convening authority.

g. If counsel for the respondent is absent, the board shall not proceed until his/her return or until new counsel for the respondent is retained by the respondent or appointed by the convening authority. However, the respondent may waive his/her right to have counsel present at the board's proceddings, provided the respondent understands his/her right to counsel and the effect of the waiver. The explanation of this right and any waiver thereof shall be reflected in the record.

7. Additional Rights of the Respondent. In addition to the rights of the respondent which are specifically listed elsewhere in this chapter, a respondent who has not waived a hearing before an administrative discharge board, and whose case is presented to such board, has the following rights:

a. Subject to his/her availability (i.e., not in civil confinement or on unauthorized absence), he/she may appear in person, with or without counsel, or in his/her absence be represented by counsel at all open proceedings of the board. However, where the respondent has been on continuous unauthorized absence for more than 1 year, this provision is not applicable since no administrative discharge board is required in such cases.

b. He/she or his/her counsel will be notified a reasonable time in advance of the hearing before the board of the time and place of the board's meetings and the names of all witnesses who are expected to be called to testify against him/her. Further, he/she will be given an opportunity to examine all documents, reports, and other evidence which it is expected that the board will consider. This latter examination will be permitted to the same extent that a defense counsel representing an accused before a court-martial is permitted to examine the files and other material in the hands of the prosecution.

c. He/she has the right, at his/her option, to submit or not submit to examination by the board. The provisions of UCMJ, article 31, will apply (see subparagraph 6024.3c). However, if he/she elects to testify on his/her own behalf, he/she will be considered to have waived the protection accorded him/her by UCMJ, article 31 and he/she may be examined by the recorder or by the board on any matters which are relevant to the board's proceedings, regardless of whether or not he/she testified to these matters on direct examination. Subject to the foregoing and the provisions of subparagraph 6024.3b, he/she may make or submit to the board any statements,sworn or unsworn, oral or written, on his/her own behalf.

d. Subject to his/her availability and the provisions of subparagraph 6024.3n, he/she has the right to examine all witnesses personally appearing before the board to testify on his/her behalf and the right to be confronted by and cross-examine all witnesses who personally appear before the board and testify against him/her. He/she or counsel will be given a reasonable opportunity to cross-examine all absent witnesses whose statements are considered against him/her. This cross-examination may be accomplished by deposition, affidavit, correspondence or any other means which will elicit answers or statements from the absent witness in a form acceptable to the board. While the reasonable opportunity for such cross examination must be provided, the fact that an absent witness cannot be located, or is dead or physically incapacitated, or refuses to submit to such cross examination, or does not reply to communications from the respondent or his/her counsel will not itself, be a bar to the board's consideration of the absent witness' statements already in its possession. However, if the respondent or his/her counsel is not given the reasonable opportunity to cross-examine an absent witness whose statement is to be considered against him/her because the witness is an unidentified informant whose name or location an investigative agency refuses to divulge to the respondent or his/her counsel, then neither the board nor the convening or discharge authority will consider the witness' statement in connection with the respondent's case (see subparagraph 6024.3m(2)).

e. He/she at any time before the board convenes, or during the proceedings, may introduce or submit any evidence, answer, deposition, sworn or unsworn statement, affidavit, certificate, or stipulation. This includes but is not limited to depositions of witnesses not deemed to be reasonably available or witnesses unwilling to appear voluntarily.

f. The member concerned shall be furnished a copy of the hearing report and the endorsements thereon, provided he/she makes a written request to the convening authority.

g. Except as otherwise specifically provided herein, or except as otherwise directed by the convening or discharge authority, the respondent, as a matter of right, shall not be entitled to be notified of the recommendations made in his/her case by an administrative discharge board or by the convening authority thereof.

8. Subsequent Administrative Discharge Board Proceedings

a. No member will be subjected to administrative discharge board action based upon conduct which has previously been the subject of administrative discharge board proceedings when the evidence before the subsequent board would be the same as the evidence before the previous board, except in those cases where the findings of the previous board favorable to the respondent are determined by the discharge authority to have been obtained by fraud or collusion, or except in those cases wherein the discharge authority finds legal prejudice to the substantial rights of the respondent. Evidence before a subsequent board is not the same as evidence before a previous board where it includes acts or omissions on the part of the member which have not been considered by the previous board, or where it includes administrative or judicial determinations made with regard to the member which have not been considered by the previous board and which are, pursuant to the provisions of this paragraph, competent for the subsequent board to consider.

b. Conduct is considered to have previously been the subject of administrative discharge board proceedings when the previous board has submitted the record of its proceedings to the discharge authority and when the board records include one of the recommendations prescribed by subparagraph 6024.5.

c. When a subsequent board is convened, no voting member of the subsequent board shall have served on a previous board as a voting member or have been the recorder or assistant recorder of a previous board which considered the same matter. However, the recorder and/or the assistant recorder of the previous board may serve as the recorder and/or assistant recorder of the subsequent board.

d. The record of the proceedings of the previous board may be furnished the subsequent board. However, the subsequent board will not be furnished the findings, opinions or recommendations of the previous board, nor the matter contained in the previous board which was considered by the discharge authority to have been prejudicial to the substantial rights of the respondent, nor any matter determined by the discharge authority to have been obtained by fraud or collusion, nor the specific comments of the convening authority or discharge authority concerning the previous board. Such excluded matter, however, should be furnished the recorder of the subsequent board in order that he/she may ensure that such matter is not permitted to be injected into the subsequent proceedings. While the subsequent board may consider the report of the previous board, it shall not be bound in any manner to return any finding, opinion or recommendation consistent with any finding, opinion or recommendation rendered by the previous board. The subsequent board shall submit its findings, opinions and recommendations, de novo. However, the subsequent board, in an appropriate case, may base its findings of fact, opinions and recommendations solely upon the evidence properly considered by the previous board.

e. When a discharge authority sets aside the findings and recommendations of a previous board, pursuant to the provisions of this paragraph, and appoints a subsequent board to hear the respondent's case, no further action is required prior to the subsequent board's hearing of the respondent's case other than the

appointment of the subsequent board; notifying the respondent and his/her counsel of the appointment of the subsequent board and the reasons for setting aside the findings and recommendations of the previous board; and giving the respondent and his/her counsel timely notice of the time and place of the subsequent board hearing of the witnesses to be heard, and of the evidence to be considered before the subsequent board.

f. Subject to the foregoing the rights of the respondent will be the same as those in existence when the case was initially heard.

g. The discharge authority may not approve findings or recommendations of the subsequent board which are less favorable to the respondent than those rendered by the previous board.

9. Action by the Convening Authority/Discharge Authority

a. The record of proceedings and the report of the board will be submitted to the convening authority. Where the convening authority is not the appropriate discharge authority, he/she will take such action with respect to the board's report as is prescribed in subparagraph 6018.5a.

b. Upon the receipt of the record of proceedings and report of the board, the discharge authority will refer such record and report to the staff legal officer for written review prior to taking action thereon (see paragraph 6027). Upon completion of the foregoing, the discharge authority may take one of the following actions:

(1) Approve the board's recommendations and direct their execution.

(2) Approve the board's recommendation for discharge and the general and specific basis therefor, but direct a change in the type and character of discharge recommended by the board to a more creditable one. Except as provided by paragraphs 6003 and 6004, the discharge authority, in upgrading a recommended discharge under other than honorable conditions, normally should not direct discharge with any more creditable type of discharge than is otherwise warranted by the respondent's military record. Under no circumstances shall the discharge authority direct the respondent's discharge with a less creditable type of discharge than that recommended by the board.

(3) When the record indicates that such action would be appropriate, approve the board's recommendation for the respondent's discharge with the type and character of discharge recommended but direct that the general and specific basis of the recommended discharge be changed (see subparagraph 6001.5n(2)). It is desirable that the discharge authority, in directing a change to the basis for a recommended discharge, specify both the general and specific basis therefor and the specific subparagraph of this chapter applicable to the type of discharge he/she directs. However, where there is no specific subparagraph of this chapter which is applicable to the specific basis for the discharge, the discharge authority may merely specify the applicable general paragraph. For example, if the board recommends the respondent's discharge with a general discharge for the general basis of misconduct and for the specific basis of conviction by civil authorities of an offense involving moral turpitude, the discharge authority may direct the respondent's discharge with a general discharge, but may change the general basis therefor from misconduct to unsuitability and not specify a specific basis for the discharge. The discharge authority may not direct a change in the general basis of the recommended discharge which is less favorable to the respondent; e.g., he/she may not direct that the general basis for the respondent's discharge be changed to misconduct when the board has recommended a discharge upon the general basis of unsuitability. See subparagraphs 6001.5n(2) and 6004.9b.

(4) Combine the alternative actions permitted by subparagraphs 6024.9b(2) and 6024.9b(3), above. For example, approve the board's recommendation for the respondent's discharge but direct that the recommended type and character of discharge be changed to a type and character more favorable to the respondent, and that the recommended basis therefor be changed to basis more favorable to the respondent. For example, if the board recommends that the respondent be discharged with a discharge under other than honorable conditions with a general basis of misconduct and a specific basis of an established pattern for shirking, the discharge authority may approve the respondent's discharge, but may direct that the type of the discharge be changed to a general discharge; the general basis therefor be changed to unsuitability; and that the specific basis therefor (depending upon the circumstances) be changed to either character and behavior disorders, or apathy, defective attitudes, and inability to expend effort constructively.

(5) Approve the board's recommendation for the respondent's discharge, with the type and basis therefor recommended by the board, but suspend the execution of the discharge for a specified period in accordance with the provisions of paragraph 6026.

(6) Disapprove the board's recommendation for discharge and direct that the respondent be retained in the service.

(7) When an administrative discharge board recommends retention and the discharge authority believes that separation is warranted by the circumstances of the case, the case may be forwarded via the chain of command to the Secretary of the Navy, recommending separation. Requests should not be made to the Secretary of the Navy, except in those unusual cases where such action is essential in the interest of justice, discipline and proper administration within the naval service. Should the convening authority/discharge authority believe referral to the Secretary of the Navy is warranted in a particular case, the forwarding endorsement addressed to this Headquarters (MMSR-3) must contain specific rationale which clearly show that the further retention of the individual is not in the best interests of justice, discipline and proper administration within the naval service. In the event that the discharge is approved by the Secretary of the Navy, the discharge will be with honor, or under honorable conditions, with either an honorable or general discharge, as warranted by the circumstances, and the general basis for discharge will be for the convenience of the Government vice unsuitability or misconduct (see subparagraph 6012.1g of this Manual).

(8) Set aside the findings and recommendations of the board and refer the respondent's case of a subsequent board in accordance with the provisions of subparagraph 6024.8.

c. When final action is taken by a discharge authority other than the Commandant of the Marine Corps or the Secretary of the Navy, on any recommendation for discharge by reason of unsuitability in the case of a member with 8 or more years of continuous active duty or on any report of misconduct or recommendation for discharge by reason of misconduct, all papers shall be forwarded to the Commandant of the Marine Corps (Code JA) for review. See subparagraphs 6005.8 and 6016.4. These papers shall include the signature of the discharge authority recording the final action taken in the case and the date thereof.

6025. ADMINISTRATIVE DISCHARGE BOARD PROCEEDINGS

1. An administrative discharge may not be effected without administrative discharge board proceedings in the following cases:

a. Where a member is recommended for discharge under other than honorable conditions, or a member with 8 or more years of active and inactive service is recommended for discharge by reason of unsuitability or misconduct and:

(1) The member does not waive, as prescribed elsewhere in this chapter, the right to present his/her case before an administrative discharge board, or,

(2) The member waives, as prescribed elsewhere in this chapter, the right to present his/her case before an administrative discharge board, but such waiver is disapproved by the discharge authority who directs referral of the member's case to an administrative discharge board.

b. Where a member is recommended for a discharge for security reasons within the purview of the current edition of SECNAVINST 5521.6 and pursuant thereto, proceedings before security boards are required.

2. An administrative discharge may be effected without administrative discharge board proceedings in the following cases:

a. Where a member is recommended for discharge under other than honorable conditions, or a member with 8 or more years of active and inactive service is recommended for discharge by reason of unsuitability, and:

(1) The member is beyond military control by reasons of a continuous, established unauthorized absence of more than 1 year, provided the provisions of subparagraphs 6005.3a, 6023.2b, and 6023.4 have been complied with; or

(2) In a case where a member requests discharge for the good of the service within the purview of paragraph 6021 and provided the provisions of subparagraph 6021.1, 6023.1 and 6023.3 have been complied with; or

(3) In a case where the member waives his/her right to board action under the conditions prescribed elsewhere in this chapter and such waiver is not disapproved by the discharge authority.

b. In any case where a member is recommended and processed for an honorable or general discharge, pursuant to the provisions of paragraphs 6009 through 6012 and 6014 through 6015, except for those cases where a member with 8 or more years of active and inactive service is recommended for discharge by reason of unsuitability. In the latter cases, the provisions of subparagraph 6025.1 or 6025.2a apply.

6026. SUSPENSION AND VACATION OF SUSPENSION OF APPROVED ADMINISTRATIVE DISCHARGES

1. The Commandant of the Marine Corps and all Marine commanders exercising general court-martial jurisdiction, prior to the expiration of a member's enlistment or period of obligated active service, may suspend the execution of any approved administrative discharge for a specified period of probation, not to exceed 1 year, if the circumstances in a case indicate a reasonable prospect for the member's rehabilitation except that if the approved discharge is based upon the procurement by the Marine of a fraudulent enlistment, its execution may not be suspended. If a period of suspension in excess of 1 year is desired, permission therefor will be requested from the Commandant of the Marine Corps (Code JA). Such suspension may be conditioned upon the member's approved request for an extension of his/her enlistment or period of obligated active duty. During the period of suspension, the member will be afforded an opportunity to demonstrate that he/she is qualified for retention in the service; i.e., that he/she is capable of behaving properly for an extended period under varying conditions, and that he/she can perform his/her assigned duties efficiently. In determining whether or not to suspend the execution of an approved administrative discharge, such factors shall be considered as: the member's maturity, the sincerity of the member's service motivation, the member's potential value to the Marine Corps, and the degree of risk of unsatisfactory performance in a continued term of service.

2. The following actions will be recorded on page 11 of the member's service record book:

a. The action initially suspending the execution of an approved administrative discharge, together with the date the specified period of suspension will be automatically remitted unless sooner vacated.

b. Any subsequent action extending the initial period of suspension, together with the date such extended period of suspension will be automatically remitted unless sooner vacated. (See subparagraph 6025.13.)

c. The action taken to vacate a suspended administrative discharge and the ordering of its execution or the execution of a more favorable discharge in lieu thereof.

3. Except as provided by subparagraphs 6026.9 and 6026.10 upon the expiration of the probationary period, or upon the expiration of the member's enlistment or period of obligated active service, whichever occurs earlier, unless the suspension is sooner vacated, the unexecuted administrative discharge will be remitted without further action.

4. Additional misconduct or other act(s) or omission(s) which constitute substandard performance of duty, or which demonstrate(s) characteristics of unfitness or unsuitability on the part of the member occurring during the probationary period or extensions thereof, may establish the basis for one or more of the following actions:

a. Either punitive action under the UCMJ, or new administrative action. Except where alleged violations of probations are required by subparagraph 6026.6 to be forwarded to the Commandant of the Marine Corps for final determination, either of these actions may be initiated and finally completed, notwithstanding the originally suspended administrative discharge. However, see subparagraphs 6002.13 through 6002.15, 6007.5, and 6026.5.

b. Vacation of the suspension of an administrative discharge and the ordering of its execution, or the execution of a more favorable discharge in lieu thereof.

c. Retention of the member, despite a violation of his/her probation, and either continuing the member's original period of probation or extending the original period of probation beyond its normal expiration date for any subsequent period not to exceed 1 year. If an extension of the original period of probation is desired for a subsequent period in excess of 1 year, permission therefor will be requested from the Commandant of the Marine Corps (Code JA).

5. Where a commanding officer or officer in charge does not exercise special court-martial jurisdiction over a member whose approved administrative discharge has been suspended, he/she shall make a report of a suspected or apparent violation of probation on the part of the member to the Marine officer next in the chain of command exercising special court-martial jurisdiction over the member. Included in this report will be all relevant and material documentary evidence pertaining to the case and the commander's specific recommendation for one or more of the actions described in subparagraph 6026.4. See subparagraph 6026.12a when a hearing is required prior to vacation of the suspension of an approved administrative discharge. Care should be taken in making any recommendation for punitive action under the UCMJ, that in acting thereon, the officer exercising special court-martial jurisdiction, the officer exercising general court-marital jurisdiction, or higher authority, does not become an accuser, within the meaning of UCMJ, Article 1(9). (See MCM, Rev., 1969, chapter VII, and subparagraph 6002.14.) After taking the action prescribed by subparagraph 6026.12 and/or any other action appropriate in the case, the commander exercising special court-martial jurisdiction over the member will forward the

case, with his/her recommendations thereon, to the Marine commander exercising general court-martial jurisdiction over the member. Upon receipt of the report, the Marine commander exercising general court-martial authority over the member shall take one or more of the following actions:

a. Determine that no violation of probation has occurred and take no action in consequence thereof, continuing the member's original period of probation.

b. Return the entire report to the officer exercising special court-martial jurisdiction over the member concerned for whatever action such officer deems appropriate.

c. Take or cause appropriate action pursuant to MCM, (Rev.), 1969, paragraph 35, to be taken.

d. Determine that a violation of probation has occurred and, provided the prerequisite safeguards have been met and the prerequisite proceedings required by this chapter have been completed:

(1) Authorize or direct the action permitted by subparagraph 6026.4b or 6026.4c, where he/she is, pursuant to subparagraph 6026.6, empowered to take such action, or

(2) Authorize or direct the appropriate discharge of the member as a result of new administrative action taken pursuant to subparagraph 6026.4a.

e. Forward the report, together with such other matters as are required by subparagraph 6026.6 to the Commandant of the Marine Corps (Code JA or Code MMSR, as appropriate) for disposition.

6. Only a discharge authority competent to initially authorize or direct the type of administrative discharge which has been suspended, and to initially authorize or direct an administrative discharge as a result of the act(s) or omission(s) which is the basis for the member's alleged violation of probation, may vacate a suspended administrative discharge, or direct the retention of a member despite a violation of his/her probation. Where the discharge authority competent to initially authorize or direct the type of administrative discharge which has been suspended is the Commandant of the Marine Corps or the Secretary of the Navy, or where a member's alleged violation of probation consists of act(s) or omission(s) for which the authority to authorize or direct any administrative discharge is reserved to the Commandant of the Marine Corps or the Secretary of the Navy, the Marine commander exercising general court-martial jurisdiction over the member, or the member's commanding officer when the member is not under the command of a Marine commander exercising general court-martial jurisdiction, will forward a full report of the member's alleged violation of probation, together with all documentary evidence pertaining thereto, and his/her recommendation as to whether or not the suspended discharge should be vacated, to the Commandant of the Marine Corps for final disposition thereof. In the event that the hearing provided for by subparagraph 6026.12 is required before vacation of the suspended discharge may be ordered, the full report of this hearing will be forwarded to the Commandant of the Marine Corps, together with the other documents required by this subparagraph.

7. Vacation of a suspended administrative discharge as authorized by subparagraph 6026.4b will not be effected unless the vacation is based upon additional misconduct, or other acts or omissions which constitute substandard performance of duty, or which demonstrate characteristics of unfitness or unsuitability on the part of the member during the probationary period, when considered in light of the member's entire military record during his/her current enlistment or obligated active service, including voluntary or involuntary extensions thereof, clearly demonstrates that the member is unqualified for retention.

8. Where a member whose approved administrative discharge has been suspended allegedly violates such probation and, as a consequence thereof, punitive action or new administrative action is initiated which does not result in the execution of a finally approved punitive or administrative discharge, vacation of the previously suspended administrative discharge, and its subsequent execution may nevertheless be effected. The provisions of subparagraphs 6005.5 and 6020.8 do not apply to the foregoing, inasmuch as the administrative discharge resulting from the vacation proceedings is not a discharge based upon the member's act(s) or omission(s) which occasioned the vacation proceedings, but is, in effect, the original discharge which was initially approved and then subsequently suspended. Further, a suspended administrative discharge may be vacated notwithstanding the fact that a member may be in a disciplinary status. In making this decision, the commanding officer or the convening or discharge authority will ensure that, by his/her actions or decisions in this regard, he/she does not thereby become an accuser (see subparagraph 6026.5).

9. Unless prior to the expiration of a member's enlistment or period of obligated active service, including voluntary or involuntary extensions thereof, appropriate action is taken pursuant to MCM, (Rev.), 1969, paragraph 11d and UMCJ, article 2(1), to effect a continuation of jurisdiction under the UCMJ over the member, a member whose approved administrative discharge has been suspended on probation and who violates such probation as described herein, may not be retained on active duty for the purpose of vacating the suspended administrative discharge. The suspended administrative discharge of a member whose period of obligated active service has expired and who is transferred to the Reserve, may be vacated following the member's transfer to the Reserve.

10. Except as provided in subparagraph 6026.9, a suspended administrative discharge may be vacated within a reasonable time after the expiration of the period of suspension where appropriate vacation action cannot be initiated and completed before the expiration of the period of suspension (see, however, 6026.11). Examples of the applicability of this provision are cases in which the command fails to discover a member's violation of probation until after the expiration of the period of suspension; or in which a violation of probation, even though discovered, occurs too close to the expiration of the period of suspension to permit the initiation and completion of appropriate vacation action within such period.

11. Except as provided by subparagraph 6026.12 the discharge authority may vacate the suspended administrative discharge and order its execution without further hearing or proceedings in these instances:

a. When the member has been beyond military control for 15 or more consecutive days, the discharge may be executed in absentia (see subparagraph 7002.2 and paragraph 7006).

b. When the member has not been beyond military control for 15 or more consecutive days, but the suspended discharge is other than:

(1) A discharge under other than honorable conditions, or

(2) A discharge for reason of unsuitability in the case of a member with 8 or more years of active and inactive military service.

12. Where a member whose approved administrative discharge has been suspended violates probation as described herein, and the suspended discharge is either a discharge under other than honorable conditions or a discharge for reason of unsuitability in the case of a member with 8 or more years of active and inactive military service, the discharge authority may vacate such discharge and order its execution only in accordance with the following procedure:

a. Upon receipt of a report that a member has allegedly violated his/her probationally suspended administrative discharge, the Marine commander exercising special court-martial jurisdiction over such member will hold or cause to be held a hearing on the alleged violation of probation. Where the Marine commander exercising special court-martial jurisdiction over the member does not personally conduct such hearing, he/she shall appoint, as the hearing officer, an officer of the grade of major/lieutenant commander or higher, unless he/she certifies in the permanent record the nonavailability of an officer of such grade, together with the reasons for such nonavailability.

b. This hearing will be in the nature of a "show cause" proceeding. That is, the respondent will be given an opportunity to show cause why his/her alleged violation of probation should not result in the vacation of the suspended administrative discharge and the ordering of its execution. The respondent will be afforded an opportunity to be represented at this hearing by counsel as defined in subparagraph 6001.5j.

c. The Marine commander exercising special court-martial jurisidiction over the member will submit the report of the hearing, with his/her appropriate recommendations thereon, to the Marine commander exercising general court-martial jurisdiction. The member concerned shall be furnished a copy of the hearing report and the endorsements thereon, provided he/she makes a written request to the convening authority.

d. The Marine commander exercising general court-martial jurisdiction over the member will take whatever action he/she deems appropriate and which he/she is empowered to take with regard to the alleged violation of probation (see subparagraphs 6026.4, 6026.5, and 6026.6).

13. The running of any period of suspension of an administrtive discharge, or extension thereof, will be interrupted by any occasion, event, occurrence or act which would interrupt the running of a period of suspension in the case of a sentence adjudged by a court-martial (see JAG Manual, section 0129b, and subparagraph 6026.2b, above.)

14. Regardless of the type of administrative discharge which has been suspended, any discharge authority competent to vacate its suspension and order its execution may, in lieu of the execution of a specific suspended discharge being vacated, authorize or direct the member's discharge with an honorable or general discharge as warranted by the member's military record control in accordance with the provisions of paragraphs 6003 and 6004.

6027. STAFF JUDGE ADVOCATE ACTION

1. A discharge authority shall cause the case to be reviewed by his/her staff judge advocate prior to taking his/her action with regard to:

a. The report of any administrative discharge board held in accordance with the provisions of paragraphs 6016, 6017, 6018 and 6020.

b. A report of misconduct, a recommendation for discharge by reason of unfitness, or a request for discharge for the good of the service, or

c. Any administrative discharge matter in which the respondent could have received a discharge under other than honorable conditions and which, under the provisions of this chapter, is forwarded to the Commandant of the Marine Corps for advice or final disposition.

2. Discharge authority may refer any other administrative discharge matter to the Staff Judge Advocate for review.

3. The original or a signed copy of the review will be attached to the record of the case which is forwarded to the Commandant of the Marine Corps. The form

and content of the staff judge advocate's review will be as required by the discharge authority. Normally a typed, stamped, or printed statement that the proceedings have been reviewed and found sufficient in law and in fact will constitute an adequate staff judge advocate's review as contemplated herein. If the staff judge advocate does not find the administrative discharge proceedings to be correct in law and fact, he/she should briefly set forth the facts and reasoning leading to such determination.

(LETTERHEAD)

From: Commanding Officer
To: (Individual Concerned)

Subj: Discharge

Ref: (a) MARCORSEPMAN, par 6012.5

1. This is to inform you that I have initiated action to discharge you from the U. S. Marine Corps pursuant to the provisions of the reference. I am recommending that you be awarded a(n) honorable/general discharge.

2. The reasons for my action are:

(State specific facts and incidents which are the basis for the recommendation. Include counseling and the dates and cirumstances of contributory events, including (if applicable) nonjudicial punishment and courts-martial, together with an evaluation of the member's potential for advancement and satisfactory completion of enlistment.)

3. The decision on your discharge and the type of discharge you will receive rests with (name and position of officer exercising special court-martial jurisdiction). *If you are awarded a general discharge you may expect to encounter prejudice in civilian life.

4. You have the following rights:

a. You may consult with a judge advocate at no expense to you, or with civilian counsel of your own choosing at your own expense. (You are advised that it is to your advantage to consult with counsel prior to completing the endorsement to this letter.)

b. You may submit a statement in your behalf.

c. You may disagree with my recommendation, in which case your rebuttal will be forwarded with my recommendation and your service record to (name and position of officer exercising general court-martial authority) for final decision.

d. You may consent to your discharge, in which case the final decision will be made by (SPCM convening authority). In this regard, you are cautioned that consent, once given, may not be withdrawn by you.

5. Complete the attached acknowledgement and return it by (date given should allow member at least 48 hours to consult with counsel and make his/her decision).

*Do not use if an honorable discharge is recommended.

(Signature)

Figure 6-2.--Letter of Notification for an Expedited Discharge.

FIRST ENDORSEMENT on

From: (Individual Concerned)
To: Commanding Officer, (Unit)

Subj: Discharge

1. I hereby acknowledge notification of recommendation for my discharge.

2. I (waive my right to submit) (have attached) a statement in my behalf.

3. *I understand that if I am awarded a general discharge under honorable conditions I may expect to encounter prejudice in civilian life.

4. I hereby acknowledge that I have been provided the opportunity to consult with _____, a judge advocate.

5. I (object) (do not object) to discharge from the U. S. Marine Corps.

6. I understand that once I consent to discharge and such discharge is directed, I may not withdraw my consent.

(Signature)

* Do not use if honorable discharge is recommended.

Figure 6-3.--Return Endorsement for an Expedited Discharge.

CHAPTER 7

GENERAL INSTRUCTIONS FOR SEPARATIONS

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CHAPTER 7

GENERAL INSTRUCTIONS FOR SEPARATIONS

7001. TIME AND PLACE OF SEPARATION

1. A Regular or reservist stationed within the continental limits of the United States will be separated from the Marine Corps at the duty station to which assigned at the time he/she becomes eligible for such separation except residents of Puerto Rico who will be separated in that commonwealth if they entered the service there, unless they request otherwise in writing.

2. When, prior to expiration of enlistment or expiration of any extension of enlistment or when separation from active duty for any other reason is authorized, Marines serving outside continental United States and at sea, including such times as a ship may be in a United States port, become eligible for separation, they will be transferred by the field commander concerned or commander of Marine detachment afloat to the Marine Corps activity nearest a port of entry within the continental United States where Government messing, quarters, medical and Marine Corps disbursing facilities are available. Transfer will be effected to ensure arrival not later than 10 days prior to the effective date of discharge or release.

a. Marines returning to the continental United States for retirement/transfer to the FMCR may select one of the following stations for separation processing, regardless of availability of Government billeting and messing. The commanding officer of the old duty station shall:

(1) Counsel the member on the Survivor Benefit Program (SBP).

(2) Make an entry on page 11 of the OQR/SRB if the member has been recommended for an award.

(3) Ensure that the OQR/SRB/PAHEL accompany the member to the separation activity.

(4) Submit biographical information on the member, suitable for reading at the retirement ceremony, to the separation activity 30 days prior to retirement/transfer to the FMCR.

MCDEC QUANT	012	MATSG 90 MFS	G79
HQ FMFLant NORVA	111	MCAS (H) NRiver NC	024
Camp H. M. Smith HI	1CD	MCAS Yuma AZ	027
MCB CamPen CA	014	MCAS Kaneohe Bay HI	091
MCB CamLej NC	013	MCAS Beaufort SC	026
MCB 29 Palms CA	015	MCFC KSC	047
MCLSBLant Albany GA	063	HQ 1st MCD GCTY	902
MCLSBPac Barstow CA	019	HQ 4th MCD PHILA	904
MCRDep PISC	016	HQ 6th MCD ATLA	908
MCRDep SDiego	017	HQ 8th MCD NRLNS	910

MCAS Cherry Pt NC	022	HQ 9th MCD Shawnee	
MCAS El Toro CA	023	Mission, KS	912
4th MAW/MARTC NRLNS	147	HQ 12th MCD TISFRAN	914

b. All Marines, not covered in subparagraph a above, stationed outside the continental United States who become eligible for separation may request from the Commandant of the Marine Corps (Code MMOA for officers, MMEA for enlisted, as appropriate) to be ordered for separation processing to a Marine Corps activity of their choice within the continental United States provided a humanitarian hardship situation exists. Requests of this nature will not be approved unless Government billeting, messing, medical, and Marine Corps disbursing facilities are available.

c. Orders authorizing Marines (all categories) to proceed to a station of their choice for separation processing will include the following paragraph:

"At your request you are authorized to report to (name and location of activity) instead of (the separation activity in the United States to which ordered) for temporary duty in connection with separation processing, with the understanding that you are not entitled to reimbursement for mileage or expenses in excess of that allowed for travel to (activity to which directed to report in the United States) and hence to your Home of Record, place from which ordered to active duty, or home of selection, as applicable. Travel time in excess of that authorized for the direct travel will be charged as leave. If you do not desire to bear this expense this authorization is revoked and you will report as directed in your basic orders. JTR, paragraph M4157 or M4158 and NTI, paragraph 4002 are applicable."

3. Enlisted Marines becoming eligible to be separated under honorable conditions while serving outside the continental United States in other than belligerent countries may, at their own request, be separated at their duty stations. Marines shall indicate their election by executing on page 11 of the service record a request to be so separated.

a. Marines desiring separation in a foreign country whether for the purpose of traveling or residing in a foreign area after separation from the service, at a time substantially prior to the normal date of separation, shall make application for a passport and for permission to remain in the foreign country or its possessions. These applications should be accompanied by statements from the commander relative to the date the person will be eligible for separation under honorable conditions.

b. In the case of enlisted Marines the commander shall, prior to separation of the Marine ascertain that he/she will be issued a passport and has been or will be granted permission to remain in the foreign area. In this connection, the commander may accept a written statement from the appropriate consular or diplomatic representative to the effect that the Marine concerned has applied for a passport and that it appears that he/she is eligible to receive a passport upon separation from the service. In general a consular or diplomatic representative will be in a position to make this latter statement upon receipt of proper proof of the individual's claim to United States citizenship or nationality. Permission to travel or reside in a foreign country may be substantiated by a written statement from the foreign government concerned that the Marine has been granted or it is anticipated that he/she will be granted permission to remain in the foreign area in question.

c. Officers will submit requests to be separated on foreign shores to the Commandant of the Marine Corps (Code MM). Their requests shall contain a statement that application has been made for a passport and indications are that such passport will be granted upon separation. Additionally, the request shall include a statement that permission to remain in the foreign area has been or will be obtained.

7002. EFFECTIVE TIME OF SEPARATION

1. A discharge or separation takes effect upon delivery of the discharge or separation document, except as indicated in subparagraph 7002.5, below. For members of the Regular Marine Corps who are transferred to the Marine Corps Reserve and are concurrently released from active duty, separation is effected upon delivery of the separation.

2. In cases where discharge has been authorized or directed and the Marine is unavailable due to his/her confinement in a civilian jail, prison, or institution and personal delivery of the certificate is not possible or feasible, the discharge will be effective on the date shown on the discharge certificate. If the Marine is unavailable due to his/her unauthorized absence, a discharge in absentia will not be effected without the approval of the Commandant of the Marine Corps (Code MMSR).

3. Title 38 U.S.C. 106(c) provides that, for the purpose of entitlement to benefits administered by the Veterans Administration, a Marine discharged or released from a period of active duty shall be deemed to have continued on active duty during that period of time immediately following the date of such discharge or release from such duty determined in accordance with regulations to be required for him/her to proceed to his/her home by the most direct route, and in any event, until midnight of the date of such discharge or release. If a discharged member is injured while returning home and requires hospitalization, he/she may be eligible for benefits from the Veterans Administration and should be advised to file an appropriate claim to that agency.

4. If discharge is being effected as a result of immediate entry or reentry into any component of the Armed Forces, the discharge certificate will be dated as of the date preceding such entry or reentry.

5. The release from active duty of a reservist who was assigned to active duty as a reservist is effective at the expiration of authorized travel time. The discharge of a reservist as the result of expiration of enlistment or fulfillment of service obligation will be effective on the date shown on the discharge certificate.

6. When the date of discharge is not indicated, approved administrative discharges will be effected at the earliest practicable date and normally not later than 5 working days from the time of receipt of the discharge order by the command concerned.

7. Discharge certificates or other separation documents and final pay or a substantial portion thereof will be prepared and ready for delivery to the Marine concerned upon the date of discharge or release from active duty.

a. Delivery of discharge certificates will be made on the date of discharge to those Marines who have indicated that they do not desire to extend or reenlist.

b. Marines who desire to extend or reenlist will be required to execute their enlistment contracts or extensions of reenlistment on the dates their current enlistment contracts expire, or prior thereto, to be effective on the date next succeeding the date of discharge or expiration of enlistment. Delivery of the discharge certificate must be accomplished on a date subsequent to the date of discharge.

c. Consistent with the Marine's military obligation (military obligation is terminated upon discharge) commanders are authorized to effect discharge (Regular or Reservists), or to order release from active duty (Regular or Reservists) on the last working day preceding a Saturday, Sunday or holiday when the normal separation date, or separation date established by higher authority falls on one of those days, providing the Marine concerned consents in writing. Marines desiring to reenlist immediately will not be discharged early under this subparagraph. The following statement of consent will be entered on page 11 of the service record book and signed by the Marine concerned:

"I hereby consent to be (discharged) (released) on _____ _____ _____ in lieu of my normal or established date of discharge or release on _____ _____ _____. I understand that entitlement to pay and allowances and credit for active Federal service ceases on the actual date of my separation from active service."

(1) The following instructions are applicable to Marines discharged or released early under authority contained in this subparagraph:

(a) Marines shall be considered eligible for the Good Conduct Award in all instances where eligibility therefor would have been established through normal expiration of obligated active service.

(b) Recoupment of reenlistment bonus will not be made.

(c) In the event of future recall, Marines will be considered in the same status as those who have completed their enlistments or periods of extended active duty.

7003. CATEGORIES FOR DISCHARGE AT DUTY STATIONS WITHIN THE UNITED STATES

1. Commanders will process and discharge, at their present stations, all enlisted Marines eligible for discharge who fall within one of the following categories (for personnel arriving in the United States from sea or foreign duty, the commander referred to is that of the post or station to which the Marine has been ordered for separation).

a. Those who have no obligated service under law and who will be discharged for reason of expiration of enlistment.

b. Those who will be discharged for enlistment or reenlistment.

c. Those whose discharge is directed by proper authority prior to expiration of enlistment.

2. Except for reenlistment or when discharge is otherwise directed by competent authority, enlisted Marines who have not completed obligated service under law will not be discharged upon expiration of enlistment. They will be transferred to the Marine Corps Reserve in accordance with current directives.

7004. TRAVEL UPON SEPARATION

1. Detailed instructions relating to the travel of Marines upon separation from the service or release from active duty are contained in Joint Travel Regulations and in the U.S. Navy Travel Instructions.

2. When a Marine is discharged or released from active duty, he/she will be furnished the necessary forms and instructions to enable him/her to file timely claims for his/her own and/or his/her dependents' travel, as applicable, upon completion of the travel.

3. A Marine, entitled to elect mileage to his/her home of record or place from which ordered to active duty in accordance with the Joint Travel Regulations, paragraph M4157, will be informed as to the amount of the mileage allowance which has been paid to him/her in advance and advised that no further travel payment will accrue to him/her for his/her own travel. A Marine will be paid a mileage allowance in accordance with the provisions of the Joint Travel Regulations, paragraph M4159-6 at the time of separation or release from active duty, if he/she so elects at that time, and if travel outside the United States is involved, as prescribed by the Joint Travel Regulations, paragraph M4157-1b. However, if the member prefers to perform the foregoing travel prior to submitting a claim for the mileage allowance, payment will be made in accordance with the Joint Travel Regulations, paragraph M4159-1, 2, 3, or 4, as applicable. In the latter case, the member will be:

a. Furnished a DD Form 1351-2 in triplicate,

b. Advised where to submit his/her claim after the travel is completed,

c. Informed of the time limitation for completion of transoceanic travel as provided in the Joint Travel Regulations, paragraph M4157-4.

If the Marine is entitled to dependent's transporation, he/she will be furnished the following:

(1) A Voucher or Claim for Dependent Travel and Dislocation or Trailer Allowance (DD Form 1351-4) in triplicate.

(2) The certificate, in triplicate, prescribed by figure 7-1, if he/she is discharged without orders (viewed by the disbursing officer to ensure that the entries thereon are correct). This certificate may be locally issued up to a maximum of 45 days in advance of the effective date of the Marine's discharge/release from active duty. If the Marine elects to take leave awaiting separation, the certificate may be issued 45 days plus the number of days leave authorized in advance of the effective date of separation.

(3) A member who is entitled to select his/her home and receive mileage allowances thereto from his/her last duty station in accordance with the Joint Travel Regulations, paragraphs M4158 and M7010 will be:

(a) Informed that mileage allowances are not payable in advance;

(b) Informed of the time limitation covering completion of travel;

(c) Informed that once a home is selected and travel allowances are received for travel to such home, such selection is irrevocable;

(d) Furnished the necessary forms on which to submit claim(s) after completion of travel to the selected home;

(e) Furnished an information and instruction sheet similar to the illustration in this part but modified, as necessary, to cover travel to home of selection.

A member who is returned from an overseas permanent duty station for separation in the Continental United States at an activity chosen by him/her in accordance with subparagraph 7001.2a, above, will be informed of his/her entitlement to mileage allowance as specified in subparagraph 7004.3a, above.

7005. RETENTION IN SERVICE TO LIQUIDATE INDEBTEDNESS. Neither Regular nor Reserve Marines will be retained on active duty for the purpose of liquidating indebtedness to the Government.

7006. PHYSICAL EXAMINATIONS, TREATMENT AND PROCEEDINGS

1. A complete examination shall be given to all enlisted Marines prior to retirement, discharge, transfer to the Fleet Marine Corps Reserve, or release from active duty. Examinations in the cases of Marines being discharged or retired upon the approved report of a medical board, or a physical evaluation board shall be made in accordance with the Manual of the Medical Department and current directives.

2. Discharge or release from active duty normally will not be effected when any of the following actions are being taken or contemplated (for further instructions see chapter 10):

a. Physical evaluation board processing. Such processing is not considered completed until the Secretary of the Navy has taken final action on the board proceedings and the Commandant of the Marine Corps has promulgated such action.

b. Medical board hearing, or;

c. Necessary medical or dental treatment.

3. An enlisted Marine on active duty whose term of enlistment expires while he/she is suffering from disease or injury incident to service and not due to his/her own misconduct, and who needs medical care or hospitalization, may be retained on active duty, with his/her consent, until he/she recovers to the extent that he/ she is able to meet the physical requirements for reenlistment or until it is determined that recovery to that extent is impossible. (See paragraph 10001.)

7007. GOVERNMENT PROPERTY. Government property in possession of enlisted Marines or on charge to them will be recovered prior to discharge. In case of shortages, commanders will take appropriate action to determine responsibility in accordance with current instructions.

7008. UNIFORMS AND CLOTHING

1. The instructions relating to uniform clothing of Marines being discharged are contained in the current edition of MCO P10120.28, Individual Clothing Regulations.

2. A male Marine discharged with a dishonorable or bad conduct discharge, or a discharge under other than honorable conditions or for reason of unsuitability or security shall have all uniform coats, overcoats, raincoats, liners, trousers, utility uniforms, caps and hats in his possession, together with all grade and branch of service insignia, service stripes, and buttons pertaining thereto, recovered by his commander prior to discharge, and if necessary, an outfit of civilian clothing will be issued to him in accordance with current instructions.

3. Uniforms recovered from women Marines discharged as stated in subparagraph 7008.2, above shall be interpreted to mean all uniform coats, overcoats, skirts, utility uniforms, duffel bag, rain cap cover, hood for raincoat, necktie, scarfs, gloves, caps and hats, together with all grade and branch of service insignia, service stripes and uniform buttons thereto. They will be permitted to retain the raincoat, handbag and other items not specified above. The allowance of civilian clothing furnished shall include a civilian topcoat when weather conditions require.

7009. ACCRUED LEAVE. Prior to discharge the number of days unused leave for which settlement may be made in cash will be determined from the latest available Leave and Earnings Statement (LES) and documents reflecting leave taken but not yet reflected on the LES. For information concerning entitlements to lump-sum payment for accrued leave, see DOD Military Pay and Allowances Entitlements Manual (DODPM), Part Four, Chapter 4, Section A.

7010. PAY ACCOUNTS

1. The disbursing officer maintaining the Marine's account will be notified at least 5 working days prior to date of discharge or release from active duty.

2. An enlisted Marine who is discharged for any reason with a dishonorable or bad conduct discharge, or a discharge under other than honorable conditions and who would be otherwise without funds to meet his/her immediate needs, upon discharge shall be paid a sum not to exceed $25 or such portion thereof as, together with other funds available to the Marine concerned, will total $25. For detailed instructions regarding this cash allowance see DOD Military Pay and Allowances Entitlements Manual (DODPM), Part Four, Chapter 4, Section G, and the current edition of MCO P7220.31C, paragraph 40461.

7011. CAREER ADVISORY INTERVIEWS

1. Prior to discharge each Marine will be interviewed by the career planning personnel, who will, if the Marine is considered desirable for reenlistment, point out the benefits of continued service in the Marine Corps. If the Marine has definitely decided not to reenlist, interest should be aroused in the Marine Corps Reserve by pointing out the benefits to be derived.

2. Marines should also be instructed to apply to the nearest recruiting officer, should they desire to reenlist at some subsequent date. Recruiting officers have all the necessary information and can answer questions in much less time than if inquiry is made direct to the Commandant of the Marine Corps. Recruiting officers may refer individual cases to the Commandant of the Marine Corps (Code MRRE) in accordance with the current edition of MCO 1130.58, when necessary.

7012. ADDRESS OF DIRECTOR, MARINE CORPS RESERVE FORCES ADMINISTRATIVE CENTER. Each Marine discharged and not reenlisted in the Regular Marine Corps will be informed that the Director, Marine Corps Reserve Forces Administrative Center, 1500 E. 95th Street, Kansas City, Missouri 64131 may be consulted on questions relative to Marine Corps Reserve service. In this regard, attention is directed to the current edition of MCO 1001.39.

7013. PREPARATION OF DISCHARGE CERTIFICATES. All enlisted discharge certificates will be prepared by the organization having custody of the service record book. The instructions contained in paragraph 13001 will govern custody and preparation of the discharge certificates.

7014. DELIVERY OF DISCHARGE CERTIFICATES. For Marines being honorably discharged or released from active duty, the delivery of separation documents will be made by an officer at the level of company/battery commander or higher. The delivery of the separation documents should be accomplished with appropriate ceremony.

7015. ARMED FORCES OF THE UNITED STATES REPORT OF SEPARATION FROM ACTIVE DUTY (DD 214(MC))

1. The Armed Forces of the United States Report of Separation from Active Duty (DD 214,(MC)), will be prepared and delivered to each person at the time of his/her separation from active service for reasons other than death.

2. Instructions contained in chapter 11 of this Manual shall govern preparation and disposition of the Armed Forces of the United States Report of Separation from Active Duty.

7016. HONORABLE DISCHARGE BUTTONS

1. Each enlisted member of the Marine Corps who is honorably discharged or discharged under honorable conditions from the service and does not reenlist will be issued a Marine Corps honorable discharge button. Such device will be worn only with civilian attire.

2. Each enlisted Reservist, who has served on continuous active duty for 30 days or more, will be issued one of these buttons upon honorable discharge or discharge under honorable conditions from the Marine Corps Reserve provided he/she does not reenlist.

7017. WEARING OF UNIFORM AFTER DISCHARGE. Marines whose character of discharge is honorable or under honorable conditions except when discharge is for unsuitability, misconduct, good of the service, or security may retain and wear their uniforms from the place of discharge to their homes, within 3 months after the date of such discharge. The phrase "from the place of discharge to their homes, within 3 months after the date of such discharge" refers to the period between the date of discharge and the date of the person's arrival at his/her home and does not permit the wearing of the uniform after arrival home, even though the 3-month period has not expired. If such personnel served during war, they shall, when not on active service, be entitled upon occasion of ceremony, to wear the uniform of the highest grade held by them during their war service.

7018. NATIONAL SERVICE LIFE INSURANCE AND INSURANCE UNDER THE INSURANCE ACT OF 1951

1. In case a Marine held National Service Life Insurance, he/she should receive the fourth copy of the notification of discontinuance of allotment for National Service Life Insurance, Form VA 29-1546.

2. Each Marine carrying National Service Life Insurance should receive explicit notice that he/she may pay premiums direct to the Veterans Administration, District Office, P.O. Box 7787, Philadelphia, Pennsylvania 19101, if he/she wishes to continue this insurance.

3. Each Marine covered by the Insurance Act of 1951 should be carefully counseled regarding the postservice insurance available to him/her. The time limitation on applying for this insurance should be emphasized (38 U.S.C. 701-724, 781-784).

7019. BENEFIT PAMPHLET. Each Marine separated honorably will be given a copy of DD Pamphlet "Once A Marine" (NAVMC 2537).

7020. WARNING TO MARINES NOT ELIGIBLE FOR REENLISTMENT

1. Every Marine discharged who is not eligible for reenlistment will be informed that:

a. Fraudulent enlistment in any branch of the service will undoubtedly be detected by fingerprints, and

b. If concealment of his/her previous service and discharge results in his/her reenlistment, he/she will be subject to disciplinary action.

2. Marines who are not eligible or recommended for reenlistment will be so informed by their commanding officer. The Marine so affected will sign a page 11 SRB entry indicating he/she has been informed of the reasons he/she is not eligible/recommended for reenlistment.

7021. CLOSING OUT SERVICE RECORD BOOK. The service record book of each person separated will be completed in accordance with the instructions contained in MCO P1070.12C, IRAM, chapter 4.

7022. FORWARDING SERVICE RECORD BOOK

1. In all cases where Marines have been discharged, the service record books and health records will be forwarded in accordance with instructions in MCO P1070.12C, IRAM, paragraph 4001.5.

2. In order to avoid confusion and delay in final settlement, no transfers will be made or authorized after a Marine's accounts have been closed preliminary to discharge.

7023. DELIVERY OF BAGGAGE AND PERSONAL EFFECTS. The Marine's baggage and personal effects, upon discharge or separation, will be delivered to the railroad station or other point of departure by the command concerned.

7024. VOID ENLISTMENTS

1. Title 10 U.S.C. 504 and 505 prohibit the enlistment in the Marine Corps of a person who is:

a. Insane;

b. Intoxicated;

c. Has deserted from any of the Armed Forces or has been convicted of a felony, unless his/her enlistment is permitted by such authority as the Secretary of the Navy designates (10 U.S.C. 504); or

d. Is under 17 years of age.

2. An enlistment entered into by a person in one of the above categories is void.

3. In all cases where an enlistment is suspected or verified to have been entered into in violation of 10 U.S.C. 504 and 505, a report will be made directly to the Commandant of the Marine Corps (Code MSRB-20) for disposition. (Also see subparagraph 6015.2.) The foregoing reporting requirement applies also to cases of unauthorized execution of a contract of enlistment into the Marine Corps or Marine Corps Reserve while an individual is already a member of any component of any Armed Force of the United States, or execution of such contract while on a retired list, including the temporary disability retired list, of any component of any Armed Force of the United States.

4. The current regulations pertaining to the voidance of an individual's enlistment pursuant to a final judicial or administrative determination based upon the decisions of the Court of Military Appeals in U.S. v. Catlow, 23 USCMA 142, 48 CMR 758 (1974) or U.S. v. Russo, 23 USCMA 511, 50 CMR 651 (1975), or succeeding cases, are currently under review at this Headquarters and will be the subject of a future change to this Manual.

7025. NOTIFICATION TO IMMIGRATION AND NATURALIZATION SERVICE

1. Provision is made by law to revoke the citizenship of naturalized citizens who are discharged either dishonorably or under other than honorable conditions. The Immigration and Naturalization Service, Department of Justice, is responsible for the institution of proceedings for the revocation of citizenship in any such cases.

2. In the event any naturalized citizen who is a member of the Marine Corps is being discharged either dishonorably or under other than honorable conditions, the commander of the dischargee shall forward immediately to the Commandant of the Marine Corps (Code JA) a report of such case in order that the required certification may be prepared and transmitted to the Immigration and Naturalization Service upon the Marine's discharge for determination as to the propriety of revocation of citizenship. This report will include the fact of discharge and the date thereof. The report will also include whatever information is shown on the dischargee's service records with respect to naturalization.

7026. SEPARATION OF ALIENS

1. Title 10, U.S.C. 651 provides that each male person who enlists in the Armed Forces prior to his 26th birthday incurs a 6-year statutory service obligation. Aliens accepted for enlistment are not exempt by law from the military service obligation, and upon separation from active service are normally transferred to or retained in the appropriate Reserve component to complete any remaining period of obligated service.

2. Commanders are authorized to discharge an alien upon expiration of obligated active or Reserve service, upon the written request of the Marine concerned, provided the applicant indicates that immediately subsequent to discharge he/she will establish permanent residence in his/her native country or other country foreign to the United States.

3. Aliens who signify intention of establishing a permanent residence in the United States will not be relieved of their military service obligation.

4. Aliens who have fulfilled their active duty obligation and who signify intention of establishing a permanent residence outside the United States may be retained in an obligor status at their request.

5. When Marines who are not citizens of the United States are to be separated within the United States or its territories or possessions, the nearest district office of the Immigration and Naturalization Service, Department of Justice, shall be notified of such pending separation and the prospective date thereof. Such

notification shall be submitted in sufficient time to permit the immigration authorities to take such action as they may deem appropriate prior to the date on which the Marine is to be separated.

6. Title 8, U.S.C. 1439 provides for expeditious naturalization of permanent resident aliens upon completion of 3 full years' service in the Armed Forces of the United States provided:

a. The alien has been lawfully admitted to the United States for permanent residence.

b. Was separated from the military service under honorable conditions.

c. Files a petition while still in the military service or within 6 months after the termination of such service, and

d. Can comply in all other respects with the provisions of Title 8, U.S.C. 1439 except that:

(1) No period of residence or specified period of physical presence in the United States or the state in which the petition for naturalization is filed is required, and

(2) Residence within the jurisdiction of the court is not required.

7. In order not to jeopardize their eligibility for naturalization, permanent resident aliens serving on an enlistment or tour of extended duty of 3 years or more will not be discharged until completion of 3 full years' service solely for the convenience of the Government under the provisions of any early release program. Further, the above provisions will be explained to any alien who applies for discharge for hardship prior to completion of 3 years of service. The prescribed 3-year period may be satisfied by a combination of active duty and not on active duty in a Reserve status. Notwithstanding the foregoing, if an alien desires discharge for the above reason, he/she may be discharged provided he/she is otherwise qualified and he/she makes the following signed statement on page 11 of the service record:

"I understand that my requesting discharge prior to completion of 3 full years of service may jeopardize my eligibility for expeditious naturalization under Title 8, U.S.C., Section 1439. However, understanding the above, I request early discharge."

8. The above policy should not be construed as giving aliens an entitlement to retention in service for at least 3 full years regardless of their military records. Adequate provisions are contained in this Manual for the separation of Marines whose performance of duty or conduct does not justify their continued retention in the service.

9. Title 8 U.S.C. 1426 provides for permanent denial of United States citizenship to any alien who applies or has applied for exemption or discharge from training or service in the Armed Forces of the United States on the grounds that he/she is an alien, and is or was relieved or discharged from such training or service on application for discharge by reason or on the grounds that he/she is an alien. Aliens accepting discharge solely on grounds of being an alien shall be required to make the following signed statement of understanding on page 11 of the service record:

"I understand that Title 8, U.S.C., Section 1426 provides that any alien who applies for discharge from the service of the United States on the ground that he is an alien, and is discharged from such service on such ground, shall be permanently ineligible to become a citizen of the United States."

10. Aliens separated under the foregoing conditions are not eligible for reenlistment and will not be recommended for reenlistment.

7027. NOTIFICATION TO PARENTS, SPOUSES, OR GUARDIANS OF ENLISTED PERSONS TO BE TRIED ON SERIOUS CHARGES OR WHO ARE TO BE DISCHARGED PRIOR TO THE EXPIRATION OF THEIR ENLISTMENT

1. Whenever an enlisted Marine is to be tried by a general or special court-martial, is to be tried by a civil court charged with a felony, or is charged with serious offenses before a foreign court and trial appears probable, it is considered desirable that the parents, spouse, or guardian, as appropriate, be advised of the circumstances. A serious offense before a foreign court is construed to include any offense for which 6 months' confinement, whether or not suspended, is normally imposed.

2. When any of the above occurs, the commander should ensure that the Marine is counseled to advise his/her parents, spouse, or guardian, as appropriate of the circumstances, or, in the alternative, to authorize the commander to do so:

a. If the enlisted Marine is 18 years of age or over and refuses to do either, no further action will be taken except to have the fact of his refusal and the name of the officer receiving such refusal recorded on page 11 of the individual's service record;

b. If the enlisted Marine is under 18 years of age and refuses to do either, the commander will, unless some compelling reason to the contrary appears, inform the parents, spouse, or guardian, as appropriate, by letter or other means of the details considered pertinent and proper under the circumstances. In the event the commander decides not to make such notification, he/she will record his/her reasons for this decision on page 11 of the Marine's service record.

3. Whenever an enlisted Marine under 18 years of age is to be involuntarily separated from the service prior to the expiration of his/her enlistment or period of extended active duty with either a punitive or any administrative type discharge, his/her parents, spouse, or guardian, as appropriate, shall be notified 10 days in advance of the time, date, and place of discharge. In those rare cases wherein a commanding general deems it necessary to direct the discharge in less than 10 days, the appropriate guardian will be notified by telephone of the time, date, and place of discharge. The commander effecting the discharge will ensure that an entry of the telephone call is made on page 11 of the member's service record. Commanding Generals, Marine Corps Recruit Depots and Marine Corps Bases, Camp Lejeune and Camp Pendleton, processing recruits for unsuitable discharge or for medical reasons prior to completion of recruit training will make notification as expeditiously as possible and not later than the date of discharge. A copy of the letter of notification will be forwarded to the Commandant of the Marine Corps (Code MSRB-20). This notification is required in order to permit parents or guardians to assume custody of their minor son or daughter upon separation.

4. Whenever an enlisted Marine over 18 years of age is to be involuntarily separated from the service prior to the expiration of his/her service with either a punitive or administrative type discharge, he/she shall be counseled to advise his/her parents, spouse, or guardian, as appropriate, of the circumstances or, in the alternative, to authorize the commander to do so. If the Marine refuses to do either, no further action will be taken other than to have the fact of his/her refusal and the name of the officer receiving such refusal recorded on page 11 of the Marine's service record.

_____ (Organization and Station) _____ (Date)

In connection with transportation of dependents and household goods, I certify that the service record of (grade or rating) (name) (social security number) shows the following information:

1. Honorably discharge at (place) (date)

OR

Release from active duty at (place) (date)

2. Last permanent duty station: _____

3. Regular

Home of record at time of last enlistment: (city and state)

Place of acceptance of last enlistment: (city and state)

OR

Reserve

Home of record at time of last assignment to active duty (city and state) and place from which ordered to active duty (JTR, Appendix J): (city and state)

4. Last place to which member was reimbursed or transportation requests were furnished and used for transportation of dependents: (city and state)

5. Pay Entry Base Date (Corporal only): _____

6. Place to which member elected mileage for travel under the provisions of JTR, par M4157: (city and state)

7. Travel chargeable to (insert accounting data)

_____
(Signature of commanding officer)

Figure 7-1.--Dependent Travel Certificate Separation Without Orders.

CHAPTER 8

PROCEDURES FOR DISCHARGE OF ENLISTED RESERVISTS ON INACTIVE DUTY

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CHAPTER 8

PROCEDURES FOR DISCHARGE OF ENLISTED RESERVISTS ON INACTIVE DUTY

8001. GENERAL

1. Commanding General, 4th Marine Aircraft Wing/Marine Air Reserve Training Command; Commanding General, 4th Marine Division; district directors; Director, Marine Corps Reserve Force Administrative Center; and commanders of Organized Marine Corps Reserve units (hereafter termed commanders, where appropriate), are authorized to discharge enlisted reservists on inactive duty under their command in accordance with regulations promulgated for discharge of Marines from the Regular Marine Corps, and for reasons set forth below as amplified by instructions contained in this chapter:

a. For fulfillment of service obligation.

b. For own request. (See par. 8003, below.)

c. For enlistment or appointment in the Regular Marine Corps or for appointment in the Marine Corps Reserve.

d. For enlistment or appointment in the Regular Army, Navy, Air Force, or Coast Guard.

e. For enlistment in another Reserve component of the Armed Forces.

f. Lack of Interest. (Only the Director, Marine Corps Reserve Forces Administrative Center is authorized to discharge reservists, who are nonmandatory participants, and are on his rolls, for this reason.)

8002. DISCHARGE FOR FULFILLMENT OF SERVICE OBLIGATION. Commanders shall discharge reservists upon completion of the 6-year term of service required for fulfillment of service obligation under 10 U.S.C. 651, except those serving on a definite term enlistment contract or extension which has not expired.

8003. DISCHARGE FOR OWN REQUEST. Commanders are authorized to discharge reservists on inactive duty under their command upon the reservist's written request when the reservist is an alien resident of a foreign country. (See par. 7026.)

8004. DISCHARGE FOR ENLISTMENT, OR APPOINTMENT IN THE REGULAR MARINE CORPS OR FOR APPOINTMENT IN THE MARINE CORPS RESERVE. The enlistment of a reservist is deemed to be automatically terminated upon his/her enlistment in the Regular Marine Corps or upon his/her acceptance of appointment as an officer in the Marine Corps or Marine Corps Reserve. Upon receipt of official notification of such enlistment or appointment, commanders will close out the service record of the reservist concerned, showing the date of discharge as of the day prior to enlistment in the Regular Marine Corps or of acceptance of appointment. The discharge certificate will be prepared and forwarded to, or retained by, the commander of the organization to which the Marine will be assigned in his/her new status for delivery to the Marine.

8005. DISCHARGE FOR ENLISTMENT IN THE REGULAR ARMY, NAVY, AIR FORCE OR COAST GUARD. Upon receipt of official notification of the enlistment of a reservist in the Regular Army, Navy, Air Force, or Coast Guard, commanders will effect the discharge of the reservist as of the day prior to such enlistment, and forward the discharge certificate to his/her new organization, if known, otherwise to the Commandant of the Marine Corps (Code MSRB -10)with a statement as to reason for nondelivery.

8007. RECOMMENDATIONS FOR DISCHARGE

1. Commanders may recommend to the Commandant of the Marine Corps (Code RESP) that reservists on inactive duty may be discharged for the reasons set forth in paragraphs8007.1a through 8007.1c below. Recommendations for discharge of reservists assigned to an Organized Marine Corps Reserve unit for the reasons set forth in paragraphs 8007.1d through 8007.1f may be submitted to the Commanding General, 4th Marine Division/Commanding General, 4th Marine Aircraft Wing as appropriate. Recommendations for discharge of reservists assigned to the Individual Ready Reserve or Standby Reserve may be submitted to the Commandant of the Marine Corps (Code RESP).

a. Convenience of the Government

b. Minority

c. Security

d. Hardship

e. Unsuitability

f. Misconduct

2. Recommendations will be prepared and processed in accordance with chapter 6 of this Manual.

3. The following amplifying instructions in regard to processing reservists on inactive duty for administrative discharges for reasons of misconduct, paragraph 6017, are provided.

a. All recommendations for discharge of members of the Marine Corps Reserve, based on misconduct in accordance with paragraph 6017, will be referred to an administrative discharge board unless the reservist concerned waives his/her right to such a board. The respondent will also be represented by counsel unless he/she waives said counsel. (Paragraph 6024.6 refers).

b. The Commanding General, 4th Marine Aircraft Wing/Marine Air Reserve Training Command; Commanding General, 4th Marine Division; district directors; and Director, Marine Corps Reserve Forces Administrative Center are authorized to convene administrative discharge boards in cases involving enlisted reservists who are on inactive duty. This authority cannot be redelegated to staff officers.

(1) No jurisdiction is conferred upon an administrative discharge board convened by one who has no authority to convene such a board, and the proceedings of such a board are a nullity.

(2) Therefore, appointing orders, and changes thereto, must be signed by the commanders listed in subparagraph 8007.3b, above, or in their absence by the designated acting commander.

c. Membership on administrative discharge boards becomes the individual's primary duty. In accordance with subparagraph 6024.2e, members must attend unless sick, ordered away, or excused by the convening authority. There is no authority for anyone else to excuse members.

d. Subparagraphs 6023.1e and 6023.1f contain instructions for the advice to be given and the recording of such advice when a reservist is to be processed for misconduct which could result in his/her receiving a discharge under other than honorable conditions. There is no requirement that the respondent be notified of the type of discharge the commander contemplates recommending. Therefore, commanding officers will advise the reservist that he/she is being recommended for an administrative discharge, the general and specific basis for the recommendation, and the most adverse type discharge that he/she may receive.

3. Resignation of a commission or application for discharge must be accompanied by a statement or certificate from an appropriate official of the church, religious sect, or religious organization attesting that the reservist is a regular or duly ordained minister of religion as defined in the foregoing paragraph, or if the reservist desires to take final vows in a religious order, his/her resignation or application for discharge must be accompanied by a statement or certificate from an appropriate official of the religious order showing that in order to proceed further with his acceptance into the religious order, it is required that the reservist be separated from any military status he/she may have.

CHAPTER 9

RETIREMENT OF ENLISTED MARINES INCLUDING TRANSFER TO THE FLEET MARINE CORPS RESERVE

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CHAPTER 9

RETIREMENT OF ENLISTED MARINES INCLUDING TRANSFER TO THE FLEET MARINE CORPS RESERVE

9001. GENERAL

1. The provisions of this chapter are applicable to the retirement and transfer to the Fleet Marine Corps Reserve (FMCR) of enlisted Marines on active duty. This chapter also contains administrative instructions including retirement procedures applicable to Marines while members of the FMCR.

2. Chapter 4 contains instructions for the retirement of enlisted reserves not on active duty.

9002. CREDITABLE SERVICE

1. The information contained in this paragraph pertains to that service creditable in determining eligibility for retirement and transfer to the FMCR.

2. For the purpose of this paragraph, active service is defined as active duty and means full-time duty in the active military service of the United States. Service creditable for retirement/transfer to the FMCR includes active service (and active duty for training performed on or after 10 August 1956) in the Army, Navy, Air Force, Marine Corps, Coast Guard and Reserve components thereof. Constructive service is credited for service in the Regular Navy and Marine Corps after 2 January 1968. Constructive service earned after 31 December 1977 is not creditable for transfer to the FMCR (See paragraph 9016.3).

3. In computing active service for retirement of enlisted Marines and for transfer to the FMCR, the following periods of time lost as defined and computed in accordance with Military Pay and Allowances Entitlements Manual, part 1, must be deducted from Regular Marine Corps enlistments or other periods of active service:

a. Unauthorized absence.

b. Confinement.

c. Nonperformance of duty.

d. Sickness due to misconduct.

e. Also deducted from active service for retirement of enlisted Marines and for transfer to the FMCR is:

(1) Time served under an enlistment from which discharged on the basis that the Marine had perpetrated a fraudulent enlistment.

(2) Time served under an enlistment which was determined to be void.

(3) Time held beyond expiration of enlistment or obligated active service while awaiting or undergoing trial by court-martial or awaiting completion of appellate review of such trial, unless:

(a) The trial resulted in acquittal of all charges involved,

(b) No finding of guilty was upheld upon appellate review, or

(c) The member was placed in a full duty status.

(4) Time served under a sentence which included forfeiture of all pay and allowances, unless:

(a) The sentence was disapproved or set aside upon appellate review, or

(b) The member was placed in a full duty status.

(5) Periods of leave without pay granted in accordance with current instructions to await completion of appellate review of court-martial sentences which included punitive discharge.

(6) Service performed while a Marine is under the minimum statutory age for enlistment, regardless of whether the enlistment is terminated by reason of minority.

9003. ELIGIBILITY FOR RETIREMENT OF ENLISTED MARINES

1. An enlisted Marine serving in the Regular Marine Corps who applies for retirement after completing 30 or more years of active service in the Armed Forces shall be retired. Such retirements are normally approved by the Secretary of the Navy acting for the President.

2. For this purpose, an enlisted Marine includes a Marine of the Regular Marine Corps who holds a permanent enlisted grade and a temporary appointment in a commissioned or warrant officer grade. Unless otherwise entitled to a higher grade in an officer status, each Marine shall be retired in the grade in which serving at the time of retirement.

3. Upon retirement, an enlisted Marine unless otherwise entitled to a higher pay by reason of being advanced to a higher grade in which he/she served satisfactorily as an officer under temporary appointment, is entitled to retired pay at the rate of 75 percent of the basic pay to which he/she would be entitled if serving on active duty in the pay grade in which he/she was serving on the day before retirement.

9004. ELIGIBILITY FOR TRANSFER TO FLEET MARINE CORPS RESERVE

1. An enlisted member of the Regular Marine Corps or Marine Corps Reserve who has completed 20 or more years of active service in the Armed Forces, at his/her request, may be transferred to Class I(d) of the Fleet Marine Corps Reserve. The approval or disapproval of a request for such transfer will be based on the needs of the service and the criteria in effect at the time the request is received.

2. Marines serving on an overseas tour will normally not be approved for transfer to the FMCR prior to completion of their tour as prescribed in the current series of MCO 1300.8. The following is applicable in cases of Marines submitting requests for transfer to the FMCR from overseas commands.

a. If a Marine serving at an overseas duty station desires to transfer to the FMCR and he/she is fully eligible for such transfer at his/her rotation tour date (RTD) or within 30 days of his/her rotation tour date, he/she will be required to transfer at his/her rotation tour date or the last day of the month in which he/she becomes fully eligible. If the Marine will not be fully eligible for transfer to the FMCR within 30 days of his/her rotation tour date, he/she will be required to serve at least 1 year at his/her new continental United States duty station or until his/her expiration of active service (EAS) whichever comes sooner.

b. Marines who are qualified and who will be transferring to the FMCR within 30 days of rotation tour date will return to the continental United States (MCC W95) pending transfer to the FMCR. See paragraph 7001.2a for exceptions.

3. Favorable consideration will not normally be given to requests from noncommissioned officers of any grade for transfer to the FMCR when the request is made on or after the date of issuance of permanent change of station orders to, from, or within CONUS except as listed below.

a. Subsequent to issuance of orders, requests for transfer to the FMCR from noncommissioned officers who are otherwise eligible to transfer to FMCR may receive favorable consideration only if the effective date of transfer to FMCR is not later than the first day of the month following the scheduled month of arrival at the new duty station. The needs of the Marine Corps will be the major factor in making this determination.

b. Marines who are eligible for transfer to the FMCR who have been issued orders to an unaccompanied overseas tour, and do not desire such tour are required to request transfer to the FMCR effective on the first day of the month following the month they would otherwise have arrived at their overseas assignments. An enlisted Marine who is within 12 months of obtaining eligibility for transfer to the FMCR will not be required to accept orders to an unaccompanied overseas assignment, but will not be granted additional service beyond his/her initial eligibility once he/she has refused such orders, and requested transfer to the FMCR. Enlisted Marines having more than 12 months active service remaining prior to attaining transfer eligibility, who have submitted requests, and who subsequently receive orders, are required to serve an unaccompanied overseas tour; they will be returned to CONUS not later than 10 days prior to the requested date of transfer to the FMCR. When the application of the above results in a cancellation/nonissuance of orders, a subsequent request to withdraw the application to transfer to the FMCR will not normally be given favorable consideration.

4. Marines who are assigned to a unit (joined or attached) which is scheduled to deploy outside CONUS for a period in excess of 30 days may make application for transfer to the FMCR; however, their request will not be approved unless the scheduled deployment date is more than 6 months from the date they were assigned to such unit.

5. Marines in the grade of gunnery sergeant or above, except those who have served satisfactorily in a higher grade, must serve 2 years in their current grade prior to transfer to the FMCR. Gunnery sergeants or above who desire to transfer to the FMCR prior to completion of 2 years' service in their current grade may request administrative reduction to the next lower grade in order to effect such transfer; however, approval of a request for administrative reduction to effect transfer to the FMCR is not automatic and will be based upon the needs of the Marine Corps.

6. Marines must complete 1 year at the CONUS duty station at which serving prior to transfer to the FMCR.

7. Enlisted Marines who have attended a military or civilian course of a duration of 20 weeks or more will not normally be approved for transfer to the FMCR prior to the completion of 24 months active duty following completion of the prescribed course of instruction or termination therefrom, if attendance was in compliance with official orders.

8. Exceptions to the above management policies will be made only when one of the following conditions exists:

a. A substantial hardship of a compassionate or unusual financial nature exists which can be alleviated only by separation from active duty. A request for exception to policy based upon the above will be documented in accordance with paragraph 1101, ACTSMAN.

b. The Marine has limited assignability by reason of health or national security.

c. It has been determined by the Commandant of the Marine Corps that continued active service by the Marine is inconsistent with the best interests of the Marine Corps.

9. A Marine must be serving on a valid contract of enlistment or extension thereof to be eligible for transfer to the Fleet Marine Corps Reserve. There is no existing authority for automatic retention beyond the expiration date of an enlistment contract solely for transfer to the Fleet Marine Corps Reserve. If a Marine is retained beyond the expiration of his/her enlistment for medical reason, and is returned to duty status as fit for duty, he/she must immediately extend his/her contract or reenlist. In this connection should a Marine be found fit as a result of an examination by a medical officer or a properly convened medical board subsequent to the expiration of his/her enlistment and provided he/she has submitted a request to transfer to the Fleet Marine Corps Reserve his/her enlistment may be extended on the date he/she is found fit for a period not to exceed 3 months. This procedure will permit the Marine's transfer after he/she is found physically fit. The Marine's commanding officer after effecting the extension of enlistment will notify the Commandant of the Marine Corps (Code MMSR) by message including the following information:

a. The Marine is physically qualified.

b. The Marine has been extended on the date he/she was found physically fit and the length of the extension.

c. The date on which the Marine desires transfer to the Fleet Marine Corps Reserve must be the last day of the following month or the date the extension expires.

9005. PHYSICAL EXAMINATIONS

1. Marines comtemplating retirement or transfer to the Fleet Marine Corps Reserve shall complete a physical examination not more than 6 months and not less than 3 months prior to the effective date of retirement or transfer. This physical examination should be accomplished far enough in advance of the prospective retirement or transfer date to permit correction of any minor physical defects, or if major defects are found, to permit completion of physical retirement proceedings prior to the scheduled retirement date. The time required for physical disability proceedings varies greatly, depending on the circumstances in each case. However, it may be expected that from 3 to 4 months will be required from the date of initial physical examination to the date of final action by the Secretary of the Navy. Longer periods may be required in exceptional cases (see chapter 10).

2. The retirement or transfer to the FMCR of a Marine may not be effected until he/she is found to be physically qualified. If a Marine has submitted a request for retirement or transfer to the FMCR and disease or injury requiring medical treatment or hospitalization intervenes, the Commandant of the Marine Corps (Code MMSR-2) will be immediately notified by message. Orders and correspondence with enclosures relative to retirement or transfer will be returned to the Commandant of the Marine Corps (Code MMSR-2) for cancellation in all cases where medical treatment is not completed by the retirement/transfer date designated in the orders. A report by message will be forwarded immediately to the Commandant of the Marine Corps (Code MMSR) when a Marine whose retirement or transfer to the FMCR has been delayed, is found physically fit. Orders will

be reissued by the Commandant of the Marine Corps to effect retirement or transfer. In the event the Marine's case is referred to a Physical Evaluation Board, retirement cannot be effected until final action is taken by the Secretary of the Navy or the Commandant of the Marine Corps as appropriate.

3. Orders are not normally required in connection with retirement physical examination, except in those cases where travel is required. In such cases, temporary additional duty orders will be requested from the command having authority to issue such orders. Travel costs are chargeable to the command issuing the orders.

9006. APPLICATION FOR RETIREMENT OR TRANSFER TO THE FLEET MARINE CORPS RESERVE (FMCR)

1. Requests for retirement and transfer to the FMCR should be submitted in the format contained in figure 9-1. Requests for retirement should be forwarded to the Commandant of the Marine Corps (Code MMSR). Requests will be submitted so as to arrive at Headquarters Marine Corps not more than 14 months and not less than 3 months prior to the requested retirement or transfer date. Requests should include the following:

a. The requested effective date. Retirement must be the first day of the month. Transfer to the Fleet Marine Corps Reserve may be either the last day of the month or the date of enlistment expiration.

b. The commanding officer by endorsement (see item 20, figure 9-1) will certify that Marines have been found physically qualified for retirement/transfer to the Fleet Marine Corps Reserve. The report of medical examination (SF 88) will be forwarded as the top document on the terminated health record and forwarded with the service record in accordance with IRAM, par. 4001.5, table 4-1.

OR

(In the remarks section of NAVMC 10831 (see figure 9-1) if request for retirement/transfer to the Fleet Marine Corps Reserve is more than 6 months in the future.) A physical examination has been or will be scheduled for the Marine and the Commandant of the Marine Corps (Code MMSR) will be notified by message immediately of the result.

OR

The Marine has been admitted to the (name of military hospital) for appearance before a medical board. (This endorsement will not be necessary in those cases where the Marine has appeared before a physical evaluation board within a period of 6 months prior to the requested date of retirement, and has been found fit to perform the duties of his/her grade by the Secretary of the Navy as a result of the disability proceedings.) See paragraph 1003 for instructions regarding physical examinations.

c. Complete and detailed justification if transfer to FMCR is requested as an exception to current policy.

2. Marines who desire to request retirement or transfer to the FMCR may utilize the Application for Retirement/Transfer to Fleet Marine Corps Reserve (NAVMC 10831 rev. 1977), see figure 9-1. The original and one copy are needed by Headquarters Marine Corps. Second and subsequent endorsements may be prepared on the reverse side. Should local commanders desire copies of the application for planning purposes, they should issue appropriate instructions for the preparation and distribution of such copies. The request will be prepared by typewriter and each item will be completed in accordance with the following instructions:

a. Item 1. Enter Marine's social security number (SSN) in section 1a. Enter MOS in section 1b only.

b. Item 2. Enter the Marine's current grade.

c. Item 3. Enter Marine's last name, first name and middle initial.

d. Item 4 through 5. Enter the Marine's complete military mailing address.

e. Item 6. Enter the date the Marine's current tour began or rotation tour date.

f. Item 7. Enter the actual number of days or "none" as appropriate.

g. Item 8. Enter the Marine's date of rank.

h. Item 9. If the Marine held a higher grade as an officer, enter the highest grade held while serving on active duty. Otherwise enter "N/A."

i. Item 10. If the Marine has performed any acts of heroism for which he/she received awards during his/her service, check "Yes." Otherwise check "NO."

j. Item 11. Check appropriate block and enter desired date. For retirements, the effective date must always be the first day of the month (e.g., 1Mar77). Transfer to the FMCR must be the last day of the month or the Marine's expiration of enlistment. Reversion and transfer to FMCR must be the last day of the month.

k. Item 12. If the Marine is in receipt of permanent change of station orders, check "Yes." Otherwise check "No." If "YES" enter new MCC.

l. Item 13. Enter the Marine's pay entry base date in section 13a, and active duty base date in section 13b.

m. Item 14. Enter the Marine's date of expiration of active service (EAS).

n. Item 15. Enter "No."

o. Item 16. Enter "No."

p. Item 17. Check "Yes" or "No" as appropriate.

q. Item 18. Check "Yes" or "No" as appropriate.

r. Item 19. Enter the Marine's date of birth.

s. Item 20. Enter the date the Marine was certified physically qualified for retirement/transfer to the FMCR. If requested date is more than 6 months in advance, use appropriate statement in paragraph 9006.1b.

t. Item 21. Enter place of Marine's last enlistment.

u. Item 22. If the Marine has reenlisted/extended since 1 January 1968 less than 90 days prior to his/her EAS, check "Yes." Otherwise check "No."

v. Item 23. Enter the date the Marine last attended a civilian or military school of more than 20 weeks duration. Otherwise enter "N/A."

w. Item 24. If a Marine has served as an officer, enter dates. Otherwise enter "N/A."

x. Item 25. Indicate component USMC or USMCR.

3. A Marine's signature on a request for retirement or transfer to the FMCR also certifies that the Marine has been informed of and understands the provisions of the current edition of BUMEDINST 6120.6 which states that in order to qualify for physical disability retirement benefits outlined in 10 U.S.C. Chapter 61, he/she must be on active duty at the time the Secretary of the Navy approves any proceedings of a Physical Evaluation Board.

4. Prior to forwarding the request for retirement the commanding officer or his/her designated representative will:

a. Verify the information.

b. Ensure the request is submitted within the time frames established in paragraph 9006.1.

c. Certify that applicant has been counselled concerning his/her option under the Survival Benefits Plan (SBP). An election not to participate in SBP, election for coverage of spouse only or children only, or election for coverage on a reduced base amount, must be submitted to the Marine Corps Finance Center (Code CPR), Kansas City, Missouri 64197, 30 days prior to effective date of retirement or transfer to FMCR. Such election should be on DD Form 1883.

5. Once the request has been forwarded, the Commandant of the Marine Corps (Code MMSR) will be notified by message when any of the following occur.

a. The Marine is found to be not physically qualified (include diagnosis and estimated period of hospitalization). Such a report will not terminate processing action at Headquarters, U. S. Marine Corps. However, issuance of retirement orders and other documents will be held in abeyance if not issued. If already issued, the command will hold the retirement orders and documents pending instructions from the Commandant of the Marine Corps. Should the Marine be subsequently found physically fit for duty the command will immediately notify the Commandant of the Marine Corps (Code MMSR-2). In the event the Marine is referred to the Naval Disability Evaluation System the Commandant of the Marine Corps will be notified and all retirement orders and documents previously issued will be returned. See chapter 10 for disability retirements.

b. Death.

c. Reassignment to a command other than that one previously reported in the original request.

d. The Marine becomes the subject of disciplinary action.

e. The Marine acquires lost time (include number of days and reason).

6. Requests for retirement or transfer to FMCR, once submitted in the proper manner, will not normally be canceled. However, when a request for cancellation is made by a Marine, due to unforeseen conditions, the case shall be referred to the Commandant of the Marine Corps (Code MMSR-2) with all pertinent facts, together with affidavits or other supporting documentary evidence showing changed conditions that could not be foreseen.

9007. RECEIPT OF REQUEST FOR RETIREMENT AND TRANSFER TO FLEET MARINE CORPS RESERVE

1. Upon receipt of a request for retirement or transfer to the FMCR the Commandant of the Marine Corps will acknowledge receipt of the request and will issue a pre-retirement package directly to the Marine.

2. Should the Commandant of the Marine Corps disapprove a request for transfer to the FMCR the Marine will be notified via the chain of command as soon as the basis for disapproval is established.

3. The issuance of authority for release constitutes official approval of, and hence directs retirement or transfer to FMCR.

4. Requests are normally processed upon receipt irrespective of the requested date. Authority for release orders are issued upon completion of processing an approved request. Requests for retirement/transfer to the Fleet Marine Corps Reserve may be submitted as early as 14 months in advance of the intended retirement/transfer to the FMCR date. Orders will be issued only if the Marine is physically qualified. Physical examinations are valid for no more than 6 months.

9008. TRANSFER ORDERS TO THE FLEET MARINE CORPS RESERVE AND RELEASE FROM ACTIVE DUTY

1. Authority for release and transfer to the FMCR will be issued by the Commandant of the Marine Corps. Transfer shall be effected on the last day of the month and personnel will assume their status as members of the FMCR on the first day of the following month. Exceptions to the foregoing will be made only in those cases where transfer has been requested upon expiration of enlistment. In such cases transfers will be effected on the date the enlistment expires and the Marine concerned assumes status as a member of the FMCR on the following date. Except in time of war or national emergency, Marines transferred to the FMCR shall be released from active duty on date of such transfer, unless an order to the contrary has been received.

2. Transfer to the FMCR shall not be made on a date other than as contained in the authority for release, unless Commandant of the Marine Corps authority for a change in the date is first obtained. When such a change is authorized by the Commandant of the Marine Corps, it will be attached to the original orders. Any change must be authorized by the Commandant of the Marine Corps prior to the effective date of transfer.

3. Once authority for transfer to the FMCR has been received, the Commandant of the Marine Corps (Code MMSR) will be advised by message when any of the conditions outlined in paragraphs 9006.5a, .5b, .5c or .5d occur.

4. Commands effecting the Marine's transfer to the FMCR and release to inactive status shall comply with the following:

a. Issue order in accordance with format contained in figure 9-2.

b. Comply with the Manual of the Medical Department, art. 16-14 and IRAM, par. 4001.5. table 4-1.

c. Forward the service record and health records to the Director, Marine Corps Reserve Forces Administrative Center, 1500 East 95th Street, Kansas City, Missouri 64131.

9009. RETIREMENT ORDERS

1. Authorization for retirement will be issued by the Secretary of the Navy or the Commandant of the Marine Corps. Release from active duty on the occasion of retirement is normally effected on the date preceding the effective date of retirement and retired pay commences on the effective date of retirement. In addition to the authority for release from active duty the Commandant of the Marine Corps will issue a retirement letter which normally accompanies the release from active duty orders. (See figure 9-3 for retirement order format.)

2. Authority for retirement orders will be issued as described in paragraph 9008 above, and will not be issued prior to notification that the Marine concerned is physically fit.

3. Marines detached after the effective date of retirement are considered to be in retired status from the effective date of retirement unless they are in receipt of orders prior to the effective date of retirement continuing them on active duty in a retired status. The Comptroller General of the United States has held that a retirement is effective from the date specified by law or by the Secretary of the Navy irrespective of whether retirement and release orders are received subsequent to the effective date of retirement.

9010. RETIREMENT AND FLEET MARINE CORPS RESERVE CERTIFICATES AND BUTTONS. A retirement certificate and button will be forwarded to the Marine via the chain of command with the authority to release orders. A certificate of transfer to the Fleet Marine Corps Reserve and button will be forwarded to the Marine via the chain of command with the authority to release orders. Each certificate will be enclosed in a red leather composition folder. Should the certificate, button or folder be received in unsatisfactory condition the Commandant of the Marine Corps (Code MMSR) should be immediately notified.

9011. RETIREMENT CEREMONY

1. An appropriate retirement ceremony will be held within the capabilities of the command for all Marines retiring or transferring to the FMCR unless the Marine specifically desires otherwise.

2. The commander will personally interview each Marine and advise him/her what type of ceremony is appropriate and planned, based on the conditions that exist at the command. If the Marine finds this undesirable to him/her either because of date or content, the Marine will be offered alternatives. Should the Marine desire no ceremony, his/her wishes will be accepted.

3. While the capabilities of commands will vary, each command will ensure the preference of the Marine is fulfilled to the extend feasible.

9012. ACCRUED LEAVE

1. Accrued leave, creditable at the date of retirement or transfer to the Fleet Marine Corps Reserve, may be compensable in a lump-sum payment. For information concerning entitlement to lump-sum payment for accrued leave, see Department of Defense Military Pay and Allowances Entitlements Manual (DODPM), Part Four, Chapter 4, Section A.

2. Annual leave may be granted prior to retirement/transfer to the FMCR by the commander authorized to grant such leave in accordance with annual leave regulations.

3. The law provides that a member of a uniformed service who has performed active service and who is on terminal leave pending separation from or release from active duty in that service under honorable conditions may accept a civilian office or position in the Government of the United States, its territories or possessions, or the government of the District of Columbia, and he/she is entitled to receive the pay of that office or position in addition to pay and allowances from the uniformed service for the unexpired portion of the terminal leave. Accordingly, terminal leave may be authorized by the Commandant of the Marine Corps in applicable cases. Terminal leave may not exceed 60 days and such leave is chargeable in the same manner as annual leave. Should a Marine desire to take terminal leave he/she may request authority to do so at the time he/she submits a request for retirement or transfer to the FMCR.

9013. RETIRED GRADE

1. As a general rule, a Marine is retired in the grade in which serving at the time of retirement. However, in the event the Marine concerned had previously served in a higher grade in an officer status he/she may be eligible for advancement on the retired list. Each Marine shall be advanced on the retired list to the highest officer grade in which he/she served satisfactorily under a temporary or permanent appointment as determined by the Secretary of the Navy. The Comptroller General has ruled that military personnel may be advanced to the highest officer grade held in any Armed Forces in which they served satisfactorily.

2. A woman Marine who held a temporary appointment as first sergeant/sergeant major but who does not receive a permanent appointment as first sergeant/sergeant major may, upon retirement or transfer to the FMCR, make individual application to the Commandant of the Marine Corps (Code MMPR-2) for permanent appointment to the grade temporarily held. Such appointment will be made provided the applicant has satisfactorily completed a tour in the grade requested and has remained qualified in all respects.

9014. GRADE WHILE MEMBER OF THE FLEET MARINE CORPS RESERVE. A Marine who transfers to the Fleet Marine Corps Reserve does so in the grade he/she held on the day he/she is released from active duty and transferred to the Fleet Marine Corps Reserve. There are no provisions for advancement to a higher grade while a Marine is a member of the Fleet Marine Corps Reserve.

9015. RETIRED PAY

1. Retired pay is computed in conformity with specific provisions of law. The information in this paragraph applies only to nondisability retirements effected in accordance with the provisions of this Manual.

2. A Marine who is voluntarily retired under the law requiring 30 or more years of active service for retirement is entitled to retired pay at the rate of 75 percent of the basic pay to which he/she would be entitled if serving on active duty in the grade in which retired, or the grade to which advanced on the retired list.

9016. FLEET MARINE CORPS RESERVE RETAINER PAY

1. Each member who is transferred to Class I(d) of the FMCR is entitled, when not on active duty, to retainer pay at the rate of 2 1/2 percent of the basic pay that he/she received at the time of transfer multiplied by the number of years of active service in the Armed Forces.

2. If the Marine has been credited by the Secretary of the Navy with extraordinary heroism in the line of duty, which determination by the Secretary is final and conclusive for all purposes, his/her retainer pay shall be increased by 10 percent. However, in no case may a member's retainer pay be more than 75 percent of the basic pay upon which the computation of retainer pay is based. In the event that a determination as to entitlement to extraordinary heroism pay has not been made by the time normal processing for transfer to the FMCR has been completed the member will be transferred on the date prescribed by the Commandant of the Marine Corps and the decision of the Secretary of the Navy shall be the subject of separate correspondence.

3. All active service as defined in paragraph 9002.2 is included in computing service for transfer to Class I(d). A completed minority enlistment in the Regular Navy is counted as active service for the full term. For the purpose of determining the number of years of service to be used as a multiplier in computing retainer pay, a full year must be served, e.g. to receive credit for 22 years of active service 22 years must be served on active duty not 21 years and 6 months.

9017. PAY ACCOUNTS. Pay accounts of retired Marines including members of the FMCR are maintained at Marine Corps Finance Center (Code CPR), Kansas City, Missouri 64197. Any inquiries pertaining to retired or FMCR retainer pay should be addressed to the Commanding Officer (Code CPR), Marine Corps Finance Center. Unless the Marine being retired or transferred requests otherwise, all allotments, except allotments for charitable organizations and allotments in amounts greater than the anticipated amount of retired or retainer pay will be automatically continued when retirement is effected.

9018. CURRENT ADDRESS AND RESIDENCE OF RETIRED ENLISTED MARINES

1. Retired Marines and Fleet Reservists shall keep the Marine Corps Finance Center (Code CPR), Kansas City, Missouri 64197 informed at all times of current home and check mailing address where mail and messages will be received.

2. A request to change address must specify whether the change is for check or home mailing address or both.

3. Subject to the above requirement, a retired Marine or Fleet reservist may reside abroad.

9019. RETIREMENT OF MEMBERS OF THE FLEET MARINE CORPS RESERVE

1. When a member of the FMCR has completed 30 years of combined active and inactive service, or when he/she is found not physically qualified, he/she shall without application be transferred to:

a. The retired list of the Regular Marine Corps if he/she was a member of the Regular Marine Corps at the time of his/her transfer to the FMCR.

b. The Retired Reserve of the Marine Corps Reserve if he/she was a member of the Marine Corps Reserve at the time of his/her transfer to the FMCR.

2. For the purpose of retirement, a member's years of service are computed by adding:

a. The years of service credited to him/her upon his/her transfer to the FMCR.

b. His/her years of active and inactive service in the Armed Forces before transfer to the FMCR not credited to him/her upon that transfer.

c. His/her years of service, active and inactive, in the FMCR.

3. Unless otherwise entitled to higher pay as set forth in paragraph 9020, each member transferred to the retired list as provided in this paragraph is entitled to retired pay at the same rate as the retainer pay to which he/she was entitled at the time of transfer to the retired list or the Retired Reserve.

4. Upon a Marine's retirement from the FMCR, appropriate entries shall be made in his/her service record book by the Director, Marine Corps Reserve Forces Administrative Center. The service record book will then be closed out and forwarded with the health records to the Commandant of the Marine Corps (Code MSRB-20) in accordance with IRAM, par. 4001.5, table 4-1, rule 20.

9020. ENLISTED MARINES ON THE RETIRED LIST

1. A Marine on the retired list may be ordered to active duty in time of war or national emergency. A retired Marine serving on active duty shall receive full pay and allowances of his/her grade.

2. A retired Marine serving on active duty in time of war or national emergency will be released from active duty only in accordance with such instructions as may be issued by the Commandant of the Marine Corps.

3. Retired enlisted Marines not on active duty shall receive such retired pay as may be provided by law and shall be paid monthly by the Marine Corps Finance Center (Code CPR), Kansas City, Missouri.

4. Retired enlisted Marines not on active duty are entitled to medical treatment and hospitalization. When hospitalized in a naval hospital, they are entitled to a daily ration.

5. Upon transfer to the retired list, enlisted Marines who formerly served as officers will be advanced on the retired list to the highest officer grade in which they served satisfactorily under a temporary or permanent appointment as determined by the Secretary of the Navy. A warrant officer, W-1, or enlisted member so advanced to a commissioned grade on the retired list who applies to the Secretary of the Navy within 3 months after his/her advancement, if the Secretary approves, shall be restored on the retired list to his/her former warrant officer or enlisted grade, as the case may be, and shall thereafter be considered for all purposes as a warrant officer, W-1, or an enlisted Marine as the case may be.

a. Each enlisted member other than a former member of the FMCR, who is advanced on the retired list under the provisions of subparagraph 9020.5, upon retirement after completion of 30 years of active service, is entitled to retired pay at the rate of 75 percent of the basic pay to which he/she would be entitled if serving on active duty in the grade to which advanced on the day before retirement.

b. Each former Marine of the FMCR who is advanced on the retired list under the provisions of subparagraph 9020.5 is entitled to retired pay based upon the grade to which advanced. Such retired pay shall be at the rate of 2 1/2 percent of the basic pay of the grade to which advanced determined by the same period of service used to determine the basic pay of the grade upon which retainer pay was computed, but the retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based.

9021. CERTIFICATE IN LIEU OF ORDERS. Certificate in lieu of orders for retirement or transfer to the FMCR will not be issued more than 45 days in advance of retirement/transfer to the FMCR date, and only then if the request has been approved and the Marine has been certified physically qualified to retire/transfer to the FMCR.

APPLICATION FOR RETIREMENT/TRANSFER TO FMCR (1830)
NAVMC 10831 (REV. 4-77) (*Previous editions are obsolete and will not be used.*)
SN: 0000-00-006-3723 U/1: PADS OF 50 SHEETS

REFERENCE: (a) BUMED Instruction 6120.6 series

DATE OF APPLICATION: 3 October 1977

1a. SSN	b. MOS	2. GRADE	3. NAME (Last)	(First)	(Middle Initial)
123 45 67 89	0369	MSgt	DAILEY	Dan	D.

4. COMPLETE CURRENT MILITARY ADDRESS: HQ Co, H & S Bn, MCB, Camp Pendleton, Ca.

5. ZIP CODE: 92055

6. DATE CURRENT TOUR BEGAN: 1 July 1976

7. TIME LOST CURRENT ENLISTMENT (*Enlisted only*): None

8. DATE OF RANK: 1 June 1975

9. HIGHEST GRADE HELD: N/A

10. EXTRAORDINARY HEROISM (*Enlisted only*): [ ] YES [X] NO

11. [ ] RETIREMENT [X] TRANSFER TO FMCR [ ] REVERT AND TRANS TO FMCR DATE 31 Aug 1978

12. IN RECEIPT OF PERMANENT CHANGE OF STATION ORDERS? [ ] YES [X] NO IF YES, ENTER NEW MCC

13a. PAY ENTRY BASE DATE: 13 Jan 1956 b. ACTIVE DUTY BASE DATE: 17 Mar 1956

14. [ ] SWAG [ ] EAD [ ] EDR DATE OF EAS 31 Aug 1978

15. I SERVED ON ACTIVE DUTY DURING COLLEGE NROTC MIDSHIPMEN CRUISES. (*If YES, include dates and serial nos.*) [ ] YES [X] NO

16. I HAVE INACTIVE SERVICE SINCE 31 MAY 1958 (*Officers only*) [ ] YES [X] NO

17. I HAVE ACTIVE DUTY FOR TRAINING AFTER 9 AUGUST 1956 (*Enlisted only*) [ ] YES [X] NO

18. I SERVED WITH REGULAR U.S. NAVY (*If YES, include dates*) [ ] YES [X] NO FROM _____ TO _____

19. DATE OF BIRTH: 15 May 1938

20. DATE CERTIFIED PHYSICALLY QUALIFIED: See Remarks

21. PLACE OF LAST REENLISTMENT (*Enlisted only*): Camp Butler, Okinawa

22. DID YOU HAVE A SHORT TERM ENLISTMENT/EXTENSION IN USMC SINCE 1 JANUARY 1968? [ ] YES [X] NO

23. DATE LAST ATTENDED CIVILIAN OR MILITARY SCHOOL OF MORE THAN 20 WEEKS DURATION: N/A

24. SERVED AS OFFICER (*Enlisted only*): N/A FROM _____ TO _____

25. COMPONENT (*Check one*) [X] USMC [ ] USMCR

CERTIFICATION

I CERTIFY that I have been informed of and understand the provisions of reference (a) which states that in order to qualify for physical disability retirement benefits outlined in Chapter 61, U.S. Code, Title 10, I must be on active duty at the time the Secretary of the Navy approves any proceedings of a Physical Evaluation Board.

STATEMENT

In the event I receive permanent change of station orders after submission of this request I will immediately notify the Commandant of the Marine Corps (Code MM).

REMARKS

A physical examination will be scheduled for the Marine and the Commandant of the Marine Corps (Code MMSR) will be notified of the results.

SIGNATURE OF APPLICANT Dan D. Dailey

FIRST ENDORSEMENT

DATE: 4 October 1977

FROM: CO, HQ Co, H & S Bn, MCB, CamPen, Ca.
TO: Commandant of the Marine Corps (Code MMSR)

1. The above information has been verified and I certify that I have personally counselled the applicant concerning his options under the Survivor Benefit Plan (SBP) and of the automatic maximum coverage provisions of this plan.

SIGNATURE M. E. Bass

Figure 9-1.--Application for Retirement/Transfer to FMCR.

IDENT SYMBOLS

From: (Issuing Command)
To: (Marine Concerned)

Subj: Transfer to the Fleet Marine Corps Reserve

Ref: (a) CMC ltr of
(b) MCO P1900.16B, MARCORSEPMAN, par. 9008
(c) JTR, par. M4158, M7010 and M8260

Encl: (1) Retired Pay Data Form
(2) FMCR Certificate
(3) FMCR Button
(4) Identification Card (DD Form 2 MC (Ret.)
(5) Uniformed Services Identification and Privilege Card (DD Form 1173)
(6) Travel Voucher (DD Form 1351-2) in triplicate
(7) Voucher for Dependent Travel (DD Form 1351-4) in triplicate

1. These orders are issued in accordance with references (a) and (b).

2. You are transferred to the Fleet Marine Corps Reserve, Class 1(d), effective: _____. You are released from active duty at 2400 on the effective date of your transfer and will assume your status in the Fleet Marine Corps Reserve on the following day.

3. Your active duty pay accounts will be settled to include (date of transfer). On that date your service is as follows: (Insert statement of service from reference (a)).

4. Furnish the Disbursing Officer maintaining your active duty pay accounts two copies of these orders for settlement of your pay accounts.

5. You (are) (are not) entitled to extraordinary heroism pay.

6. Your service records will be forwarded to and maintained by the Marine Corps Reserve Forces Administrative Center, 1500 East 95th Street, Kansas City, Missouri 64131.

7. You may select a home and receive travel allowance for the travel performed thereto from this command, provided that the travel is completed within 1 year from the date of your release from active duty. The conditions under which you may be paid travel allowance for travel completed to your home of selection after that date are stated in reference (c). Once a home is selected and travel allowance is received for travel thereto, the selection is irrevocable. Advance payment of travel allowance to your selected home is not authorized.

8. Your entitlement to travel allowances for your travel and that of your dependents and to storage and shipment of household goods, are stated in reference (c). It is recommended that you read the provisions of that reference prior to your detachment from this command.

9. Enclosure (1) should be completed immediately upon receipt of these orders, or as soon thereafter as possible, and mailed to the Marine Corps Finance Center (Code CPR), Kansas City, Missouri 64197. Payment of your retainer pay will not commence until enclosure (1) is received.

10. Enclosures (2) through (4) are provided for your retention. Enclosure (5) is application for identification cards for your eligible dependents. Enclosures (6) through (7) are provided for your use in claiming travel allowances for yourself and your dependents. Following performance of travel to your home of selection, these enclosures should be completed and submitted to the nearest Marine Corps or Navy Disbursing Officer, together with the original of these orders and and two copies thereof for each claim.

Figure 9-2.--Transfer to the Fleet Marine Corps Reserve.

11. You will notify your commanding officer immediately should you incur any disease or injury on or before the effective date of transfer to the Fleet Marine Corps Reserve.

12. You will keep yourself in readiness for active service in the event of war or national emergency and will inform the Director, Marine Corps Reserve Forces Administrative Center, of any change in your health that might prevent service at sea or in the field in time of war.

13. You have given your future address as: _____ _____. Report changes of address to the Marine Corps Finance Center (Code CPR), Kansas City, Missouri 64197 and the Director, Marine Corps Reserve Forces Administrative Center, 1500 East 95th Street, Kansas City, Missouri 64131.

14. Please answer promptly all letters addressed to you by proper authority.

15. You may wear your uniform from this command to your home if travel is performed within 3 months after your release from active duty, and on such occasions as the wearing of the uniform is appropriate under the Marine Corps Uniform Regulations.

16. Your unused leave to include (date of release) is _____ days. Settlement for your leave will be included in your final active duty pay.

17. As a member of the Fleet Marine Corps Reserve, you are required to obtain a quadrennial physical examination. Quadrennial physical examinations are monitored by the Director, Marine Corps Reserve Forces Administrative Center, Kansas City, Missouri 64131.

18. Your retirement from the Fleet Marine Corps Reserve will be effective without request on ("can retire" date from CMC ltr) after the completion of 30 years accumulative service.

19. Expenditures under these orders are chargeable to (input to this paragraph will be provided by CMC (Code MMSR-2).

20. Your presence will be missed by your fellow Marines who continue to serve on active duty. We request that you continue to support them in their undertakings. I express the appreciation of the Marine Corps for your service and wish you health, happiness and every success in the future.

By direction

Copy to:
DISBO
MCFC (Code CPR), KSC
MCRFAC, KSC
CMC (Code MMEA)
(Code MMSR-2)
)Code MSRB-10)
UD
SRB
File
(Other as required)

Figure 9-2.--Transfer to the Fleet Marine Corps Reserve.- Continued.

NOTE: In the case of an officer who is reverting to enlisted grade for transfer to the FMCR, add enclosure (1) (SecNav letter) and renumber enclosures in sequence in heading and body of orders. Add the following sentence to first paragraph of orders: "Enclosure (1) is forwarded as evidence of the termination of your officer appointment effective upon the date of your transfer to the Fleet Marine Corps Reserve."

Figure 9-2--Transfer to the Fleet Marine Corps Reserve--Continued.

IDENT SYMBOLS

From: (Issuing Command)
To: (Marine Concerned)

Subj: Release from Active Duty and Transfer to the Retired List

Ref: (a) CMC ltr of
(b) 10 U.S.C.
(c) JTR, par M4158, M7010 and M8260
(d) IRAM, par. 2004

Encl: (1) Retired Pay Data Form
(2) Retirement Button
(3) Certificate of Retirement

1. On _____ you will be placed on the enlisted retired list in accordance with references (a) and (b) as a _____. Accordingly at 2400 _____ you will be detached from your present duty station and released from active duty. You will proceed to your home and complete all travel within the time specified in reference (c).

2. Your active duty pay accounts will be settled to include (date of transfer). On that date your service is as follows: (Insert statement of service from reference (a)).

3. Your Commanding Officer will ensure the issuance of an identification card pursuant to the provisions of reference (d) and a DD Form 214.

4. Your unused leave to include date of release from active duty is _____. Settlement for your leave will be included in your final active duty paycheck.

5. Furnish the Disbursing Officer maintaining your active duty pay account two copies of these orders for settlement of your pay account.

6. You have given your future address as: _____
_____.
Report changes of address to the Marine Corps Finance Center (Code CPR), Kansas City, Missouri 64197.

7. You may select a home and receive travel allowance for the travel performed thereto from this command, provided that the travel is completed within one year from the date of your release from active duty. The conditions under which you may be paid travel allowance for travel completed to your home of selection after that date are stated in reference (c).

8. Your entitlement to travel allowances for your travel and that of your dependents, and to storage and shipment of household goods, are stated in reference (c). It is recommended that you read the provisions of that reference prior to your detachment from this command.

9. Enclosure (1) should be completed and promptly forwarded to the Marine Corps Finance Center (Code CPR), Kansas City, Missouri 64197. You will not be paid retired pay until this form is received. You must keep the Marine Corps Finance Center (Code CPR), informed at all times of any change to your mailing address. Enclosures (2) and (3) are forwarded in recognition of your retirement.

Figure 9-3.-Release from Active Duty and Transfer to the Retired List.

10. You may wear your uniform from this command to your home if travel is performed within 3 months after your release from active duty, and on such occasions as the wearning of the uniform is appropriate under the Marine Corps Uniform Regulations.

11. You will notify your commanding officer immediately should you incur any disease or injury on or before the effective date of retirement.

12. Expenditures under these orders are chargeable to: _____

13. Through the years your performance of duty has always been in keeping with the traditions we revere so highly. I wish to personally express to you my sincere appreciation for a job well done. Along with your many friends in the Marine Corps, I extend every good wish for the future.

By direction

Copy to:
DISBO
MCFC, (Code CPR), KSC
MCRFAC, KSC
CMC (Code MMEA)
(Code MMSR-2)
(Code MSRB-10)

UD
SRB
File
(Other as required)

NOTE: If a Marine is being advanced to an officer grade upon retirement, add the SecNav letter of advancement as enclosure (1), renumber the other enclosures, insert the following as paragraph 3 of the orders, and renumber the other paragraphs: "The Secretary of the Navy has determined that you are entitled to be advanced to the grade of _____ on the retired list. I congratulate you and take pleasure in transmitting herewith your letter of advancement as contained in enclosure (1)."

Figure 9-3.--Release from Active Duty and Transfer to the Retired List.--Continued.

CHAPTER 10

PHYSICAL EVALUATION FOR SEPARATION AND RETIREMENT

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CHAPTER 10

PHYSICAL EVALUATION FOR SEPARATION AND RETIREMENT

10001. GENERAL

1. The laws pertaining to physical disability retirement or separation must be administered expeditionously, fairly, equitably and with due regard for the interest of both the Marine and the Government.

2. Disability retirement pay and severance pay authorized by Chapter 61, 10 U.S.C. are benefits provided for Marines who, if otherwise qualified, become unfit to perform duty because of physical disability while on active duty or inactive duty training.

3. Marines who, during active service, incur disabilities which impair their earning capacity for civil occupations but do not preclude performance of full military duties may be eligible for compensation under laws administered by the Veterans Administration even though they do not qualify for disability retirement or severance pay through the military disability system.

4. The fact that a Marine is determined to be unfit for duty while on active duty is not sufficient, in itself, to entitle him/her to disability benefits. There must be a determination that this unfitness was incurred while entitled to receive basic pay. "While entitled to receive basic pay" encompasses all types of duty which entitled the Marine to receive active duty pay and any duty without pay which by law, may be counted as duty with pay.

5. The fact that a Marine was accepted as being physically qualified for active duty is not conclusive that the disability was incurred after acceptance. It is one piece of evidence to be considered with all of the medical evidence. In the case of Marines with more than 3 years of service, any increase in the severity of a pre-existing disease or injury will be considered as evidence of service aggravation.

6. All Marines are entitled to the same consideration under disability laws, regardless of length of service or other retirement eligibility.

7. The Disability Evaluation Manual, 1977, and the current edition of SECNAVINST 1850.3, provides administrative procedures for the implementation of the law pertaining to physical disability separation and retirement for members of the naval service. This chapter implements, within the Marine Corps, those procedures and establishes additional detailed instructions.

8. The delegated authority conferred by provisions of this chapter is permissive and does not preclude referral of any case to the Commandant of the Marine Corps (Code MMSR-4) for final disposition.

10002. DEFINITIONS AND INTERPRETATIONS

1. Purpose. For the purpose of this chapter the definitions and interpretation set forth below will apply:

2. Statutory Authority. Chapter 61, 10 U.S.C. (See subparagraph 10001.2.)

3. Regulatory Authority. The Disability Evaluation Manual, and current edition of SECNAVINST 1850.3.

4. Physical Disability. Any manifest or latent impairment of function due to disease or injury, regardless of the degree, which reduces or precludes a Marine's actual or presumed ability to engage in gainful or normal activity. The term "physical disability" includes mental disease but not inherent defects such as behavior disorders, personality disorders, and primary mental deficiency.

5. Accepted Medical Principles. Accepted medical principles are fundamental deductions consistent with medical facts which are so reasonable and logical as to create a virtual certainty that they are correct.

6. Unfit Because of Physical Disability. A Marine is unfit because of physical disability when he/she is unable because of disease or injury to perform the duties of his/her office, grade, rank, or military occupational specialty in such a manner as to reasonably fulfill the purpose of his/her employment on active duty.

7. Optimum Hospital Improvement (for disposition purpose). The point during hospitalization when the patient's medical fitness for further active service can be determined, and it is considered probable that further treatment for a reasonable period in a military hospital will not result in material change in the patient's condition which would alter the ultimate disposition or the amount of benefits in the case.

8. Terminal Cases. The time at which a Marine should be processed for disability separation must be determined on an individual basis. Before initiating disability retirement procedures for a patient who has been identified as being terminally ill, the commanding officer of the naval hospital will ensure that optimum hospital benefit has been attained. When optimum hospital benefit has been attained, disposition of the patient will be governed by humanitarian consideration with due regard for economic conditions of the patient and his/her beneficiaries. Normally a terminal medical case will be processed in accordance with the separation instructions contained in paragraph 10303 of this Manual, except separation processing time will be greatly reduced and in most cases retirement will be effected on the date the notification message from the Commandant of the Marine Corps is transmitted.

9. Rapid Processing and Early Disposition of Marines who are Unable to Return to Duty Because of Physical Disability. The Secretary of Defense has directed that, when it has been determined that a member will not return to duty and when it would be advantageous to the member to draw Veterans' Administration disability compensation (vice active duty pay from the Armed Forces), he/she may be immediately processed for transfer to the Tempoary Disability Retired List or permanently retired for physical disability prior to attaining optimum service hospital benefits. The Veterans Administration makes every effort to provide service members with prompt service, including awards of disability compensation which often exceeds Armed Forces monetary benefits. Whenever a Marine is admitted to a naval hospital with a condition such as severe injury to the nervous system, including quadriplegics, hemiplegics and paraplegics; blindness and deafness requiring definitive rehabilitation; major amputees; and such other diseases or injuries which make it obvious that the Marine will not return to duty, preparation for termination of active duty status because of physical disability shall begin immediately. The Marine shall be counseled that, with his/her approval, his/her case shall be given special processing which will result in his/her name being placed on the Retired List by reason of physical disability or on the Temporary Disability Retired List within a very short time period, approximately 2 weeks. Normally these types of cases will be processed in accordance with the separation instructions contained in paragraphs 10202 or 10303, of this Manual, except the processing time will be greatly reduced.

10. Line of Duty

a. General Rule. Disease or injury suffered by Marines shall be considered to have been incurred in line of duty unless one of the following exceptions are applicable.

b. Exceptions. Disease or injury suffered by Marines shall not be considered to have been incurred in line of duty where found to have been incurred under any one of the following circumstances:

(1) As a result of the Marines misconduct, or

(2) While avoiding duty by desertion or absence without leave, or

(3) While confined under sentence of a court-martial which involved an unremitted dishonorable discharge, or

(4) While confined under sentence of a civil court following conviction of an offense which is defined as a felony by the law of the jurisdiction where convicted.

c. Presumption. It is presumed, in the absence of clear and convincing evidence to the contrary, that disease or injury was incurred in the line of duty.

11. Misconduct

a. Elements of Misconduct. Misconduct is wrongful conduct. Simple or ordinary, negligence or carelessness, standing alone, does not constitute misconduct.

b. Presumption. In the absence of clear and convincing evidence to the contrary, it is presumed that disease or injury suffered by a Marine is not the result of his/her misconduct.

c. Special Rules. See Disability Evaluation Manual, 1977, appendix A, paragraph 22.

12. Aggravation by Service. Disease or injury noted prior to service or shown by clear and convincing evidence, including accepted medical principles, to have had its inception prior to service, will be conceded to have been aggravated when such disability underwent an increase in severity during the service unless such increase in severity is shown by clear and convincing evidence including medical facts and principles, to have been due to the natural progress of the disease. In the case of Marines with more than 3 years of service, any increase in severity of pre-existing disease or injury will be considered as evidence of service aggravation.

13. Promotion. Promotion cannot be effected on or after the date the Secretary of the Navy directs retirement for physical disability or transfer to the Temporary Disability Retired List.

14. Advancement on the Retired List. A Marine being retired for physical disability will be advanced to the highest temporary or permanent grade or rank in which he/she served satisfactorily in any branch of the Armed Forces as determined by the Secretary of the Navy. In cases where the Secretary's determination has not been made prior to the Marine's retirement date, the notification of the determination will be forwarded to the Marine at his/her retirement address and to Marine Corps Finance Center (Code CPR), Kansas City, Missouri by the Commandant of the Marine Corps (Code MMSR-4).

15. Processing Time. Handling of all aspects of the disability evaluation processing (see figure 10-1). Processing time must be expeditious for the achievement of economy and efficiency within the system and for fair treatment of disabled Marines. Continuous vigorous effort must be exerted at all echelons to accomplish expeditious processing time. Processing time specifically includes:

a. Date medical board convened.

b. Date of action by convening authority of medical board.

c. Date medical board received by the Central Physical Evaluation Board (CPEB).

d. Date statement of service received, if requested.

e. Date medical records, if any, received from Bureau of Medicine and Surgery.

f. Date case considered under prima facie stipulation.

g. Date prima facie findings forwarded to the Marine concerned.

h. Date Marine's statement of acceptance or demand for full and fair hearing is received.

i. Date case heard by a physical evaluation board if held.

j. Date record of proceedings or prima facie findings forwarded to the Physical Review Council.

k. Date case referred to Naval Physical Disability Review Board for further consideration or date referred to Secretary of the Navy for final action.

l. If applicable, date Marine notified of time and place of hearing by Naval Physical Disability Review Board.

m. If applicable, date of review or hearing by Naval Physical Disability Review Board.

n. If applicable, date case forwarded to the Judge Advocate General for transmission to the Secretary.

o. Date Secretary of the Navy directs final action. This action is commonly referred as an "Index" or "EnBloc."

p. Date the Commandant of the Marine Corps directs execution of the Secretary's action.

q. Date field activity reports to the Commandant of the Marine Corps that the directed action has been accomplished.

16. Released from Active Duty. Released from active duty includes:

a. Transferred to the Temporary Disability Retired List (TDRL).

b. Retired by reason of permanent physical disability.

c. Discharged by reason of physical disability with or without severance pay.

10003. COUNSELING

1. Each Marine will be counseled throughout the course of disability evaluation processing by a Disability Evaluation System Counselor (DESC) or officer-lawyer or other officer conversant with physical evaluation procedures. The object of counseling is to ensure that the Marine fully understands the significance of all findings and recommendations made by the medical board, physical evaluation board, Physical Review Council, and Naval Physical Disability Review Board concerning his/her case, and of the benefits to which he/she may become entitled as a result of any physical disability which he/she may have incurred.

2. The DESC is an experienced, mature officer, senior enlisted member of the naval service (E-7 or above), or civilian employee at the hospital level, designated to perform the duties of counseling Marines who are undergoing physical disability evaluation. The DESC provides those Marines with authoritative and timely answers to their questions and aids them in understanding their rights and entitlements.

3. Counseling is initially the responsibility of the DESC of the medical treatment facility which conducts the medical board on the Marine. If, upon advisement of the CPEB's findings and recommendations, the Marine demands a formal hearing, the DESC will immediately notify the Recorder of the CPEB. The Recorder of the CPEB will arrange for the Marine's appearance before a formal physical evaluation board. The counsel for the Marine at the formal PEB will assume the counseling responsibility.

4. Counseling is provided at the following stages of the physical disability evaluation process:

a. When the findings and recommendations of the medical board are made known to the Marine.

b. When an enlisted Marine appears eligible for discharge for disabilities existing prior to service.

c. When the findings and recommendations of the Central Physical Evaluation Board (CPEB) are made known to the Marine.

d. When the Marine's case is to be considered by a formal physical evaluation board.

e. When the findings and recommendations of a formal physical evaluation board are announced.

f. When the findings and recommendations of the Physical Review Council (PRC) are made known to the Marine.

g. When the findings and recommendations of the Naval Physical Disability Review Board (NPDRB) are made known to the Marine.

5. Additionally, commanding officers must ensure that no Marine is discharged, retired or released from active duty until:

a. He/she has been counseled concerning veterans' benefits, and

b. He/she has submitted a Veteran's Application for Compensation or Pension at Separation from Service, VA Form 21-526e, or has refused to submit, and

c. An appropriate entry has been entered in his/her officer qualification record or service record book concerning his/her receipt of counseling and desires to submit or not submit an application for benefits from the Veterans Administration.

PART A: PHYSICAL DISABILITY EVALUATION SYSTEM

10101. GENERAL

1. The naval service physical disability evaluation system is composed of a Central Physical Evaluation Board, three formal physical evaluation boards, the Physical Review Council, and the Naval Physical Disability Review Board. Purpose, composition, responsibiliities, policies and procedures pertinent to these agencies are described in succeeding paragraphs of this part. Medical boards play an important part within the system in that approved medical board recommendations are generally the basis for entry of a Marine into the physical disability evaluation system.

2. A Marine found unfit to perform the duties of his/her office, grade, rank or military occupational speciality because of physical disability is processed through the disability evaluation system. Disposition of cases so processed is as follows:

a. For determination of eligibility for processing see Table 10-1, Eligibility Index Table.

b. For disposition of physically unfit Regular Marines and Marine Reserves on active duty for more than 30 days refer to Table 10-2, Eligibility Index Table for Regulars and Reservists on Active Duty for More Than 30 Days.

c. For disposition of physically unfit Marine Reservists on active duty for 30 days or less see Table 10-3, Eligibility Index Table for Reservists on Active Duty for 30 Days or Less; Inactive Duty Training or Compulsory 45-Day Active Duty Involuntary Training.

3. A member of the Marine Corps or Marine Corps Reserve who is discharged or released from active duty by reason of physical disability may be eligible to elect either compensation from the Veterans' Administration or retired pay from the Marine Corps, or both. In no instance may the total compensation received exceed the maximum granted by either the Marine Corps or the Veterans' Administration. A retiree must elect to waive that portion of retired pay that is equal in amount to the disability compensation award. This election is made on VA Form 21-651.

10102. MEDICAL BOARDS

1. General. Manual of the Medical Department, chapter 18, section III and Disability Evaluation Manual,1977, chapter 5 contain full instructions relevant to medical boards. The following paragraphs contain only that information applicable to medical boards and pertaining to the disability evaluation system with which the commanding officer should be conversant in the execution of his/her responsibilities.

2. Purpose. A medical board is convened to examine a Marine when doubt exists concerning his/her state of health. A medical board reports a diagnostic summary of the Marine's physical condition and will recommend one of the following dispositions to the convening authority.

a. Return to duty.

b. Return to limited duty pending further examination at a later date.

c. Continued hospitalization pending another examination at a later date.

d. Discharge by reason of physical disability upon determination that such disability existed prior to entry and was not service aggravated.

e. Discharge by reason of unsuitability; erroneous enlistment or Convenience of the Government. (See current edition BUMEDINST 1910.2.)

f. Referral of the case to the Central Physical Evaluation Board.

3. Convening Authority. A medical board may be appointed by the Commandant of the Marine Corps, commanding generals of Fleet Marine Force commands or commanding officers of a shore/field activity of the Department of the Navy. Normally, medical boards are convened by commanding officers of the naval hospitals at which the Marine is a patient. No Marine on active duty shall be referred to a medical board until he/she has been admitted to the sicklist.

4. Composition. A medical board, whenever practicable, shall consist of three medical officers of the Navy, otherwise, the board may consist, in whole or in part, of medical officers of the Army, Navy, Air Force, or of the Public Health Service. When the Marine before the board is a reservist, the membership of the board shall include Reserve representation, if available.

5. Procedure. The board shall meet to consider and report upon the case of a Marine who is referred to it by competent authority. There are no specific statutes or administrative holdings prescribing the procedure to be followed by medical boards. Hence, meetings and proceedings may be conducted informally and it is not required that the information upon which the findings of the board are based meet standards of admissibility, as evidence in a judicial proceeding.

6. Rebuttals. Unless it is considered that the information, findings, opinions and recommendations in the medical board report might have an adverse effect on the Marine's physical or mental health he/she shall be:

a. Allowed to read the board report or be furnished a copy thereof.

b. Afforded an opportunity to submit a statement in rebuttal to any portions of the board report.

c. Furnished a NAVMED Form 6100/2 concerning the findings and recommendations of the board for his/her signature, which must be witnessed.

7. Action by the Convening Authority

a. If the indicated disposition is for the Marine to appear before a physical evaluation board and the convening authority concurs and is the commanding officer of a naval hospital or the Commandant of the Fourteenth Naval District he shall endorse and forward the medical board report to the Central Physical Evaluation Board.

b. When the convening authority of the medical board is other than the above and appearance before the Central Physical Evaluation Board is the indicated disposition, the board report should be forwarded to the Commandant of the Marine Corps (Code MMSR-4) via the Chief, Bureau of Medicine and Surgery (BUMED)(Code 3322) for appropriate action.

c. When the indicated disposition is appearance before the Central Physical Evaluation Board and the convening authority of the medical board does not concur the convening authority shall advise the Marine concerned and afford him/her an opportunity to submit a statement in rebuttal. The convening authority shall then forward the medical board report with statements to the Commandant of the Marine Corps via the Chief, Bureau of Medicine and Surgery for determination.

d. When a Marine requests a personal appearance before the physical evaluation board, the Naval Council of Personnel Boards will issue orders via the appropriate board directing the Marine to appear before one of the three regional physical evaluation boards. The President of appropriate board will specify the date that the Marine's board will be scheduled.

e. The issuance of orders and subsequent entitlement to travel and transportation allowance is dependent upon the medical status of the Marine. As long as the Marine remains on the sicklist and is properly classified as a patient he/she is entitled to transportation through medical channels; e.g., the DOD established Armed Services Medical Regulating Office (ASMRO). Marines will normally remain on the sicklist until findings of the physical evaluation boards have been accepted by the Marines. If further hospitalization is not indicated, the Marine shall be discharged from the sicklist and transferred to an appropriate administrative command. In those instances and when such orders involve entitlement to travel and transportation allowances and transportation is not available through medical channels, the orders shall be requested from the Commandant of the Marine Corps (Code MMSR-4).

f. Authorization to issue permanent change of station orders to the Marine's home for the purpose of awaiting final disposition of the Marine's medical board is not authorized. A Marine may be ordered home to await final disposition of his/her physical evaluation board proceedings only in accordance with paragraph 10107 of this Manual. See paragraph 10103 for Physical Evaluation Boards.

g. Provided the medical board so recommends and the convening authority of the medical board concurs, commanding generals and commanding officers of Marine Corps activities within the United States (less Hawaii and Alaska) are authorized to discharge Marines on active duty including active duty for training by reason of physical disability. (See paragraph 10404 of this chapter.)

h. Provided the medical board so recommends and the convening authority of the medical board concurs, commanding generals and commanding officers of Marine Corps activities within the United States (less Alaska and Hawaii) are authorized to discharge Marines for character and behavior disorders of intelligence. (See paragraph 10405 of this chapter.)

10103. PHYSICAL EVALUATION BOARDS (PEB)

1. General. Disability Evaluation Manual, 1977, chapters 7 and 8 contain full instructions relevant to physical evaluation boards. The following paragraphs contain information applicable to the administrative responsibilities of commanding officers in the cases of Marines appearing before physical evaluation boards.

2. Purpose. Physical evaluation boards are constituted to afford a full and fair hearing incident to evaluation of the physical fitness of Marines and former Marines to perform the duties of their office, grade, rank or military occupational specialty; to investigate the nature, cause, degree and probable permanency of disabilities presented by such members and to make recommended findings appropriate thereto. No Marine shall be separated or retired because of physical disability from an active duty status without a hearing before a physical evaluation board unless such hearing is waived by the Marine concerned. No Marine shall be separated or retired because of physical disability from an inactive duty status without a hearing before a physical evaluation board should the Marine demand it. Physical evaluation boards are not a function of the Bureau of Medicine and Surgery, but a function of the naval service as a whole. The board is not a part of the hospital at which it meets although the hospital administratively supports the needs of the physical evaluation board.

3. Convening Authority. The Secretary of the Navy has convened the following physical evaluation boards:

a. Central Physical Evaluation Board, Department of the Navy, Naval Council of Personnel Boards, 801 N. Randolph Street, Arlington, Virginia 22203.

b. Formal physical evaluation boards:

(1) National Naval Medical Center, Bethesda, Maryland 20014.

(2) Naval Training Center, Great Lakes, Illinois 60088;

(3) Naval Regional Medical Center, San Diego, California 92134.

4. Composition. A physical evaluation board is composed of three competent and mature commissioned officers, one of whom is a medical officers and two of whom are Marine field grade officers who are familiar with physical evaluation procedures, regulations and instructions of physical evaluation boards. When the Marine is a reservist, a majority of the members of the board shall be Reserve officers, if available.

5. Counsel. The counsel for the physical evaluation board and the counsel for the Marine shall be competent, mature officers of sound judgment, familiar with procedures, regulations and instructions relating to the physical evaluation board. Where counsel for the board is a member of the bar of a Federal court or the highest court of a state, counsel for the party shall be an officer or civilian with similar qualifications.

6. Proceedings. The proceedings of physical evaluation boards shall be conducted in accordance with Disability Evaluation Manual, 1977, chapters 7 and 8 and the Judge Advocate General Manual, chapter IV, insofar as practicable except that oath or affirmation need not be administered to the members of the board or the counsel.

7. Personal Appearance. When the Marine concerned demands a full and fair hearing he/she shall appear personally before the board unless there is an opinion by a medical board or a determination by the physical evaluation board that to do so would be detrimental to his/her health. In addition to the fact that it may constitute a military offense, failure to appear when so directed or authorized shall be considered as a waiver of the Marine's right to appear before the board unless it is reasonably shown that such failure was through no fault of the Marine. The board may at its discretion, however, waive the appearance of the Marine if so requested in writing by the Marine. Such request must be appended to the record of proceedings of the board.

8. Prima Facie Findings. In all cases except where the Marine is mentally incompetent the physical evaluation board shall review all pertinent documentary evidence and make prima facie recommended findings which shall be referred to the Marine. The Marine shall be allowed 2 working days to advise the physical evaluation board, in writing, whether the prima facie findings are acceptable to him/her. If the Marine accepts the prima facie findings and states in writing that he/she does not demand a full and fair hearing, the board, without conducting further proceedings, shall forward all records, together with the Marine's statement of acceptance and the prima facie findings, to the Physical Review Council. In the event that the prima facie findings are not acceptable to the Marine, and he/she so demands, he/she shall be afforded a full and fair hearing before the board.

9. Recommended Findings. The physical evaluation board shall make recommended findings. The Marine shall be advised that recommended findings are advisory only and are not final or conclusive until disposition of the case has been effected pursuant to the direction of the Secretary of the Navy. The recommended findings may be:

a. Fit for duty.

b. Physically unfit to perform duties, and if so, the board will further find:

(1) Conditions rendering the Marine unfit and constituting the physical disability.

(2) If disability was incurred while entitled to basic pay.

(3) If disability is or is not due to intentional or willful neglect, was or was not a result of misconduct or was incurred during a period of unauthorized absence.

(4) If disability is the proximate result of active duty, or was incurred in line of duty in time of war or national emergency in cases of Marines with less than 3 years service.

(5) The percentage of disability.

(6) If disability either is permanent or may be permanent.

10. Rebuttal. The Marine will be given a copy of the physical evaluation board's proceedings which will be explained to him/her by his/her counsel. The Marine shall be afforded 5 days, exclusive of Sundays and holidays, in which to file a rebuttal.

11. Forwarding Record of Proceedings. The complete proceedings record of the physical evaluation board, together with all documents which were before the board shall be submitted to the Physical Review Council.

12. Pending Disciplinary Action. Personnel who have disciplinary action pending or who are being investigated for possible misconduct must not be ordered before a physical evaluation board without specific approval of the Commandant of the Marine Corps (Code MMSR-4).

13. Marines Declared Mentally Incompetent While in Hands of Civil Authorities. Occasionally, Marines in hands of civil authorities will be declared, by those civil authorities, not responsible for their acts because of mental incompetency. These Marines, may or may not be referred to a civil mental institution for confinement or treatment. In any event, these cases are to be referred to the Commandant of the Marine Corps (Code MMSR-4) for determination of disposition. Normally, the Commandant of the Marine Corps will refer these cases to a physical evaluation board for a hearing on the record. Any information obtained from the civil authorities which is pertinent to the Marine's present state of health should be included in the report to the Commandant of the Marine Corps (Code MMSR-4).

14. Reservists on Inactive Duty. The law, 10 U.S.C. 1204, provides that a reservist found physically unfit as a proximate result of active duty will be accorded rights and benefits as a Marine on active duty. These cases should be processed in accordance with paragraph 10407 of this Manual. While injury incurred on inactive duty training for any period of time is normally considered a proximate result of active duty, each determination must depend upon the facts of the particular case. Accordingly, sufficient evidence must be presented so as to permit a prudent determination in respect to the resolution of the "proximate result" question. Upon receipt of the case, the Commandant of the Marine Corps will determine the method of disposition based upon the foregoing and the recommendation of the Chief, Bureau of Medicine and Surgery.

10104. PHYSICAL REVIEW COUNCIL (PRC)

1. Purpose. The Physical Review Council reviews the proceedings and recommended findings of physical evaluation boards.

2. Convening Authority. The Secretary of the Navy shall convene the Physical Review Council.

3. Composition. When reviewing cases involving Marine Corps personnel, the membership of the Physical Review Council shall consist of the Director, Personnel Management Division, Headquarters Marine Corps, the Chief, Bureau of Medicine and Surgery, and the Judge Advocate General or their designated representatives. It is the duty of each member to advise the other members of the Council concerning those aspects of the proceedings and recommended findings of a physical evaluation board which fall within his/her area of responsibility or technical specialty.

4. Procedures. Each record of physical evaluation board proceedings referred to the Physical Review Council is reviewed. No Marine ever appears in person before the Physical Review Council. The Physical Review Council may take any one of the following actions.

a. If the council agrees that the physical evaluation board findings are correct, the case is forwarded to the Secretary of the Navy for final action.

b. In the event the council agrees that the physical evaluation board findings are not correct and that substitute findings as determined by the council are not substantially detrimental to the Marine, the case is forwarded to the Secretary of the Navy for final action.

c. The council may request further information, in which instance, the case is returned directly to the physical evaluation board.

d. The council may forward any case to the Naval Physical Disability Review Board for further consideration.

5. Action Relative to the Temporary Disability Retired List. The council also serves to review and evaluate the physical fitness of Marines on the Temporary Disability Retired List. (See part C, this chapter.)

10105. NAVAL PHYSICAL DISABILITY REVIEW BOARD

1. Purpose. The Naval Physical Disability Review Board is established to review disability cases which are referred by the Physical Review Council and certain other cases of former Marines. For further information see the Physical Disability Review Board Manual. The Board considers the issues before it in conformity with accepted medical principles, pertinent law and regulation and established personnel policies. The Board will take one of the following actions and forward the case to the Judge Advocate General for transmission to the Secretary of the Navy.

a. Concur with Physical Review Council.

b. Concur with recommendations of the Physical Evaluation Board.

c. Concur with the requests contained in the rebuttal submitted by the Marine being evaluated.

d. Specify new findings and recommendations.

2. Convening Authority and Composition. The Secretary of the Navy shall convene the Naval Physical Disability Review Board. The Board consists of five commissioned officers, two of whom shall be medical officers, and when considering cases involving Marines, three Marine officers of lieutenant colonel or colonel grade. A recorder also serves with the Board.

10106. ACTION BY THE SECRETARY OF THE NAVY

1. The findings and the recommendations with respect to the physical disability evaluation system pursuant to the statutory authority have no legal effect until

approved by the Secretary of the Navy. The Judge Advocate General, the deputy Judge Advocate General, the Assistant Judge Advocate General (Civil Law), or the Deputy Assistant Judge Advocate General (P&R) may, for the Secretary, approve the findings in the majority of the cases processed. This authority is permissive and does not prevent the referral of any case to the Secretary.

2. Normally the effective date of retirement is specified by the Commandant of the Marine Corps, and should be no later than 20 days following the final action taken on the case by the Secretary of the Navy.

3. Relief from the executed final disposition may be granted by the Secretary of the Navy. The filing of a petition for relief must be in accordance with Disability Evaluation Manual, 1977, chapter 2 and shall have no effect upon the case until the Secretary so directs.

10107. DISPOSITION OF PERSONNEL AWAITING FINAL DETERMINATION OF PHYSICAL DISABILITY

1. A Regular or a reservist on active duty for more than 30 days whom a physical evaluation board finds is unfit for duty and that continued treatment is not warranted may, subject to his/her consent, be ordered home to await final disposition of physical evalution board proceedings. Commanders should utilize, consistent with his/her disability, the services of any Marine who does not desire to be ordered home to await disposition.

2. Commanders will issue permanent change of station orders directing an enlisted Marine to proceed to his/her home to await final disposition of his/her physical evaluation board proceedings provided:

a. The Marine consents.

b. A physical evaluation board (not medical board-see paragraph 10102.7f) has recommended that the Marine be found unfit to perform the duties of his/her grade and the member has signed a statement that he/she accepts the prima facie findings and does not demand a full and fair hearing or that he/she has already appeared in person at a full and fair hearing. A Marine being held for convenience of the Government or a Marine whose expiration of enlistment is within 30 days of the physical evaluation board findings will be ordered home irrespective of the physical evaluation board findings.

c. The commanding officer of the naval hospital at which the board is held considers that further hospitalization and treatment are not required.

d. The Marine so ordered home agrees to liquidation of accrued leave while he/she is home awaiting final disposition.

3. Orders for officers desiring to be ordered home to await final action will be requested by message from the Commandant of the Marine Corps (Code MMOA).

4. Enlisted Marines will be issued orders in accordance with the format contained in figure 10-2 of this Manual and the provisions of the current edition of MCO P1000.6, Assignment, Classification and Travel Systems Manual. This paragraph will be used as the authority. Orders involving travel in Alaska, Hawaii, or outside the United States will be requested by message from the Commandant of the Marine Corps (Code MMSR-4).

5. Enlisted Marines ordered home or to a point of selection to await final disposition shall be entitled to payment of basic allowance for subsistence for the period following the date and hour of arrival home to include the date of separation from active duty. Marines without dependents will be entitled to basic allowance for quarters from and including the date of arrival home to

include the date of separation from active duty. Marines with dependents will continue to be entitled to basic allowance for guarters as prescribed by current regulations to include the date of separation from active duty. The date of arrival home for the purpose of crediting subsistence and quarters allowances will be determined by the disbursing officer on the basis of the Marine's itinerary or constructive rail travel via the shortest usually traveled route, utilizing the one which requires the least travel time. For more comprehensive information consult the DoD Military Pay and Allowances Entitlements Manual.

6. The unused leave balance of a Marine's record will be reduced for time spent at home awaiting final disposition, commencing the day after the date of actual arrival home or the date following the constructive rail travel via the shortest usually traveled route, utilizing the one which requires the least travel time. For more comprehensive information consult the DoD Military Pay and Allowances Entitlements Manual.

7. Transportation of dependents and household effects is authorized under change of station orders issued pursuant to the authority provided by this paragraph for a distance not to exceed that from the old station to the home of record. Marines must be advised that since entitlement to transportation of dependents and household effects will not accrue unless and until the Marine is retired either permanently or temporarily or otherwise separated, that transportation allowance for dependents and cost of the shipment of household effects may be at his/her expense should the Secretary of the Navy ultimately find him/her fit for duty. Mileage and other transportation allowances, including transportation of dependents and household effects, are settled or adjusted in accordance with the provisions of Joint Travel Regulations and Navy Travel Instructions upon actual separation or retirement, permanent or temporary.

8. A claim for reimbursement for travel performed by dependents incident to change of station orders issued under this authority will be submitted to the disbursing officer maintaining the Marine's pay record. A claim for reimbursement for travel performed by dependents incident to the Marine's retirement, permanent or temporary, or separation will be submitted to the Commanding Officer (SEC), Marine Corps Finance Center, Kansas City, Missouri 64197 and will be supported by the original and two certified copies of the change of station orders, plus the original and two certified copies of:

a. The retirement orders, or

b. The Voucher or Claim for Dependent Travel and Dislocation or Trailer allowance (DD Form 1351-4). When a Marine who has dependents is detached from his/her permanent duty station by orders issued pursuant to this authority, the disbursing officer will advise him/her of the procedures for submitting claims for transportation of dependents and will furnish sufficient copies of DD Form 1351-4.

9. Commanders will collect and destroy the Marine's identification card (DD Form 2MC) and issue, in lieu thereof, an identification card (DD Form 2MC) valid for 120 days. Should final disposition exceed 120 days, commanders will issue at the request of the Marine and subsequent to the expiration date of the card another identification card valid for 60 days. If appropriate, a retired identification card (DD Form 2MC (Ret)) will be issued at the time of separation in accordance with the instructions of MCO P1070.12C, IRAM, paragraph 2003.

10108. VOLUNTARY SEPARATION PRIOR TO COMPLETION OF FINAL ACTION ON PHYSICAL DISABILITY PROCEEDINGS

1. A Regular or a reservist who has been ordered to active duty for more than 30 days, excluding involuntary active duty training for 45 days, should not be discharged or released upon expiration of active duty if medical treatment or disability proceedings have not been completed. If such a Marine requests separation despite this circumstance and prior to final action by the Secretary

of the Navy, he/she will be instructed that the law, Chapter 61, 10 U.S.C., requires that to be eligible for physical disability retirement or discharge with severance pay, he/she must be in receipt of basic pay at the time the Secretary of the Navy makes the necessary physical disability determination and that separation prior to that time may prejudice his/her case. If after this explanation the Marine still persists in his/her request for separation, the following entry will be made in the service record book on page 11:

"I request that I be discharged (released from active duty) despite the explanation which has been given me, that in order to be eligible for physical disability retirement or discharge with severance pay I must be entitled to basic pay at the time the Secretary of the Navy makes his determination in my case. Notwithstanding possible prejudice in my case, I still desire separation."

a. This entry must be dated and signed by the Marine and witnessed by an officer prior to actual separation. In all cases involving release from active duty a certified true copy of the Marine's statement will be forwarded to the Commandant of the Marine Corps (Code MMSR-4) immediately upon separation.

b. Any Marine who is contemplating waiving his/her rights pursuant to this paragraph should be counseled by an officer-lawyer.

2. In the case of officers, if orders for voluntary separation or retirement have been received, the Commandant of the Marine Corps (Code MMSR) will be informed of the circumstances by message. Separation or retirement which is mandatory under the law cannot be deferred beyond the date established by law; therefore, a report in those cases is not required.

3. Marines who are eligible to transfer to the Fleet Marine Corps Reserve or who have already submitted their application to transfer to the FMCR and who are involved in some aspect of physical disability proceedings at the time shall be advised that authorization for transfer to the FMCR will not be issued pending final disposition of physical disability proceedings. Applications to transfer to the FMCR should not be submitted and if submitted, will not be processed unless the member desires to waive the rights and benefits to which the member is entitled under Chapter 61, 10 U.S.C.. If the member desires to transfer to the FMCR rather than continue with disability processing, the commanding officer shall advise the member that the action of transferring to the FMCR may prejudice his/her case since the law requires that the Secretary of the Navy make the determination on the disability case while the member is entitled to receive basic pay. If the Marine still desires to transfer to the FMCR after this explanation, the following entry will be made on page 11 of the SRB.

"I hereby certify that it has been explained to me that I am suffering from a physical disability, namely ( ), and that I am entitled to a full and fair hearing before a Physical Evaluation Board under 10 U.S.C. 1214. With full knowledge of my rights in this matter I request that I be transferred to the FMCR on ( ) despite the fact that in order to be eligible for physical disability retirement I must be entitled to basic pay at the time the Secretary of the Navy makes his determination in my case."

a. This entry must be dated and signed by the Marine and witnessed by an officer. Additionally, any Marine who is contemplating waiving his/her rights pursuant to this paragraph should be counseled by an officer-lawyer.

b. When a Marine executes the above waiver and his/her case is pending before a Physical Evaluation Board, the Commandant of the Marine Corps (Code MMSR-4) shall be notified by message with an information copy sent to the Naval Council of Personnel Boards.

10109. ACTIVE DUTY FOR PHYSICALLY RESTRICTED PERSONNEL

1. The Commandant of the Marine Corps may recommend to the Secretary of the Navy that a Marine, particularly one with over 18 but less than 20 years of active service, be permitted to continue on active duty in an appropriate limited assignment. A Marine so continued on active duty must be unfit because of physical disability with a basically stabilized condition, or one in which accepted medical principles indicate a slow progression of the disabling condition. He/she must be able to maintain himself/herself in a normal military environment, without adversely affecting his/her health or the health of other Marines, or requiring an inordinate amount of medical care. Additionally the Marine must request in writing that he/she be retained.

2. Retention of physically restricted Marines except as noted in subparagraphs 10109.2a and 2b below, should be accomplished as the result of action by the Secretary of the Navy on physical disability proceedings provided through the Physical Review Council. This procedure will provide for a full and fair hearing on an impartial basis and will constitute full compliance of the statutes pertaining to disability retirement.

a. Marines with over 18 but less than 20 years of active service, except amputees, may be retained on active duty at the direction of the Commandant of the Marine Corps based upon a favorable recommendation by the Chief, Bureau of Medicine and Surgery when such a recommendation is the result of a medical board report.

b. Marines who have in excess of 16 years but less than 18 years of active service and where the proposed action of the Physical Review Council would result in the Marine being discharged with severance pay or placed on the Temporary Disability Retired List with a percentage of disability which may eventually become less than 30 percent may be considered for retention on active duty in limited duty status to complete 20 years active service.

3. Marines, particularly those with over 20 years of active service, will not be continued on active duty solely to increase their monetary benefits, nor will they be continued unless their employment is justified as being of value to the Marine Corps.

4. A Marine continued on active duty under these provisions shall be closely observed to assure that further continuance on active duty, or conversely, separation, is consonant with the best interests of the Marine and Marine Corps. When a Marine becomes unable to perform his/her duties in a limited duty assignment, he/she shall be admitted to a naval hospital for observation, treatment, and appropriate disposition.

5. Marines retained on limited duty pending reevaluation at a later date will be assigned in accordance with the specific instructions contained in the Commandant's endorsement of the medical board report. Care must be exercised to ensure that the Marine is reevaluated within the month designated by the Commandant.

6. Marines retained on active duty in a physical limited duty status retain eligibility for consideration and selection for promotion. If selected, an officer who is otherwise eligible but is determined to be not physically qualified for promotion may be promoted when it is determined by the Chief, Bureau of Medicine and Surgery that the officer's physical disqualification was by reason of wounds received in the line of duty and that such wounds do not incapacitate the officer for the performance of useful service in the higher grade. In the case of enlisted personnel, see paragraph 10002.13.

10110. STATEMENTS OF SERVICE

1. The Commandant of the Marine Corps will expeditiously provide to the Director, Naval Council of Personnel Boards statements of service for Marines undergoing physical disability proceedings upon request from:

a. Commanding Officer, U.S. Naval Hospital or Medical Center, or

b. President, Central Physical Evaluation Board, or

c. President, Physical Review Council

2. The commanding officer of a naval hospital should utilize a message format addressed to Commandant of the Marine Corps (Code MMSR-4). The message request should contain:

a. Last name, initials

b. Grade

c. Social security number

d. Date case referred to Central Physical Evaluation Board

3. The President of the Central Physical Evaluation Board and the President of the Physical Review Council may at their discretion request statements of service from the Commandant of the Marine Corps (Code MMSR-4) by memorandum. Statements of service will be submitted directly to the Central Physical Evaluation Board or the Physical Review Council as appropriate.

10111. CONCURRENT DISCIPLINARY ACTION AND PHYSICAL DISABILITY PROCEEDINGS. In the instance where a member who has disciplinary action pending, especially where the action may result in a less than honorable discharge being awarded and concurrent physical disability proceedings, the medical board with notation as to the nature of the disciplinary action will be forwarded by the convening authority via Chief, Bureau of Medicine and Surgery (Code 3322) to the Commandant of the Marine Corps (Code MMSR-4). The Commandant of the Marine Corps will determine whether or not the case shall be forwarded to the Naval Council of Personnel Boards. Disability proceedings will ordinarily not be finalized until all disciplinary action is complete, to include appellate review.

PART B: PHYSICAL DISABILITY RETIREMENTS

10201. AUTHORITY. 10 U.S.C. 1201 and 1204, provide that the Secretary of the Navy may retire certain members who are considered unfit to perform the duties of their office, grade, rank or rating because of a permanent physical disability. (See table 10-2 for eligibility determination.)

10202. DISPOSITION INSTRUCTIONS

1. General

a. Expeditious handling of the administrative procedures attendant to the separation or retirement of disabled Marines is an integral part of the Marine Corps policy and it is incumbent upon each commander to exercise such policy with utmost consideration for the Marine. Particular attention must be given "rapid retirement required" notification messages transmitted by the Commandant of the Marine Corps.

b. In order not to inadvertently deprive Marines of maximum benefits, it is necessary that action be accomplished to effect retirements at the earliest practicable date as Veterans' Administration compensation for Marines with high disability ratings may substantially exceed active duty pay or physical disability retired pay.

c. Prior to retirement a Marine may be authorized hospitalization at a Veterans' Administration hospital. Inasmuch as this authorization is based upon the provision that the Marine must be on active duty at time of admission, premature retirement may preclude this hospitalization. The retirement of such personnel will be held in abeyance and the Commandant of the Marine Corps will be immediately notified.

d. The Commandant of the Marine Corps (Code MMSR-4) will direct by message the cognizant command and the Marine Corps Finance Center (Code CPR) to effect disability separation. This notification will contain the Marine's social security number, date of release from active duty, date of retirement or transfer , date active duty pay and allowances terminate, percentage of disability and appropriation data.

2. Specific. To effect retirement of Marines for permanent physical disability, commanding officers will take action as outlined below:

a. If the Marine is not attached to the local command, immediately readdress the message to his/her current command for appropriate action. An information copy must be provided to the Commandant of the Marine Corps (Code MMSR-4) and the Marine Corps Finance Center (Code CPR).

b. If the Marine is a member of the local command commence separation processing without delay.

(1) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is prior to the date of retirement, provide data required by subparagraph 10202.2a, above, and readdress the retirement message from the Commandant of the Marine Corps to the Marine's new administrative command for action. List of administrative activities responsible for hospitalized Marines is contained in the current MCO 6320.2.

(2) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is subsequent to the date of retirement, immediately advise the Commandant of the Marine Corps (Code MMSR-4) of the effective date of transfer to the Veterans' Administration hospital.

c. Upon completion of separation processing, but not later than the date of retirement, provide the Marine Corps Finance Center (Code CPR), with the Commandant of the Marine Corps (Code MMSR-4) as an information addressee, with required personnel data of the Marine, using the appropriate message format contained in figure 10-3. Items of information required are:

(1) Name
(2) Grade
(3) Social security number (SSN)/MOS
(4) Pay entry base date
(5) Time lost current enlistment
(6) Years, months and days of active service (to include date of release from active duty)
(7) Mailing address (complete address, including ZIP code, where the Marine may be contacted after retirement)
(8) Date of retirement
(9) Dates of birth of Marine, spouse, and youngest child

d. Issue retirement orders using the format contained in figure 10-4. Furnish the local disbursing officer settling the pay account a copy of the Commandant of the Marine Corps' notification message and two copies of the retirement orders immediately upon issuance. Additionally, furnish any other administrative information necessary to close the active duty pay account to the disbursing officer. The effective date of retirement is the day following the last day of active duty. Disability retirements are governed by law and must be effected as directed. Effecting a disability retirement on any date other than that directed is not authorized.

e. Notify those Marines who have been ordered home to await disposition of physical evaluation proceedings of the effective date of retirement, by message, on or before the effective date, and immediately mail the retirement orders direct to the Marine.

f. If the service record is not available, request from the Commandant of the Marine Corps (Code MMSR-4) in accordance with MCO P1070.12C, IRAM, paragraph 4002, the required disability separation information utilizing the format contained in figure 10-3. Only disability separation information will be requested from the Commandant of the Marine Corps (Code MMSR-4). All other separation information will be requested from the Commandant of the Marine Corps (Code MSRB-10).

10203. RETIRED PAY PROCEDURES

1. The Commanding Officer, Marine Corps Finance Center (Code CPR) administers retired pay.

2. To terminate credit of active duty pay and allowances for those Marines retired for physical disability, the disbursing officer will:

a. Be furnished one copy of the notification message of the retirement from the Commandant of the Marine Corps by the cognizant commanding officer.

b. On or before the effective date of retirement, be furnished two copies of retirement orders by the cognizant commanding officer.

c. Contact the Marine retiree, in person or by mail, to arrange for termination or continuation of allotments, as may be authorized.

d. Effect final settlement of all active duty pay and allowances.

3. To establish the Marine's retired pay account, the Marine Corps Finance Center (Code CPR) will:

a. Be an information addressee for all messages of notification of retirements from the Commandant of the Marine Corps to the cognizant commanding officers.

b. Be an action addressee for all messages from the cognizant commanding officer furnishing personal data of the retiree.

c. Be furnished two copies of all retirement orders issued by the cognizant commanding officer.

d. Based on information provided by messages pertaining to retirements, prepare a Retired Pay Data Form (MCFC RP 7220/114) (4-77) for each disability retirement. The form will be forwarded direct to the retiree at his/her current mailing address for his/her election and completion. Correspondence relative to retired pay matters should be addressed to the Commanding Officer, Marine Corps Finance Center (Code CPR) Kansas City, Missouri 64197.

4. A very basic computation of retired pay is presented in Table 10-4, Computing Disability Retired Pay.

10204. RETIREMENT DOCUMENTS

1. The Commandant of the Marine Corps will prepare and forward retirement documents as soon as possible which is normally 10 days after the Commandant has directed the field command to separate the Marine concerned.

2. In the event the Marine is physically present at a post or station the commander will so inform the Commandant of the Marine Corps (Code MMSR-4) utilizing the format shown in figure 10-3 requesting retirement documents to be forwarded to the post or station for delivery and appropriate ceremony. (See subparagraph 13001.4 of this Manual.)

10205. RETIREMENT HONORS

1. Appropriate retirement honors will be extended to Marines retired for physical disability, particularly those with more than 20 years active service.

2. The commander will personally interview each Marine and advise him/her what types of ceremonies are available and/or planned, based on the conditions that exist at the command. The Marine will be allowed to state his/her desires as to ceremony. Should the Marine desire no ceremony, his/her wishes will be accepted.

3. Since retirement packages for Marines retiring for physical disability are often prepared for mailing to the Marine at his/her retirement address because of the short lead time available, the Commandant of the Marine Corps (Code MMSR-4) should be informed by the cognizant command when a Marine desires to have a retirement ceremony. Such notification should be made at the time the Marine accepts the findings of the Central Physical Evaluation Board so that the retirement package can be prepared and forwarded to the command in time for the ceremony.

10206. CURRENT ADDRESS AND RESIDENCE

1. A Marine who is retired shall keep the Marine Corps Finance Center, (Code CPR), Kansas City, Missouri 64197 informed at all times of his/her current check mailing address and current home mailing address where mail and messages addressed to him/her will be received. A request to change address must specify whether the change is for check or home mailing address, or both.

2. Subject to the above requirement, a retired Marine may change his/her residence in the United States or may reside abroad except in belligerent countries.

10207. CERTIFICATE IN LIEU OF ORDERS. A certificate in lieu of orders for a disability retirement will not be issued prior to the Marine's acceptance of the findings of the Central Physical Evaluation Board or physical evaluation board. Requests for the issuance of a certificate in lieu of orders should be addressed to Commandant of the Marine Corps (Code MMSR-4).

PART C: TEMPORARY DISABILITY RETIRED LIST (TDRL)

10301. AUTHORITY. 10 U.S.C. 1376, requires the Secretary of the Navy to maintain a Temporary Disability Retired List (TDRL) containing the names of Marines transferred to the TDRL pursuant to 10 U.S.C. 1202 and 1205.

10302. COMPOSITION. The Commandant of the Marine Corps (Code MMSR-4) is responsible for maintaining the TDRL. The list consists of Marines found to be unfit for performance of military duty because of physical disability which may be permanent, but which has not sufficiently stabilized to permit an accurate evaluation of a permanent degree of severity.

10303. TRANSFER TO THE TDRL

1. General

a. Expeditious administrative processing of disabled Marines to the Temporary Disability Retired List is essential. Particular attention must be given "rapid retirement required" notification messages transmitted by the Commandant of the Marine Corps.

b. In order not to inadvertently deprive Marines from receiving maximum benefits, it is necessary that action be accomplished to effect retirements at the earliest practicable date as Veterans' Administration compensation for Marines with high disability ratings may substantially exceed active duty pay or physical disability retired pay.

c. Prior to transfer to the Temporary Disability Retired List a Marine may be authorized hospitalization at a Veterans' Administration hospital. Inasmuch as this authorization is based upon the provision that the Marine must be on active duty at time of admission, premature transfer to the Temporary Disability Retired List may preclude this hospitalization. The transfer to the TDRL of such personnel will be held in abeyance and the Commandant of the Marine Corps will be immediately notified.

d. The Commandant of the Marine Corps (Code MMSR-4) will direct by message the cognizant command and the Marine Corps Finance Center (Code CPR) to effect disability separation. This notification will contain the Marine's social security number, date of release from active duty, date of retirement or transfer, date active pay and allowances terminate, percent of disability and appropriation data.

2. Specific. To effect transfer of a Marine to the TDRL, commanding officers will take the actions outlined below:

a. If the Marine is not attached to the local command, immediately readdress the message to his/her current command for action. Provide a copy to the Commandant of the Marine Corps (Code MMSR-4) and the Marine Corps Finance Center (Code CPR).

b. If the Marine is a member of the local command commence separation processing without delay.

(1) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is prior to the date of transfer to the TDRL, provide data required by subparagraph 10303.2a, above, and readdress the retirement message from the Commandant of the Marine Corps to the Marine's new administrative activity for action. List of administrative activities responsible for hospitalized Marines is contained in current MCO 6320.2.

(2) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is subsequent to the date of transfer to the TDRL, immediately advise the Commandant of the Marine Corps (Code MMSR-4) of the effective date of transfer to the Veterans' Administration hospital.

c. Upon completion of separation processing but not later than the date of transfer to the TDRL provide the Marine Corps Finance Center (Code CPR), with the Commandant of the Marine Corps (Code MMSR-4) as an information addressee, with required personnel data of the Marine, using the appropriate message format contained in figure 10-3. Items of information required are:

(1) Name
(2) Grade
(3) Social security number (SSN)/MOS
(4) Pay entry base date
(5) Time lost current enlistment
(6) Years, months and days of active service (to include date of release from active duty)
(7) Mailing address (complete address, including ZIP code, where the Marine may be contacted after transfer to the TDRL)
(8) Date of transfer to TDRL
(9) Dates of birth of Marine, spouse, and youngest child

d. Issue orders using the format contained in figure 10-5. Furnish the local disbursing officer settling the pay account a copy of the Commandant of the Marine Corps' notification message and two copies of the transfer orders immediately upon issuance. Additionally furnish any other administrative information necessary to close the active duty pay account to the disbursing officer. The effective date of transfer is the day following the last day of active duty. Temporary disability retirements are governed by law and must be effected as directed. Effecting a temporary disability retirement on any date other than that directed is not authorized.

e. Notify those Marines who have been ordered home to await disposition of physical evaluation proceedings of the effective date of retirement, by message, on or before the effective date and immediately mail the retirement orders direct to the Marine.

f. If the service record is not available, request from the Commandant of the Marine Corps (Code MMSR-4) in accordance with MCO P1070.12C, IRAM, paragraph 4002, the required disability separation information utilizing the format contained in figure 10-3. Only disability separation information will be requested from the Commandant of the Marine Corps (Code MMSR-4). All other separation information will be requested from the Commandant of the Marine Corps (Code MSRB-10).

10304. TDRL PAY PROCEDURES

1. The Commanding Officer, Marine Corps Finance Center (Code CPR), administers the pay of all Marines placed on the TDRL.

2. To terminate credit of active duty pay and allowances for those Marines retired for physical disability, the disbursing officer will:

a. Be furnished one copy of the notification message of the retirement from the Commandant of the Marine Corps by the cognizant commanding officer.

b. On or before the effective date of retirement, be furnished two copies of retirement orders by the cognizant commanding officers.

c. Contact the Marine retiree, in person or by mail, to arrange for termination or continuation of allotments, as may be authorized. Unless the Marine being retired requests otherwise, all allotments except allotments for charitable

contributions and allotments in amounts greater than the anticipated amount of retired pay will be automatically continued when retirement is effected.

d. Effect final settlement of all active duty pay and allowances.

3. To establish the Marine's retired pay account, the Marine Corps Finance Center (Code CPR) will:

a. Be an information addressee for all messages of notification of retirements from the Commandant of the Marine Corps to the cognizant commanding officer.

b. Be an action addressee for all messages from the cognizant commanding officer furnishing personal data of the retiree.

c. Be furnished two copies of all retirement orders issued by the cognizant commanding officer.

d. Based on information provided by messages pertaining to retirements, prepare a Retired Pay Data Form (MCFC RP 7220/114 (4-77) for each disability retirement. The form will be forwarded direct to the retiree at his/her current mailing address for election and completion. Correspondence relative to retired pay matters should be addressed to the Commanding Officer, Marine Corps Finance Center, (Code CPR), Kansas City, Missouri 64197.

4. A very basic computation of retired pay is presented in Table 10-4, Computing Disability Retired Pay.

10305. PERIODIC PHYSICAL EXAMINATIONS

1. The law requires that a Marine whose name has been placed on the TDRL shall be given a physical examination at least once every 18 months to determine whether there has been a change in the disability with which he/she was temporarily retired.

2. If a Marine on the TDRL fails to report as ordered for the required periodic physical examination, his/her disability retired pay may be terminated. Should he/she establish just cause for failure to report, payments may be reinstated and may be made retroactive not to exceed 1 year.

3. Marines who have waived retirement pay in order to receive compensation from the Veterans' Administration are still members of the Marine Corps and are required to undergo periodic physical examinations when ordered by the Commandant.

4. Marines who are ordered to submit to a physical examination are entitled to travel and transportation allowances authorized for a Marine in his/her retired grade. (See part E, chapter 5, volume 1, Joint Travel Regulations.)

5. The Commandant notifies each member on the TDRL of a scheduled physical examination in sufficient time so as to prevent an undue hardship for the Marine. Voluntary selection of examination place may be permitted; however, reimbursement may not exceed the amount authorized for travel and transportation to and from home of record and the nearest military activity at which periodic examinations are conducted.

10306. DISPOSITION OF TDRL MEMBERS IN HANDS OF CIVIL AUTHORITIES. Whenever a Marine is undergoing confinement by civil authorities or is hospitalized in an institution under state or local control the report of the medical officer or medical assistant serving the confinement facility or institution may be submitted for the periodic physical examination. For detailed provisions, see Disability Evaluation Manual,1977, chapter 4.

10307. CURRENT ADDRESS AND RESIDENCE

1. A Marine who is on the Temporary Disability Retired List shall keep the Marine Corps finance Center (Code CPR), Kansas City, Missouri 64197 informed at all times of his/her current check mailing address and current home mailing address where mail and messages addressed to him/her will be received. A request to change address must specify whether the change is for check or home mailing address, or both.

2. Subject to the above requirement, a Marine who is on the TDRL may change his/her residence in the United States or may reside abroad except in belligerent countries.

10308. REMOVAL FROM THE TDRL

1. After reevaluation as a result of any periodic physical examination, one of the following dispositions may be made.

   a. Retention on the Temporary Disability Retired List.

   b. Permanent retirement.

   c. Discharge with or without severance pay.

   d. Fit for return to duty.

2. Should the Marine be retained on the Temporary Disability Retired List, he/she will continue to be examined at intervals of 18 months. However, he/she must be finally reevaluated before the end of the 5-year period when final disposition must be made.

3. If the Marine has recovered from his/her disability to a degree that he/she is fit to perform his/her duties he/she may, subject to his/her consent, be reappointed to the active list or reenlisted, if otherwise qualified in accordance with the current edition of MCO P1040.31, as appropriate. If a Marine does not consent to his/her reappointment or reenlistment, his/her status on the TDRL shall be terminated.

4. In the case of a member of the Marine Corps Reserve found fit to perform his/her duties, he/she may, subject to his/her consent, be reappointed or reenlisted, as appropriate, in the Marine Corps Reserve. Reappointment or reenlistment in the Marine Corps Reserve does not guarantee assignment to active duty.

PART D: DISCHARGES FOR MARINES NOT PHYSICALLY QUALIFIED FOR RETENTION

10401. DISABILITY DISCHARGES WITH SEVERANCE PAY. 10 U.S.C. 1203, and 1206, provide that certain Marines not eligible for retirement by reason of physical disability but who are nevertheless found unfit for duty by reason of physical disability may be discharged from the Marine Corps with severance pay. Eligibility requirements are contained in tables 10-2 and 10-3.

10402. DISABILITY DISCHARGES WITHOUT SEVERANCE PAY. A Marine who incurs a physical disability that, in the determination of the Secretary of the Navy, renders him/her unfit to perform the duties of his/her office, grade, rank, or military occupational specialty and which results from his/her intentional misconduct or willful neglect or which was incurred during a period of unauthorized absence shall be separated from the Marine Corps without entitlement to benefits under the law. Additionally, Marines unfit for retention on active duty because of physical disability which was neither incurred nor aggravated during any period in which the Marine was entitled to basic pay shall be discharged without severance pay.

10403. SEPARATION PROCEDURES FOR DISCHARGE WITH OR WITHOUT SEVERANCE PAY

1. The Commandant of the Marine Corps will direct discharge, with or without severance pay, of Marines by reason of physical disability. Upon receipt of the message directing discharge of a Marine, with or without severance pay, the cognizant commanding officer will advise the Commandant of the Marine Corps (Code MMSR-4) of the actual date of discharge utilizing the format contained in figure 10-6.

2. In the case of transferred personnel, messages will be readdressed to the new command for appropriate action, providing an information copy to the Commandant of the Marine Corps (Code MMSR-4).

10404. DISCHARGES FOR DISABILITIES EXISTING PRIOR TO SERVICE

1. The Disability Evaluation Manual and current edition of BUMEDINST 1910.2, provide information relative to medical boards convened for the purpose of discharging enlisted Marines for physical disability not incurred in or aggravated by service. Commanding generals and commanding officers of all Marine activities within the United States (less Alaska and Hawaii) are authorized to discharge enlisted or inducted members of the Marine Corps and the Marine Corps Reserve on active duty including active duty for training because of physical disability provided:

a. The Marine has appeared before a medical board and the board has stated affirmatively and specifically the opinion that the Marine is unfit for further service because of physical disability and that the physical disability was neither incurred in nor aggravated by a period of active military service. No Marine shall be discharged because of physical disability who does, in fact, meet the minimum standards for enlistment or induction. Refer to the Manual of the Medical Department, Article 15-77(1)(b) for instructions pertaining to members of the Marine Corps Reserve who have been ordered to involuntary active duty for unsatisfactory participation.

b. The convening authority of the medical board concurs in the above opinions of the board.

c. The Marine has been fully advised, by the convening authority of the medical board, of his/her right to demand a full and fair hearing before a PEB prior to discharge.

d. The Marine, after having been advised of his/her right to a full and fair hearing, certifies in writing, on Form NAVMED 6100/3, that he/she does not demand such a hearing prior to discharge.

e. There is no disciplinary action pending, including court-martial or investigative proceedings which might lead to court-martial, or uncompleted sentences of court-martial involving confinement or discharge.

f. There is no administrative discharge pending.

g. There is no indication of drug addiction, alcoholism, homosexuality or criminalism.

h. There is no evidence that the Marine is under investigation or is being processed as a security risk.

i. The Marine has less than 3 years continuous active service. In the case of a Marine with over 3 years continuous service, there is an assumption that the condition was aggravated by service.

2. When the commander is of the opinion that an enlisted Marine qualified for discharge by reason of physical disability in accordance with this paragraph should be discharged by reason of unsuitability, misconduct, or for other reason, the medical board report shall be forwarded to the Commandant of the Marine Corps (Code MMSR-4) via the Chief, Bureau of Medicine and Surgery (Code 3322) for final action after the Marine has been processed in accordance with the administrative discharge provisions contained in chapter 6 of this Manual.

3. The authority for discharge is paragraph 6011 of this Manual and the current edition of BUMEDINST 1910.2.

4. This paragraph is not applicable to officers. Officers will be discharged only at the direction of the Commandant of the Marine Corps.

5. The Manual for the Medical Department requires that when a report of medical board results in the local discharge of Marines, the conditions reported on have been determined to have existed prior to entry into the military service, and the preentry physical examination was performed at an Armed Forces Examining and Entrance Station, a copy of the medical board report with a copy of the preentry SF 88 and 93 shall be forwarded to Commander, U. S. Army Recruiting Command, Fort Sheridan, Illinois 60037. The terminated health record will be inserted inside the service record and forwarded in accordance with the Manual of the Medical Department art. 16-9 and IRAM, par 4001.5, table 4-1.

10405. DISCHARGES FOR CHARACTER AND BEHAVIOR DISORDERS AS DETERMINED BY A MEDICAL BOARD

1. The Disability Evaluation Manual 1977,and current edition of BUMEDINST 1910.2, provide information relative to medical boards convened for the purpose of discharging enlisted Marines for character and behavior disorders. Commanding officers of all Marine Corps activities and inspectors-instructors within the United States (less Alaska and Hawaii) are authorized to discharge enlisted or inducted members of the Marine Corps and Marine Corps Reserve, on active duty including active duty for training by reason of unsuitability because of character and behavior disorders; provided:

a. The Marine has appeared before a medical board and the board has stated affirmatively and specifically the opinion that functional usefulness is impaired to such an extent as to cause military unsuitability due to character and behavior disorders.

b. The convening authority of the medical board concurs in the opinion of the board.

c. The Marine does not have a diagnosis of dissocial personality, enuresis, alcoholism, homosexual or other aberrant tendencies, combat exhaustion, drug addiction or acute situational maladjustment.

d. The Marine has been notified in writing of the findings and proposed recommended discharge action of the board.

e. The Marine indicates in writing on NAVMED 6100/2 that he/she has been informed in writing of the findings and proposed recommended discharge action of the board and does not desire to make a statement in his/her own behalf or rebut the board's findings and recommendations.

f. There is no disciplinary action pending, including court-martial or investigative proceedings which might lead to court-martial, or uncompleted sentences of court-martial involving confinement or discharge.

g. There is no other administrative discharge pending.

(1) Marines who have completed 8 or more years of active or inactive service shall be afforded an opportunity to request or waive, in writing, any or all of the following privileges as set forth in MARCORSEPMAN, paragraph 6016:

(a) To have his/her case heard by an Administrative Discharge Board of not less than three officers.

(b) To appear in person before such board.

(c) To be represented by counsel (a lawyer within the meaning of Article 27(b)(1), UCMJ, unless the commanding officer certifies in writing the nonavailability of a lawyer so qualified and sets forth the qualifications of the substitute nonlawyer counsel).

(d) To submit statements in his/her own behalf.

(e) Prior to declaring his/her intentions concerning the above rights, the Marine shall be given the opportunity to consult with counsel as defined in paragraph 10405.1g(1)(c). <u>If the Marine waives his/her rights, in writing, he/she may be processed for separation in the same manner as a Marine with less than 8 years of active and inactive service</u>.

(2) Should the Marine elect to have his/her case heard by an Administrative Discharge Board, he/she shall be returned to his/her parent command, if practicable; otherwise effect transfer to the appropriate intermediate reporting command, nearest the medical facility, for processing. This will normally be a Marine Corps base, Marine barracks or other Marine Corps activity which has facilities to receive and process personnel discharged from treatment. The medical board report shall be forwarded to the Commandant of the Marine Corps (Code MMSR) via BUMED (Code 3322) noting that the Marine has requested a hearing before an Administrative Discharge Board. If the Marine elects to submit a statement in his/her own behalf or a statement in rebuttal to the findings and recommendations of the medical board, the medical board report together with the Marine's statement shall be submitted to the Commandant of the Marine Corps (Code MMSR) via BUMED (Code 3322) for final determination in the case.

(3) In <u>all</u> cases involving Marines with 8 or more years of active and inactive service signed copies of the Marine's statement of awareness and waiver of rights, if appropriate, shall be included as part of the medical board report.

2. Discharge recommendations for character and behavior disorders as determined by a medical board are separate and distinct from administrative discharges by reason of unsuitability for character and behavior disorders pursuant to paragraph 6016 of this Manual. That paragraph provides for the disposition of enlisted Marines via nonmedical channels by administrative discharge for unsuitability where appearance before a medical board is not required. Resolution of the issue of a Marine's unsuitability for military service, within the purview of this paragraph shall be determined by the cognizant medical authorities.

3. Enlisted Marines separated pursuant to the provisions of this paragraph shall normally be discharged with an honorable or general discharge as warranted by the service record, by reason of unsuitability.

4. The authority for discharge is paragraph 10405, of this Manual and current edition of BUMEDINST 1910.2.

5. This paragraph is not applicable to officers. Officers will be discharged only at the direction of the Commandant of the Marine Corps.

10406. DISCHARGES FOR MEMBERS OF OFFICER TRAINING PROGRAMS FOUND NOT PHYSICALLY QUALIFIED FOR RETENTION

1. The Commanding General, Marine Corps Development and Education Command, Quantico, Virginia, is authorized to discharge members of officer training programs upon notification by the Chief, Bureau of Medicine and Surgery that the member is not physically qualified for retention on active duty as an enlisted member subject to the following provisions:

a. Upon report from a medical officer that an officer candidate has been determined to be not physically qualified for retention, the commander concerned will forward the Report of Medical Examination (SF 88) to the Chief, Bureau of Medicine and Surgery (Code 3322) provided the officer candidate:

(1) Is not on active duty, or

(2) Is on active duty but the medical officer's determination is the result of the initial physical examination administered upon the candidate's reporting to an officer training course, and it is established that the disqualification is not the result of an injury incurred while performing travel incident to reporting to the officer training course.

(3) Submits a request for discharge by reason of being found not physically qualified for retention on active duty.

b. The Chief, Bureau of Medicine and Surgery will notify the Commanding General, Marine Corps Development and Education Command of his recommendation concerning the disposition of the case.

c. Should the officer candidate desire to enter or remain on active duty, the commander concerned will forward the Report of Medical Examination (SF 88) to the Commandant of the Marine Corps (Code MRRE-3) via the Chief, Bureau of Medicine and Surgery (Code 3322) with a recommendation as to retention.

d. Authority for discharge is subparagraph 6012.1f(13) of this Manual.

2. In cases where the officer candidate is found physically qualified for retention as an enlisted member but is not physically qualified for appointment as an officer in the Marine Corps, the commander concerned will forward the Report of Medical Examination (SF 88) to the Commandant of the Marine Corps (Code MRRE-3) via the Chief, Bureau of Medicine and Surgery (Code 3322).

3. Cases wherein the officer candidate is on active duty and is found to be not physically qualified at a time subsequent to the initial "reporting in" physical examination he/she will be processed in accordance with the Disability Evaluation Manual, 1977, or the current edition of BUMEDINST 1910.2.

10407. DISCHARGES FOR RESERVISTS NOT ON ACTIVE DUTY FOUND NOT PHYSICALLY QUALIFIED FOR RETENTION IN THE MARINE CORPS RESERVE

1. The law, 10 U.S.C. 6148, provides that a reservist who is ordered to perform inactive duty training for any period of time, and is disabled in the line of duty from injury while so employed is entitled to the same pension, compensation, death gratuity, hospital benefits and pay and allowances as one provided by law or regulation in the case of a Regular Marine of the same grade. Accordingly, a reservist found physically unfit as a proximate result of active duty will be accorded rights and benefits as a Marine on active duty. While injury incurred on inactive duty training for any period of time is normally considered a proximate result of active duty, each determination must depend upon the facts of the particular case. Hence, sufficient evidence must be presented so as to permit a prudent determination in respect to the resolution of the "proximate result" question.

2. The Commanding General, Fourth Marine Aircraft Wing/Marine Air Reserve Training Command; the Commanding General, Fourth Marine Division; directors of the Marine Corps districts, and the Director, Marine Corps Reserve Forces Administrative Center are authorized to discharge an enlisted reservist not on active duty upon notification by the Chief, Bureau of Medicine and Surgery that the reservist has been found not physically qualified for retention in the Marine Corps Reserve subject to the following provisions:

a. Upon a report from a medical officer that an enlisted reservist has been determined to be not physically qualified, the commander concerned will forward the Report of Medical Examination (SF 88 and 93 and any other additional correspondence that may be relevant to the examination) to the Chief, Bureau of Medicine and Surgery (Code 3322).

b. Upon return notification by the Chief, Bureau of Medicine and Surgery that the reservist is not physically qualified for retention in the Marine Corps Reserve, the Commanding General, Fourth Marine Aircraft Wing/Marine Air Reserve Training Command; Commanding General, Fourth Marine Division; appropriate district director; or Director, Marine Corps Reserve Forces Administrative Center will inform the reservist of his/her status providing the following information and furnish him/her an appropriate form letter for reply which will include:

(1) Medical description of physical defect.

(2) That laws governing the Marine Corps require that any person who is not physically qualified for assignment to active duty be discharged or retired from the Marine Corps Reserve.

(3) That in view of the foregoing, the Marine is requested to take one of the following courses of action:

(a) Submit a written request for discharge by reason of being not physically qualified.

(b) Request transfer to the Retired List if eligible under existing regulations.

(c) Request a hearing before the Central Physical Evaluation Board.

(d) That if no reply is received within 30 days from the date of the letter of notification, it will be considered that the reservist does not desire a hearing and that action will be taken to discharge him/her involuntarily by reason of physical disqualification.

c. Upon completion of the foregoing, take such administrative action as may be indicated in accordance with the following instructions.

(1) Discharge the reservist upon receipt of his or her written request under authority contained in paragraph 6012.1f(5).

(2) In the event the reservist requests a hearing before the Central Physical Evaluation Board refer his/her case to the Commandant of the Marine Corps (Code MMSR-4). A copy of each piece of pertinent correspondence must be included in the referral to the Commandant.

3. Reserve officers found not physically qualified will be processed in a similar fashion to enlisted reservists with the following exceptions:

a. Upon receipt of a report from a medical officer that a Reserve officer has been determined to be not physically qualified, the commander concerned will forward the Report of Medical Examination (SF 88 and 93) and any other additional correspondence that may be relevant to the examination to the Commandant of the Marine Corps (Code MMSR-5) via Chief, Bureau of Medicine and Surgery (Code 3322).

b. Upon endorsement by the Chief, Bureau of Medicine and Surgery that the Reserve officer is not qualified for retention in the Marine Corps Reserve, the Commandant of the Marine Corps (Code MMSR-5) will inform the Reserve officer of his/her status providing the information listed in paragraph 10407.2b and furnish him/her an appropriate form letter for reply.

c. Upon completion of the foregoing, the Commandant of the Marine Corps will take administrative action, as may be indicated by:

(1) Discharging the Reserve officer upon receipt of his or her written request.

(2) Transferring the Reserve officer to the retired list if eligible.

(3) Ordering the Reserve officer before the Central Physical Evaluation Board for determination as to fit or not fit for further service in the Reserve.

10408. DISCHARGE OF RESERVISTS ORDERED TO INVOLUNTARY ACTIVE DUTY FOR UNSATISFACTORY PARTICIPATION FOUND NOT PHYSICALLY QUALIFIED

1. Enlisted Marines ordered to involuntary active duty, in excess of 30 days, for unsatisfactory participation will be ordered to undergo a physical examination prior to reporting for such duty if physically examined during the preceding 12 months.

a. If physically qualified the Marine shall carry out the remainder of his/her orders.

b. If found physically unqualified, forward the report of examination (SF 88/93), with appropriate consultation to the Commandant of the Marine Corps (Code MMSR-4) via Chief, Bureau of Medicine and Surgery (Code 3322).

2. The Commandant of the Marine Corps (Code MMSR-4) will issue discharge instructions in all cases of Marines ordered to involuntary active duty not found physically qualified.

NAVY DISABILITY EVALUATION SYSTEM

HOSPITAL - TREATMENT - MEDICAL BOARD

BUMED/CMC - REVIEW

CENTRAL PHYSICAL EVALUATION BOARD - DETERMINATION OF FITNESS

MEMBER ACCEPTS OR REBUTS FINDINGS

★ FORMAL PHYSICAL EVALUATION BOARD - FULL AND FAIR HEARING

PHYSICAL REVIEW COUNCIL

★ PHYSICAL DISABILITY REVIEW BOARD

JUDGE ADVOCATE GENERAL - LEGAL REVIEW

SecNav (NCPB) ENBLOC

CMC - ISSUE DISPOSITION INSTRUCTIONS

MARINE COMMAND - RETIRE/DISCHARGE/RETURN TO DUTY

IN SPECIFIED CASES ★ APPEALS AND SPECIAL CASES

Figure 10-1.--Navy Disability Evaluation System.

UNIT HEADING

DATE

From: Commanding Officer
To: Staff Sergeant James DOE 012 34 56 78/0369 USMC

Subj: Orders to Proceed Home Pending Final Disposition of Physical Evaluation Board proceedings

Ref: (a) MCO P1900.16B

Encl: (1) Form for reporting itinerary of travel (DD Form 1351-2) (For travel home)
(2) Form for reporting itinerary of travel (DD Form 1351-2) (For return travel)

1. In accordance with authority contained in reference (a), and upon discharge from treatment at ( ), you will stand detached from your present station and duties; will proceed to your home or a designated place as you may select (MCC W95) and await orders pending final disposition on the physical evaluation board proceedings in your case. Your home of record is shown as .* You will continue to be carried on the rolls of this organization. You will at all times keep your commander informed of your current address.

2. When placed on the retired list or when discharged, your leave record will be balanced as of the day prior to the date you are placed on the retired list, or to include the date of your discharge. Time spent awaiting orders will be debited to your leave record. You will be entitled to cash settlement of any balance of unused leave remaining to your credit after deduction for the period of time spent awaiting orders.

3. Your pay record will be retained by the Disbursing Officer (mailing address of disbursing officer carrying pay record), during the period while you are at home awaiting final action on your case. In order that the disbursing officer may properly adjust your pay record and make reimbursement for travel performed, you will, upon arrival at destination, complete the memorandum endorsement on a certified true copy of these orders, complete enclosure (1) and return these documents to the disbursing officer maintaining your pay record. During the period while awaiting final action on your case, all correspondence on matters relating to your pay and allowances will be addressed to the disbursing officer maintaining your pay record.

4. In the event you are notified by your commander that you have been found fit for duty, or if your commander notifies you to return to your station of duty for further hearing, these orders will remain in effect for the return travel involved. If you have not received final separation papers or other instructions within 60 days of departure from the command, you will notify your parent command or telegram the Commandant of the Marine Corps (Code MMSR) for instructions. Your failure to comply with these orders will result in disciplinary action.

5. Upon completion of return travel, if required to return, you will complete enclosure (2) submitting it with the original and two (2) certified copies of these orders to the disbursing officer maintaining your pay record.

Figure 10-2.--Format for Orders to Proceed Home Pending Final Disposition of Physical Evaluation Board Proceedings.

6. **TravChar appn 1781105.2754, MPMC-77, BCN 45690, AAA 27, CC 74123 enl tvl, 74160 depns tvl (enl entl), 74162 trans HHE (enl entl).

J. K. SMITH
By direction

RECEIVING ENDORSEMENT

_____
(date)

1. I have read and understand the instructions contained in these orders. I will notify my parent command or CMC (Code MMSR) within 60 days, if I have not received final separation papers by 2400,_____.

_____
(signature)

MEMORANDUM ENDORSEMENT

Departed (duty station) at (hour) on (date) via (mode of transportation). Arrival (destination) at (hour) on (date).

_____
(date)

_____
(signature)

*When the Marine elects to proceed to a place other than home of record, the second sentence of paragraph 1 will be modified to read: "Your home of record is shown as _____, and you have elected to proceed to _____, _____."

**See Marine Corps Order 7301 series for accounting data for subsequent fiscal year.

Figure 10-2.--Format for Orders to Proceed Home Pending Final Disposition of Physical Evaluation Board Proceedings. Continued.

FROM: (ORGANIZATION)

TO: MCFC KANSAS CITY MO

INFO: CMC WASHINGTON DC

UNCLAS //N //

FOR CMC CODE MMSR-4

1. CMC (DATE TIME GROUP) REFERS

2. A. NAME

   B. GRADE

   C. SSN/MOS

   D. PAY ENTRY BASE DATE

   E. TIME LOST CURRENT ENLISTMENT

   F. YEARS OF ACTIVE SERVICE (YEARS, MONTHS, DAYS)

   G. MAILING ADDRESS. (Complete address, including ZIP Code, where Marine may be contacted after retirement or transfer to TDRL.)

   H. DATES OF BIRTH (Marines, spouse, and youngest child.)

OR

2. (NAME SSN/MOS) NOT A MBR THIS COMMAND. YOUR (DATE TIME GROUP) READDRESSED TO (ORGANIZATION)

OR

2. SEPARATION INFO REQUIRED. NO SRB AVAILABLE.

3. ABOVE MBR(S) HAVE BEEN OR WILL BE RETIRED (OR TRANSFERRED TO THE TEMP DIS_ ABILITY RETIRED LIST) AS DIR ON (DATE)

OR

3. PLEASE FORWARD RETIREMENT TO THIS COMMAND ASAP IN ORDER THAT PERSONAL DELIVERY AT APPROPRIATE RETIREMENT CEREMONH ON (DATE OF RETIREMENT) MAY BE ACCOMPLISHED.

Figure 10-3.--Format for Acknowledging CMC Messages Directing Retirement by Reason of Physical Disability.

From:
To: Marine concerned

Subj: Retirement by Reason of Permanent Physical Disability

Ref: (a) 10 U.S.C.
(b) CMC msg_____
(c) MCO P1070.12C, IRAM, par. 2004
(d) JTR par. M4158, M7010 and M8260

1. The Secretary of the Navy has determined that you are physically unfit to perform the duties of your grade and has directed that you be permanently retired by reason of physical disability under the provisions of references (a) and (b). You are released from all active duty at 2400 on_____, and transferred to the Retired List of the Marine Corps/Marine Corps Reserve effective _____. Your active duty pay accounts will be settled to include, _____. Your pay entry base date is _____. On (last day of active duty) you will have completed _____ years, _____ months and _____ days of active service.

2. Your disability is rated _____*_____ percentum in accordance with the Schedule for Rating Disabilities in current use by Veterans' Administration, VA Code(s) _____.

3. Your home of record is: _____ and the address you have furnished for the purpose of receiving your retired pay is:_____.

4. Please keep the Commanding Officer(Code CPR), Marine Corps Finance Center, Kansas City, Missouri 64197 informed of any change in your mailing address so that you will be able to receive your retired pay. Detailed information based on provisions of law which are applicable in your case will be forwarded to your home address by the Commandant of the Marine Corps (Code MMSR-4).

5. An identification card has been issued in accordance with reference (c).

6. You may select a home and receive travel allowance for the travel performed thereto from this command, provided that the travel is completed within 1 year from the date of your release from active duty. The conditions under which you may be paid travel allowance for travel completed to your home of selection after that date are stated in reference (d).

7. Two copies of these orders will be furnished to the disbursing officer maintaining your active duty pay account. Your records indicate unused (excess) leave in the amount of_____days on date of separation.

8. You are advised to keep your Record of Emergency Data (NAVMC 10526) up to date. This can be accomplished by contacting the nearest Marine Corps activity in your area or by writing to the Commandant of the Marine Corps (Code MSPA-1).

9. Expenditures under these orders are chargeable to appropriation _____*_____.

Copy to:
MCFC (Code CPR) KSC
DISBO (2)

*NOTE: All items indicated by an asterisk are contained in reference (b).

Figure 10-4--Format for Orders Transferring Personnel to the Retired List.

From:
To: Marine concerned

Subj: Transfer to the Temporary Disability Retired List

Ref: (a) 10 U.S.C.
(b) CMC msg_____
(c) MCO P1070.12C, IRAM, par. 2004
(d) JTR par. M4158, M7010, and M8260

1. The Secretary of the Navy has determined that you are physically unfit to perform the duties of your grade and has directed that you be temporarily retired by reason of physical disability under the provisions of references (a) and (b). You are released from all active duty at 2400 on _____*_____, and transferred to the Temporary Disability Retired List effective _____*_____. Your active duty pay accounts will be settled to include _____. Your pay entry base date is _____. On (last day of active duty) you will have completed _____ years, _____ months and _____ days of active service.

2. Your disability is rated at _____*_____ percentum in accordance with the Schedule for Rating Disabilities in current use by the Veterans' Administration, VA Code(s) _____.

3. You should receive orders to report to a military medical facility for a periodic physical examination at least once every 18 months to determine whether the disability for which you are temporarily retired has stabilized or changed. Your failure to report for a scheduled physical examination may result in termination of your retired pay unless you can establish good and sufficient reasons for not reporting. Detailed information based on provisions of law which are applicable in your case will be forwarded to your home address by the Commandant of the Marine Corps (Code MMSR-4).

4. Your home of record is: _____
_____
and the address you have furnished for the purpose of receiving your retired pay is:_____.

5. Please keep the Commandant of the Marine Corps (Code MMSR-4), Headquarters, U. S. Marine Corps, Washington, D.C. 20380 informed of any change in your mailing address so that information concerning periodic physical examinations may reach you and also keep the Commanding Officer, (Code CPR), Marine Corps Finance Center, Kansas City, Missouri 64197 informed of any changes in your mailing address in order that your retired pay not be interrupted.

6. A retired Identification Card (DD Form 2MC Ret) has been issued to you in accordance with reference (c). The expiration date of this ID card is five (5) years from the date of your release from active duty date specified in paragraph 1 above.

7. You may select a home and receive travel allowance for the travel performed thereto from this command, provided that the travel is completed within 1 year from the date of your release from active duty. The conditions under which you may be paid travel allowance for travel completed to your home of selection after that date are stated in reference (d).

8. Two copies of these orders will be furnished to the disbursing officer maintaining your active duty pay account. Your records indicate unused (excess) leave in the amount of_____days on date of separation.

Figure 10-5.--Format for Orders Transferring Personnel to the Temporary Disability Retired List.

9. You are advised to keep your Record of Emergency Data (NAVMC 10526) up to date. This can be accomplished by contacting the nearest Marine Corps activity in your area or by writing to the Commandant of the Marine Corps (Code MSPA-1).

10. You are required to notify the Commandant of the Marine Corps (Code MMSR-4) in the event you do not receive an advance copy of orders to report for a physical examination at least every 18 months from the date you are placed on the Temporary Disability Retired List.

11. Expenditures under these orders are chargeable to appropriation _____ _____ _____.

Copy to:
MCFC (Code CPR) KSC
DISBO (2)

*NOTE: All items indicated by an asterisk will be provided by the CMC message which should be listed as reference (b) in these orders.

Figure 10-5.--Format for Orders Transferring Personnel to the Temporary Disability Retired List--Continued.

FROM: (ORGANIZATION)

TO: CMC WASHINGTON DC

UNCLAS //N //

FOR CMC CODE MMSR-4

1. CMC (DATE TIME GROUP) REFERS

2. A. NAME

B. GRADE

C. SSN/MOS

D. (WILL BE) (HAS BEEN) DIS ON (DATE).

E. VA DIAGNOSTIC CODE(S)

F. PERMANENT MAILING ADDRESS AFTER SEPARATION

OR

2. SEPARATION INFORMATION REQUIRED ON FOLLOWING PERS. NO SRB AVAIL.

OR

2. A. NAME

B. SSN/MOS

C. NOT A MBR THIS COMMAND. YOUR (DATE TIME GROUP) READDRESSED TO (ORGANIZATION).

Figure 10-6.--Format for Replying to CMC Discharge Directives Pursuant to Physical Disability.

(3) As used in subparagraph 6017.3c, the term "convicted (or a conviction) by civil authorities" includes not only final convictions by civilian courts of record, but all final determinations by civil authorities (including those made by a magistrate, a justice of the peace, a municipal court, or other inferior courts) of criminality on the part of a Marine, and those cases in which civil authorities have adjudged a member a juvenile delinquent, a youthful offender or a wayward minor. It is immaterial whether or not, as a result thereof, probation is imposed; any sentence is executed; execution of sentence is deferred, delayed or suspended; or whether, by local law, custom or procedure, charges are dismissed or expunged from civil courts after payment of a fine, completion of a term in jail or a penitentiary, or completion of a period of probation.

(4) No Marine will be administratively discharged under conditions other than honorable if the grounds for such discharge are based wholly or in part upon acts or omissions for which the Marine has been previously tried in civil court resulting in acquittal or action having the effect thereof, except where such acquittal or equivalent disposition is based on a legal technicality not going to merits. (See subparagraph 6005.5b.)

(5) In cases involving the conviction of Marines by foreign civil authorities, see SECNAVINST 5820.4D, part IV, subparagraph 5, which prohibits the discharge of Marines confined in foreign prisons until the completion of their term of imprisonment and their return to the United States, except that in unusual cases such discharges may be executed upon the express authorization of the Secretary of the Navy. Despite the foregoing, such Marines may be processed for discharge, and their discharge approved, although not executed, at any time subsequent to their conviction.

4. The instructions and procedures set forth in paragraph 6018 shall govern the disposition of cases involving members considered for discharge by reason of misconduct.

6018. INSTRUCTIONS FOR PROCESSING DISCHARGES BY REASON OF MISCONDUCT

1. Action with a view to discharging a Marine for misconduct for any reason set forth in paragraphs 6017.2b, 6017.2c, 6017.2e and 6017.2f will not normally be initiated unless the Marine has previously been afforded a reasonable opportunity to overcome his/her deficiencies. When it is determined that a Marine may come within the purview of these specific categories, the Marine shall be notified of his/her deficiencies and he/she shall be counseled concerning them. A brief summary of all counseling measures taken in compliance with this subparagraph shall be recorded on page 11 of the Marine's service record book. If no improvement is forthcoming within a reasonable time, the Marine should then be processed for the appropriate type of discharge. Failure on the part of a Marine to receive or understand the counseling prescribed herein may be considered by discharge boards and discharge authorities, along with all other factors in the case, in determining whether or not a discharge is appropriate, and if so, the type and character of discharge to be awarded. However, in no event shall the failure of the Marine to receive or understand such counseling be considered a defense in an administrative discharge proceeding or a bar thereto.

2. Before recommending a Marine for discharge by reason of misconduct, the commanding officer or officer in charge shall investigate or cause each case to be investigated. The circumstances, facts and offenses shall be substantiated by entries or documents from the Marine's service records, and/or other pertinent information, and the original or copies thereof shall be enclosed with the recommendation.

3. At the time of submission of a recommendation for discharge, any entry will be made on page 11 of the Marine's service record book showing this fact and the reasons therefor. If the recommendation for discharge is finally disapproved, an entry to this effect will likewise be recorded on page 11 of the Marine's service record book.

TABLE
10-1

ELIGIBILITY INDEX TABLE

RULE	A IF THE MEMBER IS PHYSICALLY UNFIT BY REASON OF PHYSICAL DISABILITY AND	B THE ACTION IS- - - -
1	the disability was the result of intentional misconduct or willful neglect, or was incurred during a period of unauthorized absence	discharge without benefits (10 U.S.C. 1207) (paragraph 10402)
2	he/she is a member of the Regular Marine Corps	(See table 10-2.) (paragraph 10401)
3	he/she is a Marine reservist on active duty for more than 30 days except compulsory 45-day involuntary training	(See table 10-2.) (paragraph 10401)
4	he/she is a Marine reservist on active duty for 30 days or less, inactive duty training or is on active duty for compulsory 45-day involuntary training.	(See table 10-3.) (paragraph 10401 or 10408)
5	the disability was determined not to have been incurred during, or aggravated by, active duty and the member waives his/her rights to a formal hearing.	discharge by reasons of EPTE (paragraph 10404)

TABLE 10-2

ELIGIBILITY INDEX TABLE FOR REGULARS AND RESERVISTS ON ACTIVE DUTY FOR MORE THAN 30 DAYS (NOTE 1)

RULE	A If the Marine is entitled to basic pay, and disability was incurred while he/she was entitled to basic pay	B and if he/she has at least 20 years of creditable service	C and the per centage of his/her disability is	D and based upon accepted medical principles the disability is	E and the disability was incurred in time of war or national emergency (Note 2)	F THE ACTION IS
1	NO					discharge other than physical disability (par. 10402)
2	YES	YES	0-100	PERM		permanent retirement (10 U.S.C. 1201) (par. 10201)
3	YES	YES	0-100	may be perm		transfer to TDRL (10 U.S.C. 1202) (par 10301)
4	YES	NO	30-100	PERM	YES	permanent retirement (10 U.S.C. 1201) (par. 10201)
5	YES	NO	30-100	may be perm	YES	transfer to TDRL (10 U.S.C. 1202 (par. 10301)
6	YES	NO (NOTE 3)	less than 30	YES		discharge with disability severance pay (10 U.S.C. 1203) (par. 10401) NOTE 4

NOTE 1. Except those reservists undergoing compulsory 45-day involuntary training pursuant 10 U.S.C. 270(b).

NOTE 2. The national emergency proclaimed by the President on 16 December 1950 will terminate on September 1978. When it is terminated, it will be necessary to determine whether the Marine has completed at least 8 years of service or whether the disability is the proximate result of performing active duty in cases covered by this table.

NOTE 3. A Marine who has less than 6 months active service at separation is not entitled to disability severance pay.

NOTE 4. If a reservist is eligible under 10 U.S.C. 1209 (has more than 20 years of satisfactory Federal service), he/she may elect to be transferred to the Retired Reserve instead of being separated with disability severance pay.

TABLE 10-3

ELIGIBILITY INDEX TABLE FOR RESERVISTS ON ACTIVE DUTY FOR 30 DAYS OR LESS; INACTIVE DUTY TRAINING OR COMPULSORY 45-DAY ACTIVE DUTY INVOLUNTARY TRAINING

RULE	A If the disability was due to an injury	B and was proximate result of performing active duty	C and the member has at least 20 years of creditable service	D and the percentage of his disability is	E and based upon accepted medical principles the disability is	F THE ACTION IS...
1	NO					discharge other than for physical disability (par. 10407 or 10408)
2	YES	NO				
3	YES	YES	YES	0-100	perm	permanent retirement (10 U.S.C.1204) (par. 10201)
4	YES	YES	YES	0-100	may be perm	transfer to TDRL (10 U.S.C 1205) (par. 10301)
5	YES	YES	NO	30-100	perm	permanent retirement (10 U.S.C.1204 (par. 10201)
6	YES	YES	NO	30-100	may be perm	transfer to TDRL (10 U.S.C 1205) (par. 10301)
7	YES	YES	NO (NOTE 1)	less than 30		discharge with severance pay (10 U.S.C.1206 (par. 10401) (NOTE 2)

NOTE 1. A Marine who has less than 6 months active servie at separation is not entitled to disability severance pay.

NOTE 2. If member is eligible under 10 U.S.C. 1029 (has more than 20 years of satisfactory Federal service), he/she may elect to be transferred to the Retired Reserve instead of being discharged with severance pay.

TABLE 10-4

COMPUTING DISABILITY RETIRED PAY

RULE	A If the Marine is being	B take the higher monthly basic pay	C and multiply by
1	permanently retired (10 U.S.C. 1202 or 1204)	(1) of the highest temporary or permanent grade satisfactorily held, or (2) of the grade held on the day before he/she was retired or placed on the TDRL	2½ percent times the years of service credited to him/her or the percentage of his/her disability on the date he/she retired or transferred to the TDRL (NOTE 2)
2	transferred to the TDRL (10 U.S.C. 1202 or 1205) (NOTE 1)		
3	removed from the TDRL and permanently retired (10 U.S.C. 1201 or 1204)		2½ percent times the years of service credited to him/her or the percentage of his/her disability at the time his/her name is removed from the TDRL (NOTE 2)

NOTE 1. For as long as the Marine is carried on the TDRL his/her retired pay will not be less than 50 percent of his/her monthly basic pay on which the computation is made.

NOTE 2. Six months service or more is credited as a whole year, less than 6 months service is disregarded.

CHAPTER 11

STANDARDIZATION OF FORMS - ARMED FORCES OF THE UNITED STATES WORKSHEET FOR REPORT OF SEPARATION FROM ACTIVE DUTY (DD FORM 214-ws); ARMED FORCES OF THE UNITED STATES REPORT OF SEPARATION FROM ACTIVE DUTY (DD FORM 214 (MC)); AND CORRECTION TO DD FORM 214 (MC), REPORT OF SEPARATION FROM ACTIVE DUTY (DD FORM 215 (MC))

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FIGURE

11-1	REASON FOR DISCHARGE/RELEASE FROM ACTIVE DUTY REQUEST - NARRATIVE STATEMENT FORMAT	11-5

[redacted]
Designation is canceled upon
removal of pages 11-11 through 11-20.

CHAPTER 11

STANDARDIZATION OF FORMS - ARMED FORCES OF THE UNITED STATES WORKSHEET FOR REPORT OF SEPARATION FROM ACTIVE DUTY (DD FORM 214-ws); ARMED FORCES OF THE UNITED STATES REPORT OF SEPARATION FROM ACTIVE DUTY (DD FORM 214 (MC)); AND CORRECTION TO DD FORM 214 (MC), REPORT OF SEPARATION FROM ACTIVE DUTY (DD FORM 215 (MC))

11001. GENERAL

1. The DD Form 214-ws, Armed Forces of the United States Worksheet for Report of Separation from Active Duty is a single sheet standard form provided to facilitate the separating activity's preparation of the Report of Separation From Active Duty (DD Form 214 (MC)). Utilization of the worksheet is not compulsory; if used, it may be destroyed or retained for not more than 6 months at the discretion of the separating activity. It is recommended, however, that the worksheet be utilized to implement followup procedures on any incomplete DD Form 214 (MC) issued by the separating activity as required in subparagraph 11003.4i.

2. The DD Form 214 (MC) is a multicopy standard form designed to provide:

a. The Marine Corps and other divisions/departments within Department of Defense with a source of information relating to a Marine or former Marine for administration purposes and for making determinations of eligibility for enlistment/reenlistment or for appointment/reappointment.

b. The recipient with a brief, clear-cut record of their term of active duty with the Marine Corps at the time of transfer, release or discharge, and when they have certain changes in status or component while remaining on active duty. Not included on the separatee's copy, but available upon request, is an optional form which cites the specific "Authority and Reason" for separation - item 9c and the "Reenlistment Code" - item 10.

c. The Veterans' Administration with an authoritative source of information which is required in the administration of Federal and State laws applying to Marines who have been discharged, otherwise released, or transferred to a Reserve component of the Marine Corps. However, it is stressed that each single copy furnished to the Veterans' Administration will contain only a narrative statement for the "Authority and Reason" for discharge/release/transfer. Separation Program Designator (SPD) and whether or not the Marine was recommended for reenlistment or the name/number of the specific service directive authorizing discharge/release/transfer will not be cited on any copy distributed to this agency. The narrative statement will be the initial entry in item 27 of the DD Form 214 (MC).

3. The DD Form 215 (MC) is a multicopy standard form intended for:

a. Utilization by the separating activity to furnish information to the separatee on items which were not available when the DD Form 214 (MC) was prepared and delivered, excluding items 9c and 10. It should be noted that the separating activity is responsible for furnishing the separatee with a DD Form 215 (MC) on items of the DD Form 214 (MC) which were not completed at time of separation and such action is to be accomplished without a request being initiated by the separated Marine, see subparagraph 11004.1e.

b. Utilization by the Commandant of the Marine Corps; Director, Marine Corps Reserve Forces Administrative Center (MCRFAC), Kansas City, Missouri and Marine Corps Liaison Officer, GSA National Personnel Records Center, St. Louis, Missouri to correct a completed DD Form 214 (MC) after the separatee has received the DD Form 214 (MC) and departed from the separation point and/or the copies of the form have been distributed. In this respect, see subparagraph 11003.4h(2).

11002. REASON FOR DISCHARGE/RELEASE FROM ACTIVE DUTY REQUEST - NARRATIVE STATEMENT FORMAT

1. The Privacy Act of 1974 provides that information in the Marine's personnel record must be protected against unauthorized disclosure, but may be released when requested or authorized by the individual Marine or as otherwise authorized by that Act or regulations implementing that Act. In compliance with this Act, and as directed by Department of Defense, the military service concerned may continue to record data in the official personnel files which are maintained within the Department of Defense and which substantiate statistical needs of the Department of Defense and that which supports the particular service needs relative to determining eligibility for enlistment/reenlistment or appointment/reappointment.

2. In compliance with the aforementioned requirements, the instructions on the preparation and distribution of the Report of Separation From Active Duty DD Form 214 (MC) have been modified to preclude the "Authority and Reason" - item 9c and the "Reenlistment Code" - item 10 from being recorded on the recipient's copy, or on any copy forwarded to the Veterans' Administration, to include the copy which is required to accompany photostatic copies of the Marine's clinical and treatment record when the Marine is transferred to the VA hospital or for Veterans Application for Compensation or Pension at Separation from Service (VA Form 21-526e).

3. To implement the provisions of this instruction the separating activity will utilize locally prepared forms and executed in conjunction with processing a Marine for discharge or release from active duty. The separating activity will inform each Marine being processed for separation from a period of active duty that specified information, i.e., "Authority and Reason" for separation and "Reenlistment Code" are not shown on the copy of the DD Form 214 (MC) which he/she will receive or on any copy which will be distributed to the Veterans' Administration activities. The activity will also inform the separatee that this information is available and will be furnished upon his/her written request. It should be stressed to the Marine being separated that execution of this option and the acceptance of both the narrative statement and the original DD Form 214 at the time of separation may be beneficial in obtaining future employment or unemployment benefits. The Department of Labor indicates that the DD Form 214 is essential in establishing a claim for unemployment benefits.

4. To indicate the option of the Marine being separated requires the completion of the upper portion of a narrative statement format similar to that shown in figure 11-1. The separating activity will complete the "From" line by typing the abbreviated grade followed by the full name and social security number. By striking out the inappropriate phrase the Marine indicates his/her option and then signs and dates the request. If the separatee does not desire a narrative statement, the election will have been exercised and the forms are disposed of in accordance with filing instruction on the form. If the Marine elects to receive a narrative statement format, the first endorsement portion will be completed by the separating activity and signed by the same authenticating officer who signs the DD Form 214 (MC). The separatee's decision to request or decline certain separation data should be indicated in the remarks section of copy 2 of the DD Form 214 and shall be initialed by the separatee. After completion, disposition will be accomplished in accordance with filing instructions on the form.

XXXXXXXXX NAME & ADDRESS XXXXXXXXX
XXXXXXXXX OF ORGANIZATION XXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

From:

To: Officer in Charge

1. I (do) (do not) desire to be furnished with the narrative reason for my discharge/release from active duty and whether or not I am recommended for reenlistment in the Marine Corps or Marine Corps Reserve.

Signature:	Date:

FIRST ENDORSEMENT

From: Officer in Charge

To:

Ref: (a) MCO P1900.16B par. 11002

. In accordance with the reference _____ is an interpretative narrative statement of the authority and reason for your separation from active service effective _____ 19____.

2. The RE-____ code assigned to copies of the DD Form 214(MC) retained within the Department of Defense indicates that you (are)(are not) recommended for reenlistment in the Marine Corps or Marine Corps Reserve.

Signature:	Date:

Filing instructions: Original - attach to Copy 1 of DD Form 214(MC)

Figure 11-1-- Reason for Discharge/Release from Active Duty Request - Narrative Statement Format

11003. MARINE CORPS POLICY AND GUIDANCE ON THE ISSUE, PREPARATION AND DISTRIBUTION OF DD FORM 214 SERIES

1. The Marine Corps activity which effects separation of the Marine will assure that every Marine, excluding those listed in paragraph 11003.3, below, being separated from a period of active duty is given a completed DD Form 214 (MC) describing relevant data regarding their service and the circumstances of termination.

2. The DD Form 214 (MC) will be prepared and physically delivered to Marines upon:

a. Release from active service. Except as provided in paragraph 11003.3, below, a DD Form 214 (MC) will be furnished to each Marine at the time of separation from a period of active duty with an Armed Force. This includes separation from a period of actual or apparent (de jure or de facto) service as well as release from an enlistment that is void by reason of minority.

b. Release from a period of active duty for training of 90 days or more. However, personnel being separated for physical disability and those who have been serving on an initial period of active duty for training under a Reserve special enlistment program will be furnished a DD Form 214 (MC) regardless of the length of time actually served on active duty, see item 27i.

c. Continuation of active duty when status or component changes for the following reasons:

(1) Discharge for immediate enlistment or reenlistment.

(2) Termination of enlisted status to accept an appointment to warrant or commissioned officer grade.

(3) Termination of Reserve component status to integrate into a Regular component of the Armed Forces.

(4) Termination of temporary appointment to accept a permanent warrant or commissioned status in the Marine Corps or Marine Corps Reserve.

(5) Termination of an officer appointment in Marine Corps to accept appointment in one of the other Armed Forces.

3. DD Form 214 (MC) will not be furnished to:

a. Marines found physically disqualified upon reporting for active duty and who do not enter actively upon duties in accordance with orders.

b. Marines whose active duty, active duty for training or full-time training duty is terminated by death.

c. Marines released from a period of less than 90 days' active duty for training except as specified in subparagraph 11003.2b, above.

d. Enlisted Marines receiving temporary appointment to warrant or commissioned officer grade.

e. Marines who have temporary officer status terminated and remain on active duty (these Marines will receive a DD Form 214 (MC) upon separation from enlisted status). However, temporary officers who revert to permanent enlisted status for purpose of transferring to the Fleet Marine Corps Reserve effective on the same date of reversion will be issued a DD Form 214 (MC), see item 27i.

f. Marine officers dismissed from the service pursuant to sentence of general court-martial.

g. Marine officers dropped from the rolls in accordance with either Section 1161 or 6408 of Title 10, U. S. Code.

h. Personnel being removed from the Temporary Disability Retired List.

i. Marines who elect not to receive their copy of the DD Form 214 (MC), see item 27i.

4. General Instructions

a. The separatee's copy of DD Form 214 (MC) will be delivered to the Marine at the time discharge or transfer is effected if requested in writing in accordance with current instructions, see item 27i. If the effective date does not occur until completion of travel, the form will be delivered to the Marine prior to departure from the separation activity. As an exception to the above, when emergency conditions preclude physical delivery or when the Marine departs well in advance of normal departure time (e.g., leave in conjunction with retirement) their copy of the DD Form 214 (MC) may be mailed to the Marine to arrive on the effective date of separation/transfer. The commander must ensure that the separatee has indicated an election with regard to a narrative statement format, disposition of his/her copy of the form and that the remainder of DD Form 214's, copies 2 through 7, are distributed the day following the effective date of separation and that each copy is forwarded to the appropriate unit/organization as prescribed in subparagraph 11003.6. Failure on the part of separating activities to make prompt and correct distribution of each copy of the DD Form 214 (MC) creates the following types of problems: it generates queries for separation information from Veterans' Administration, the Department of Labor, State employment service, lending institutions; it impedes the servicing of eligible and deserving former Marines who seek employment, financial assistance, or various veterans benefits authorized by State and Federal laws; and it prevents accomplishment of other required Marine Corps tasks in a timely and responsible manner. Other actions required include, but are not limited to: removal of officers from the lineal records; ensuring that Marines who are released from active duty or discharged/resigned are not considered for promotion; and retirement of HQMC Official Personnel Records to the National Personnel Records Center, St. Louis, Missouri.

b. Modification of completion instructions in two particular cases are as follows:

(1) In the case of a Marine who has appeared before a physical evaluation board and has been placed in "awaiting orders status" pending final action by the Secretary of the Navy on retention, retirement, or discharge for physical disability, take the following action:

(a) The activity responsible for administering the Marine's record will complete items 1 through 8c, 11 through 17b, 19 and 20, 23 and 25 through 31, in accordance with the instructions in subparagraph 11003.5, below, prior to departure of the Marine to his/her home.

(b) When retirement or discharge is directed by the Commandant of the Marine Corps, the remaining items will be completed and all copies of the form distributed. The original (copy 1) shall be mailed to the Marine to arrive on the effective date of separation, providing the Marine has requested in writing for his/her copy in accordance with instructions in item 27i.

(c) In the event the Marine is retained on active duty, the original and all copies of the form will be destroyed.

(2) In the case of Marines who are transferred to a Veterans' Administration hospital for further treatment pending final action on the report of a physical evaluation board, take the following action:

(a) The activity administering the Marine will complete items 1 through 8c, 11 through 17b, 19 and 20, 23 and 25 through 31, prior to transfer from the naval hospital in which the Marine is hospitalized and will forward the form to the Marine Corps activity responsible for maintenance of service records while the Marine is a patient at the Veterans' Administration hospital.

(b) When retirement or discharge is directed by the Commandant of the Marine Corps, the remaining items will be completed and all copies of the form distributed. The original (copy 1) shall be mailed to the Marine to arrive on the effective date of separation providing the Marine has requested in writing to receive his/her copy of the DD 214 (MC), see item 27i. Copy 5 will be forwarded to the Veterans' Administration hospital in which the Marine is a patient. NOTE: items 9c and 10 on copy 5 will not be completed and item 27 will contain only a narrative reason for separation/discharge and will be the first entry recorded in the block.

c. DD Form 214 (MC) is accepted as an official record of the Marine's military service by the Veterans' Administration and the other agencies to which copies are furnished. Care, therefore, will be exercised in the preparation of the form to ensure that each page is completely legible. Prior to distribution, each copy of DD Form 214 (MC) will be checked for legibility and the Marine must sign each copy of the form.

d. Since the form will be read by civilians who may not be familiar with military terms, abbreviations will be avoided.

e. Except for items 9c and 10 on copies 1, 3, and copy 5 which accompanies the photostatic copies of the clinical and treatment records to VA hospital or VA application for compensation or pension, an entry will be made for each item. If more space is required for entering information, the entry may be continued utilizing item 27 of the form. If no detailed information is applicable for an entry, enter "None." When information for one or more of the data items on the DD Form 214 (MC) is not available and the document is issued to the separatee, the applicable block(s) will be annotated "See Remarks." In Remarks, item 27, a statement of explanation will be made regarding the incomplete item(s), i.e., "Information for items 22 and 25 not available at time of completion, a DD Form 215 (MC) will be issued when missing data becomes available." The same procedure applies on a release from a period of active duty for training of 90 days or more, or Marines being separated from the active duty training under a Reserve special enlistment program as specified in subparagraph 11003.2b.

f. The form contains spaces for all items deemed appropriate; therefore, no additional entries will be made unless specifically authorized by the Commandant of the Marine Corps.

g. All entries apply to the <u>current period of active service</u> except where specifically noted otherwise.

h. In the event that a DD Form 214 (MC) is lost or destroyed or requires alterations or corrections, the following will apply:

(1) Corrections or changes made during the preparation of the DD Form 214 (MC) will be neat and legible on all copies and initialed by the authenticating officer. Once the original has been delivered to the separatee, no correction may be made to copies by the separating activity.

(2) The Marine to whom a DD Form 214 (MC) is issued will be cautioned not to make any changes or alterations to the form. To do so will render the form void. If an error is discovered by the separatee after receipt of the form and after departure from the separation activity, and/or distribution of copies of the form have been made, correction or change will be made by the Commandant of the Marine Corps on a DD Form 215 (MC) Correction to DD Form 214 (MC), Report of Separation From Active Duty. Requests for corrections to the form will be

addressed to Commandant of the Marine Corps (Code MSRB-10), Headquarters, U. S. Marine Corps, Washington, D.C., 20380, and should include the Marine's full name, grade and pay grade, social security number and effective date of separation and transfer. By specific instructions of the Commandant of the Marine Corps the Director, Marine Corps Reserve Forces Administrative Center (MCRFAC), Kansas City, Missouri has been granted permission to issue DD Form 215's when certain errors are detected on the DD Form 214 (MC) in service records forwarded to the MCRFAC for retention. Requests from the separatee for correction to the form will be addressed only to Headquarters, U. S. Marine Corps, Washington, D.C., 20380 even though the service record is being retained by the above activity.

(3) For replacement of lost or destroyed DD Form 214 (MC) submit request to the Commandant of the Marine Corps (Code MSRB-10).

i. Special Followup Procedures. Department of Defense instructions require that each item of the DD Form 214 (MC) be completed prior to delivery to the separatee. In cases where item(s) cannot be completed at the time of delivery, the separating activity must establish followup procedures to obtain the missing data and issue a DD Form 215 (MC) to the separatee at the earliest possible date. The importance of establishing these procedures can not be overstressed. Department of Defense policy requires the Marine Corps separating activity to issue a DD Form 215 (MC) to complete item(s) not available at time of separation without any request being generated by the separated Marine.

j. Forms Control. Blank copies of the DD Form 214 (MC) and DD Form 215 (MC) will be kept in the custody of the commander, who is responsible for their safekeeping, accountability, and proper issue. When an organization is disbanded, forms on hand will be returned to the local forms control point.

5. Detailed Preparation Instruction for DD Form 214 (MC) and DD Form 214-ws

Item

1. LAST NAME - FIRST NAME - MIDDLE NAME. Enter full name in order indicated, including "Jr.," "Sr.," "I," etc. Where there is no middle name or letter, nothing will be entered. If the Marine uses initials in lieu of a first or middle name, indicate by enclosing the initial or initials in quotation marks. Type last name in UPPER CASE letters.

2. SEX. Enter M for male and F for female.

3. SOCIAL SECURITY NUMBER. Deviation from established Marine Corps procedures is necessary in recording social security number on these forms. Enter the number in the same sequence as shown on the Marine's social security card, less hyphens, in the blocks provided. For example: "458 38 8870."

4. DATE OF BIRTH. Enter date in year, month, and day order. Each element of the date will consist of two digits; single digits will be prefixed by a zero: For example, 7 November 1952 would be entered 521107. This instruction shall be used as a guide for recording dates required elsewhere on the DD Form 214 (MC) and DD Form 214-ws.

5. DEPARTMENT, COMPONENT AND BRANCH OR CLASS. Enter component in which Marine was a member while on active duty followed by a hyphen and the component code as published in MCO P1080.20E, paragraph 1040. Examples: USMC-11, USMC-SS-13, FMCR-A1, USMCR(K4)-CC, etc.

6a. GRADE, RATE OR RANK. Enter the abbreviation for the grade in which separated.

6b. PAY GRADE. Self-explanatory.

7. DATE OF RANK. Enter date of rank as distinguished from date of appointment or promotion.

8a. SELECTIVE SERVICE NUMBER. Enter if available. If unavailable in record and unknown by the Marine, enter "UNKNOWN."

8b. SELECTIVE SERVICE LOCAL BOARD NUMBER, CITY, STATE AND ZIP CODE. Enter if available. If unavailable in record and unknown by the Marine enter "UNKNOWN." No followup action or issue of the DD Form 215 (MC) is required by the separating activity because "UNKNOWN" is entered in items 8a or 8b of the form.

8c. HOME OF RECORD AT THE TIME OF ENTRY INTO ACTIVE SERVICE (Street, RFD, City, State and ZIP Code). Enter home of record as recorded on the enlistment contract or the Appointment Acceptance and Record.

9a. TYPE OF SEPARATION. Enter one of the following:

Discharged.

Transferred to Marine Corps Reserve.

Transferred to Fleet Marine Corps Reserve.

Temporarily retired.

Retired.

Released from active duty.

Released from initial tour of active duty for training (in the case of reservists assigned to a Reserve special enlistment program).

9b. STATION OR INSTALLATION AT WHICH EFFECTED. Enter reporting unit title and the reporting unit code (RUC) number.

9c. AUTHORITY AND REASON. NOT RECORDED ON COPIES 1, 3, or COPY 5 WHEN: Attached to a Marine's medical record forwarded to a VA hospital; attached to VA Form 21-526e-Veterans Application for Compensation or Pension at Separation from Service. Complete by typing a broken horizontal line through the center of the block.

1. General. The Department of Defense has directed all military departments to implement new procedures to convert existing separation codes to a DOD Data Standard of Separation Program Designators (SPD's). This instruction provides a standard 3 position alpha code which generally defines for DOD the authority and reason for separation from a period of active service. The DOD standard codes were expanded by the Marine Corps to a fourth and fifth position alphanumeric code to more specifically define a particular program or separation authority and to identify the character of separation. Such a procedure enables the Marine Corps to be responsive to DOD reporting requirements regarding separation data, yet permits the Marine Corps to more precisely isolate or identify past programs or authorities associated with separations. Notwithstanding the code assigned, Department of Defense has directed that separation program designators (SPD's) be restricted from release to nongovernmental organizations as prescribed in paragraph 11005. To preclude the disclosure of SPD's to governmental agencies outside Department of Defense the item 9c entry on copies 3 and 5 (any number 5 copy which is attached to the photostatic or typewritten copy of a Marine's medical record forwarded to a VA hospital or the copy attached to a Veterans' Application for Compensation or Pension at Separation from Service - VA Form 21-526e) will be completed by typing a broken horizontal line through the center of the block. The original (copy 1) delivered to the Marine will not reflect an authority and reason for separation - item 9c, a reenlistment code - item 10 or an interpretative narrative statement - item 27. Marines being separated from a period of active duty, who desire to receive the separation information, will be provided with a completed optional narrative statement form as prescribed in paragraph 11002. The authority and reason, item 9c, on the remaining copies of the DD Form 214 (MC) will be completed as prescribed in subparagraph 11003.5, item 9c2 and 3, below.

2. Officer

a. Regardless of the type of separation shown in item 9a, the Commandant of the Marine Corps (Code MMSR) or (Code MMOA) (for officers released from active duty) will provide the specific citation for completion of item 9c of the form. The Separation Program Designators (SPD's) which apply only to officers are not cited in this instruction; however, SPD's which may be applicable to either officer or enlisted Marines are shown by category of separation. The specific citation for separation will be recorded in the format shown in subparagraph 11003.5, item 9c3b, below.

b. For Marine officers dismissed pursuant to sentence of general courts-martial or dropped from the rolls in accordance with either Section 1161 or 6408 of Title 10, U.S. Code, the specific citation will be provided by the Commandant of the Marine Corps (Code MMSR); however, the authority is for reporting the unit diary entry and a DD Form 214 (MC) WILL NOT BE PREPARED. (See subparagraph 11003.3.)

3. Enlisted

a. DOD standards for recording separation information is a broad-based 3-position alpha code which defines the category of separation as being a discharge, release, retirement or a transfer to the Fleet Reserve. By changing the initial letter of the DOD standard code, reading from left to right, the separation is further defined as being a voluntary or involuntary action on the part of the separatee or whether a board action did or did not occur in effecting the separation. For example, a Marine may be discharged as a conscientious objector, the separation may be a voluntary or an involuntary action on the part of the separatee. To identify each situation, the following codes were assigned:

(b)(2)Hi[redacted] - Conscientious Objector (Voluntary Discharge)

[redacted] - Conscientious Objector (Involuntary Discharge)

(1) The fourth position of the code may be an alpha or a numeric character used as a Marine Corps unique to identify a specific program, class, or group of separations within the broad DOD standard category. For example, "KGM" is a broad base DOD standard category for "Voluntary Discharge to accept Commission or Warrant in same Branch of Service." This code has been further defined by assigning a Marine Corps unique numeric character which identifies that the acceptance of an appointment to commission or warrant was in the Marine Corps or the Marine Corps Reserve as follows:

(b)(2)Hig[redacted] - Accepted Appointment in USMC

[redacted] - Accepted Appointment in USMCR

(2) To assist separation activities in selecting and recording the correct "Authority and Reason" for separation as well as the appropriate narrative statement, the specific paragraph authorities are sequentially listed by paragraph number within each of the categories of separations shown in item 9a. To record the proper code in item 9c and the proper narrative statement to be shown on either the optional narrative form or to be recorded in the "Remarks (item 27)" requires a determination as to the type of separation being effected. Once the category of separation is established from subparagraphs below, i.e., discharge, transfer to MCR, transfer to FMCR, etc., find the appropriate paragraph authority for the separation. To the right of this authority is shown the narrative statement to be recorded on the optional narrative statement delivered to the Marine being separated or for recording as the initial entry in the remarks (item 27) on copies 3 and 5 (if forwarded to Veterans' Administration or VA hospital). To the right of the narrative statement is the 4-position alphanumeric indicator code which is to be recorded in item 9c on appropriate copies of this form. Do not alter the narrative statement

in any way or record more than a single 4-position code in item 9c. It should be noted that the Separation Program Designator (SPD) code does not change to distinguish between honorable, general and other types of discharges. To identify the appropriate document which is to be executed in each separation case, the "Separation Document Type" is identified by an alpha character opposite each type of separation cited. For example, the initial entry in subparagraph 11003.5, item 9c3b, below, indicates that a Marine being discharged at "Expiration of Enlistment" will be issued either an honorable or general discharge certificate by the "A" or "B" shown under the "Separation Document Type" column. However, the initial example shown in subparagraph 11003.5, item 9c3c, below, indicates that a Marine is being "Transferred to the Marine Corps Reserve" at the "Expiration of active obligated service USMC" and will be eligible to receive a "DD FORM 214 - Report of Separation From Active Duty" as indicated by the "H" shown under the "Separation Document Type" column. Alpha characters which identify the separation document types are explained in MCO P1080.20E, appendix G, paragraph 2, part B.

b. If "Type of Separation" in item 9a is "Discharged," the paragraph authority, interpretative narrative statement, 4-position alphanumeric SPD code for item 9c and the Separation Document Type is as follows:

MARCORSEPMAN paragraph authority:	Interpretative Narrative Statement for Optional Form (Figure 11-1) or Remarks (Item 27):	Sep. Program Designator - Item9c:	Separation Document Type:
6009	Expiration of Enlistment	(b)(2)High [redacted]	A,B
6012.1a	To attend college/vocational school		A,B
6012.1a	Marine Corps order applicable to all members of a class		A,B
6012.1a	Discharged for immediate reenlistment (NESEP)		A
6012.1a	Discharged for immediate reenlistment (MECEP)		A
6012.1b	Accepted Appointment in USMC		A
6012.1b	Accepted Appointment in USMCR		A
6012.1b	Accepted Appointment in another service		A,B
6012.1c	Voluntary discharge by reason of pregnancy		A,B
6012.1d	National Health, Safety or Interest		A,B
6012.1e	Erroneous Enlistment		A,B
6012.1f(1)	To enter public office		A,B
6012.1f(2)	Medical Board determination of obesity		A,B
6012.1f(3)	Repeated below average/substandard markings on fitness reports		A,B
6012.1f(4)	Substandard behavior		A,B
6012.1f(6)	Individual request based on family circumstances		A,B
6012.1f(7)	Discharge because of a physical condition which is not disabling - involuntary		A,B

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MARCORSEPMAN paragraph authority:	Interpretative Narrative Statement for Optional Form (Figure 11-1) or Remarks (Item 27):	Sep. Program Designator - Item 9c:	Separation Document Type:
6012.1f(7)	Discharge because of a physical condition which is not disabling (Pseudofolliculitis-Barbae)	(b)(2)High	A,B
6012.1f(8)	Allergic to clothing material		A,B
6012.1f(9)	Discharged pursuant to the recommendation of a board		A,B
6012.1f(10)	Discharged because of travel/motion sickness		A,B
6012.1f(11)	Ordained as a minister		A,B
6012.1f(12)	Not physically qualified to be commissioned		A,B
6012.1f(13)	Disenrolled from an officer candidate program		A,B
6012.1f(15)	Assigned an erroneous higher grade upon reenlistment		A,B
6012.1f(16)	Disqualified because of height increase subsequent to enlistment		A,B
6012.1f(17)	Erroneously delivered punitive discharge		A,B
6012.1f(18)	Discharged to take final vows in a religious order		A,B
6012.1f(19)	Writ of habeas corpus		A,B
6012.1f(20)	Discharged due to being twice failed of selection for promotion to staff sergeant - voluntary		A,B
6012.1f(21)	Discharged due to reduction in grade from staff sergeant to sergeant or below		A,B
6012.1g	Discharged voluntarily when directed by the Secretary of the Navy		A,B
6012.1g	Discharged involuntarily when directed by the Secretary of the Navy		A,B
6012.1g	Directed by the Secretary of the Navy to correct official records		A,B
6012.1h	For immediate reenlistment		A,B
6012.1h	For immediate reenlistment with less than 2 years obligated service remaining		A,B
6012.1i	Enlisted in Hospital Corps USN		A,B
6012.1j	Inability to perform prescribed duties, repetitive absenteeism or nonavailability for worldwide assignment as a result of parenthood	(b)(2)High	A,B
6012.3a	Discharged because of prolonged family separation		A,B

MARCORSEPMAN paragraph authority:	Interpretative Narrative Statement for Optional Form (Figure 11-1) or Remarks (Item 27):	Sep. Program Designator - Item 9c	Separation Document Type:
6012.5	Marine Corps Expeditious Discharge Program - circumstances	(b)(2)High	A,B
6012.6	Returned from overseas duty with limited service remaining		A,B
6012.7	Conscientious Objector - voluntary discharge		A,B
6012.7	Conscientious Objector - involuntary discharge		A,B
6012.7	Sole Surviving Member		A,B
6014	Hardship		A,B
6014	Dependency		A,B
6015	Minority		A,B
6016.1a	Unsuitability - Inaptitude (Admin. Board)		A,B
6016.1a	Unsuitability - Inaptitude (w/o Admin. Board)		A,B
6016.1b	Unsuitability - Personality Disorders (Admin. Board)		A,B
6016.1b	Unsuitability - Personality Disorders (w/o Admin. Board)		A,B
6016.1c	Unsuitability - Financial Irresponsibility (Admin. Board)		A,B
6016.1c	Unsuitability - Financial Irresponsibility (w/o Admin. Board)		A,B
6016.1d	Unsuitability - Apathy, Defective Attitude or Inability to Expend Effort Constructively (Admin. Board)		A,B
6016.1d	Unsuitability - Apathy, Defective Attitude or Inability to Expend Effort Constructively (w/o Admin. Board)		A,B
6016.1e	Unsuitability - Alcohol Abuse (Admin. Board)		A,B
6016.1e	Unsuitability - Alcohol Abuse (w/o Admin. Board)		A,B
6016.1f	Unsuitability - Homosexual Tendencies (Admin. Board)		A,B
6016.1f	Unsuitability - Homosexual Tendencies (w/o Admin. Board)		A,B
"			
6016.1g	Unsuitability - Personal Drugs (Admin. Board)		A,B
6016.1g	Unsuitability - Personal Drugs (w/o Admin. Board		A,B
6016.1h	Unsuitability - Unsanitary Habits (Admin. Board)		A,B
6016.1h	Unsuitability - Unsanitary Habits (w/o Admin. Board)		A,B

MARCORSEPMAN paragraph authority:	Interpretative Narrative Statement for Optional Form (Figure 11-1) or Remarks (Item 27):	Sep. Program Designator - Item 9c:	Separation Document Type:
6017.2a	Misconduct - Homosexual Class II (w/o Admin. Board)	(b)(2)Hig	A,B,C
6017.2a	Misconduct - Homosexual Class III (Admin. Board)		A,B,C
6017.2a	Misconduct - Homosexual Class III (w/o Admin. Board)		A,B,C
6017.2a	Misconduct - Sexual Perversion (Admin. Board)		A,B,C
6017.2a	Misconduct - Sexual Perversion (w/o Admin. Board	(b)(2)High	A,B,C
6017.2b	Misconduct - Frequent Involvement (Admin. Board)		A,B,C
6017.2b	Misconduct - Frequent Involvement (w/o Admin. Board)		A,B,C
6017.2c	Misconduct - Shirking (Admin. Board)		A,B,C
6017.2c	Misconduct - Shirking (w/o Admin. Board)		A,B,C
6017.2d	Misconduct - Drug Abuse (Admin. Board)		A,B,C
6017.2d	Misconduct - Drug Abuse (w/o Admin. Board)		A,B,C
6017.2e	Misconduct - Chronic Default (Admin. Board)		A,B,C
6017.2e	Misconduct - Chronic Default (w/o Admin. Board)		A,B,C
6017.2f	Misconduct - Failure to Contribute (Admin. Board)		A,B,C
6017.2f	Misconduct - Failure to Contribute (w/o Admin. Board)		A,B,C
6017.3a	Misconduct - Prolonged Absence Not Terminated (Admin. Board)		A,B,C
6017.3a	Misconduct - Prolonged Absence Not Terminated (w/o Admin. Board)		A,B,C
6017.3b	Misconduct - Fraudulent Enlistment (Admin. Board)		A,B,C
6017.3b	Misconduct - Fraudulent Enlistment (w/o Admin. Board)		A,B,C
6017.3c	Misconduct - Conviction by Civil Authorities (Admin. Board)		A,B,C
6017.3c	Misconduct - Conviction by Civil Authorities (w/o Admin. Board)		A,B,C

MARCORSEPMAN paragraph authority:	Interpretative Narrative Statement for Optional Form (Figure 11-1) or Remarks (Item 27):	Sep. Program Designator - Item 9c:	Separation Document Type:
6019	Sentence of General Courts-Martial - Desertion	(b)(2)High	D,F
6019	Sentence of General Courts-Martial (other than desertion or homosexual)		D,F
6019	Sentence of Special Courts-Martial - Desertion		D
6019	Sentence of Special Courts-Martial - other than desertion		D
6019	Sentence of General Courts-Martial - Homosexual Class I		D,F
6019	Sentence of General Courts-Martial - Homosexual Class II		D,F
6021	Clemency		C,Q
6021	To escape trial by Courts-Martial		A,B,C
7026	Alien		A,B
10401	Physical disability with severance pay		A,B
10402	Physical disability without severance pay (not in line of duty)		A,B
10402	Physical disability without severance pay		A,B
10404	Physical disability which existed prior to enlistment (Physical Evaluation Board)		A,B
10404	Physical disability which existed prior to enlistment (Medical Board)		A,B
10405	Personality Disorders - determined by a medical board		A,B
10406	Not physically qualified to be commissioned		A,B

c. If "Type of Separation" in Item 9a is "Transfer to Marine Corps Reserve," the paragraph authority, interpretative narrative statement, 4-position alphanumeric SPD code for Item 9c and the Separation Document Type is as follows:

MARCORSEPMAN paragraph authority:	Interpretative Narrative Statement for Optional Form (Figure 11-1) or Remarks (Item 27):	Sep. Program Designator - Item 9c:	Separation Document Type:
6009	Expiration of active obligated service USMC	(b)(2)High	H
6012.1a	Order applicable to all members - voluntary		H
6012.1a	Order applicable to all members - involuntary		H

MARCORSEPMAN paragraph authority:	Interpretative Narrative Statement for Optional Form (Figure 11-1) or Remarks (Item 27):	Sep. Program Designator - Item 9c:	Separation Document Type:
6012.1a	Early separation to attend college or vocational school	(b)(2)High	H
6012.1f	Early Separation under authorized circumstance - voluntary		H
6012.1f	Early separation under authorized circumstance - involuntary		H
6012.1g	Directed by the Secretary of the Navy - voluntary		H
6012.1g	Directed by the Secretary of the Navy - involuntary		H
6012.6	Early separation upon return from overseas duty		H

d. If "Type of Separation" in item 9a is "Transfer to the Fleet Marine Corps Reserve," the paragraph authority, interpretative narrative statement, 4-position alphanumeric SPD code for item 9c and the Separation Document Type is as follows:

MARCORSEPMAN paragraph authority:	Interpretative Narrative Statement for Optional Form (Figure 11-1) or Remarks (Item 27):	Sep. Program Designator - Item 9c:	Separation Document Type:
9007	Transferred to the Fleet Marine Corps Reserve	(b)(2)High	H
9007	Transfer to the Fleet Marine Corps Reserve, Retained EAD		H
MCO 1900.15B of 31 Mar 76	Released from EAD and reverted to the Fleet Marine Corps Reserve		H
9007	Officer reverts to enlisted and transfer to the Fleet Marine Corps Reserve		H

e. If "Type of Separation" in item 9a is "Temporarily Retired," the paragraph authority, interpretative narrative statement, 4-position alphanumeric SPD code for item 9c and the Separation Document Type is as follows:

MARCORSEPMAN paragraph authority:	Interpretative Narrative Statement for Optional Form (Figure 11-1) or Remarks (Item 27):	Sep. Program Designator - Item 9c:	Separation Document Type:
10301	Placed on Temporary Disability Retired List	(b)(2)High	H

f. If "Type of Separation" in item 9a is "Retired," the paragraph authority, interpretative narrative statement, 4-position alphanumeric SPD code for item 9c and the Separation Document Type is as follows:

MARCORSEPMAN paragraph authority:	Interpretative Narrative Statement for Optional Form (Figure 11-1) or Remarks (Item 27):	Sep. Program Designator - Item 9c:	Separation Document Type:
9003	Retired	(b)(2)High	G
9003	Retired from the Fleet Marine Corps Reserve		G
10201	Permanently retired by reason of physical disability		G

g. If "Type of Separation" in item 9a is "Release from Active Duty," the paragraph authority, interpretative narrative statement, 4-position alphanumeric SPD code for item 9c and the Separation Document Type is as follows:

MARCORSEPMAN paragraph authority:	Interpretative Narrative Statement for Optional Form (Figure 11-1) or Remarks (Item 27):	Sep. Program Designator - Item 9c:	Separation Document Type:
6009	Completion of active obligated service USMCR	(b)(2)High	H
6012.1a	Early separation to attend college or vocational school		H
6012.6	Early separation overseas returnee		H

h. If "Type of Separation" in item 9a is "Release from Initial Tour of Active Duty for Training," the paragraph authority, interpretative narrative statement, 4-position alphanumeric SPD code for item 9c and the Separation Document Type is as follows:

MARCORSEPMAN paragraph authority:	Interpretative Narrative Statement for Optional Form (Figure 11-1) or Remarks (Item 27):	Sep. Program Designator - Item 9c:	Separation Document Type:
6009	Expiration of Reserve special enlistment program (IADT)	(b)(2)High	H

i. If "Type of Separation" in item 9a is "Void Enlistment," the paragraph authority, interpretative narrative statement, 4-position alphanumeric SPD code for item 9c and the Separation Document Type is as follows:

MARCORSEPMAN paragraph authority:	Interpretative Narrative Statement for Optional Form (Figure 11-1)	Sep. Program Designator - Item 9c:	Separation Document Type:
7024.4	Void enlistment - Lack of jurisdiction (See paragraph 11003.7 for additional information)	(b)(2)High	H

9d. EFFECTIVE DATE. The entry in this item will be the effective date of release or discharge from active military service. In the case of Marines granted travel time incident to separation from active service, construct the effective date to include such travel time. For Marines accepting appointment to warrant officer or commissioned grade and officers changing components by acceptance of appointment, the date of discharge shown will be the date prior to the date of acceptance of such appointment. The date entered will be in 6-digit numerical form by year, month and day. See subparagraph 11003.5, item 4, for detailed instruction.

9e. CHARACTER OF SERVICE. Enter in capital letters the appropriate entry which represents the character of service. For Marine officers the "Character of Service" will be HONORABLE unless otherwise indicated by the Commandant of the Marine Corps (Code MMSR) and (Code MMOA) in orders directing the

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discharge, retirement or release from active duty. The "Character of Service" for enlisted Marines may be:

HONORABLE
UNDER HONORABLE CONDITIONS
UNDER CONDITIONS OTHER THAN HONORABLE
(includes BAD CONDUCT DISCHARGE)
DISHONORABLE

The "Character of Service" for enlisted Marines who are not discharged at the time of separation but are assigned or transferred to the Reserve, or released from initial tour of active duty for training in the case of reservists assigned to a Reserve special enlistment program, will be determined by the average of conduct and proficiency markings assigned during current tour of active duty, applying the same criteria as if the Marine were being discharged. These average marks will be entered on NAVMC 118(23), (Markings Page), in the service record book of the enlisted Marine being transferred to the Reserve or released from initial tour of active duty for training; average marks will not be entered for enlisted Marines being retired. In any case where doubt exists as to the correct "Character of Service" to be recorded, instructions shall be requested from the Commandant of the Marine Corps (Code MMSR).

9f. TYPE OF CERTIFICATE ISSUED. Enter the form number of the certificate issued (other than a DD Form 214 (MC)); e.g., "DD-256-MC" "DD-257-MC". In the case of release from active duty or transfer to the Marine Corps Reserve a discharge certificate would not be issued. In such instances this item would be completed by inserting "N/A" and would not require any followup action or issue of a DD Form 215 (MC).

10. REENLISTMENT CODE. The below-listed codes are to provide specific information concerning eligibility for reenlistment in the Marine Corps. Department of Defense prohibits the reenlistment code from being reoorded on any copy of the form which is distributed outside the Department of Defense, therefore, for Marine officers record "N/A" and for enlisted Marines the recording of reenlistment code for each copy will be as indicated below:

Copy 1 - DO NOT RECORD - Complete by typing a broken horizontal line through the center of the block. If separatee requests separation data provide by optional statement, see paragraph 11002.

Copy 2 - Enter appropriate code from listing below.

Copy 3 - DO NOT RECORD - Complete by typing a broken horizontal line through the center of the block. In item 27 enter the appropriate "Interpretative Narrative Statement" prescribed by the "Type of Separation" in item 9a.

Copy 4 - Enter appropriate code from listing below. Forward the copy to MCD - Attention: District Headquarters for Reserve Recruiting.

Copy 5 - Enter appropriate code from listing below. NOTE: If this copy is to be attached to the photostatic copies of clinical and treatment records forwarded to VA hospital or the VA Form 21-526e, Veterans Application for Compensation or Pension at Separation from Service, then complete by typing a broken horizontal line through the center of the block and in item 27 enter the appropriate "Interpretative Narrative Statement" prescribed by the "Type of Separation" in item 9a.

Copy 6 - Enter appropriate code from listing below.

Copy 7 - Enter appropriate code from listing below.

REENLISTMENT CODES

Code	When Assigned	Remarks
(b)(2)High	Recommended & Eligible	No Restriction to Reenlistment. Meets all prerequisites; to include women Marines discharged while pregnant who would otherwise be eligible.
	Transfer to FMCR	Recommended & Eligible for reenlistment at time of transfer to FMCR.
	Retired	Not eligible for reenlistment. For Disability, assign RE-3P.
	Transferred to FMCR	Not eligible for reenlistment at time of transfer to FMCR.
	Failure to meet general technical score prerequisite. Assign when single disqualifying factor only.	Recommended by CO upon removal of disqualifying factor. SRB entry required stating reason for assignment. SRB entry must be signed by the individual Marine. CMC authority required for reenlistment.
	This code assigned when not eligible and disqualifying factor not covered by any other code, or when there is a military or civil record of inservice drug involvement.	SRB entry required stating reason for assignment. SRB entry must be signed by the individual Marine. CMC authority required for reenlistment.
	When directed by CMC	SRB entry required stating reason for assignment. SRB entry must be signed by the individual Marine. CMC authority required to reenlist.
	Failure to meet educational standards. Assign when single disqualifying factor only.	Recommended by CO upon removal of disqualifying factor. SRB entry required stating reason for assignment. SRB entry must be signed by the individual Marine. CMC authority required for reenlistment.
	Failure to complete recruit training due to lack of aptitude.	SRB entry required stating reason for assignment. CMC authority required for reenlistment.
	Hardship discharge	Assign when discharged pursuant to MARCORSEPMAN, Par. 6014. CMC Authority required for reenlistment.
	Failure to meet physical (medical) standards.	Recommended by CO upon removal of disqualifying factor. CMC authority required for reenlistment; to include women Marines in an entry level training status who are discharge by reason of medical disqualification based on pregnancy.
	Not recommended for reenlistment	SRB entry required stating reason for assignment. SRB entry must be signed by the individual Marine.

11. LAST DUTY ASSIGNMENT AND MAJOR COMMAND. Enter the last unit or similar element to which assigned for duty rather than the element of which a Marine was a part while moving to a separation point. The title and/or number of the organization will be recorded precisely as indicated in the service record. For this purpose, Marines who are joined by an organization for record or administrative purposes, i.e., hospitalization or medical reasons, administration of discipline, awaiting transportation or in transit from overseas units to the United States for separation are all considered as being in movement to a separation point. Therefore, a Marine could have been accounted for by a separating activity for an extended period of time while awaiting final disposition, however, if the Marine is never officially assigned to a T/O billet in the separating activity, the time spent at the separating activity could not be reflected as the last duty assignment.

Example: A Marine is returned to Marine Barracks, Treasure Island California from overseas after being found unfit for duty by a medical board. His/her overseas duty assignment was Company B, 1st Battalion, 4th Marines (Rein), 3d Marine Division, Fleet Marine Force, Pacific. The Marine would be joined for administrative purposes, and if a Physical Evaluation Board later makes the determination that the Marine is to be discharged, then the entire time spent in transit and awaiting PEB determination would be considered as movement to the separation point and the last duty assignment would be Co B, 1st Bn, 4th Mar (Rein), 3d MarDiv, FMFPac.

12. COMMAND TO WHICH TRANSFERRED. When a Marine resigns, is discharged or retires and there is no further obligated service to the Marine Corps or Marine Corps Reserve enter "N/A." For Marines who are released from active duty or transferred to the Marine Corps Reserve or Fleet Marine Corps Reserve enter the title and reporting unit code of the Reserve organization, e.g., "Marine Corps Reserve Forces Administrative Center (MCRFAC), Kansas City, Missouri" or the appropriate title and RUC of the Reserve organization transferred to. For Marines who immediately reenlist and are transferred to another organization, enter "Title and RUC of the organization." If a Marine is immediately reenlisted and retained by an organization, enter "Retained."

13. TERMINAL DATE OF RESERVE/MSS OBLIGATION. Enter terminal date of Reserve obligation under the Military Selective Service Act of 1967. The date entered will be in 6-digit numerical form by year, month and day. See subparagraph 11003.5, item 4, for detailed instruction. If the Marine has no obligated service remaining, enter "None."

14. PLACE OF ENTRY INTO CURRENT ACTIVE SERVICE (City, State and ZIP Code). Self-explanatory.

15. DATE ENTERED ACTIVE DUTY THIS PERIOD. The date entered will be in 6-digit numerical form by year, month and day. See subparagraph 11003.5, item 4, for detailed instruction.

16a. PRIMARY SPECIALTY NUMBER AND TITLE. Enter military occupational specialty number and title recorded in the officer's qualification record or enlisted service record book.

16b. RELATED OCCUPATION AND DOT NUMBER. If the specialty represented by the number entered in item 16a has a related civilian occupation, enter the job title and Dictionary of Occupation Titles code number from the Dictionary of Occupational Titles or related civilian DOT Titles shown in the current edition of MCO P1200.7, MOS Manual, as appropriate. If no related civilian occupation, enter "None." The job title and DOT code number assigned to first sergeants and sergeants major should be that of the primary MOS held by the Marine at the time of promotion to the grade of first sergeant.

17a. SECONDARY SPECIALTY NUMBER AND TITLE. Enter the first additional military occupational specialty number and title recorded in the officer's qualification record or enlisted service record book. If no first additional military occupational specialty is assigned, enter "None."

17b. RELATED OCCUPATION AND DOT NUMBER. If the specialty represented by the number entered in item 17a has a related civilian occupation, enter the job title and Dictionary of Occupation Titles code number from the Dicionary of Occupational Titles or related civilian DOT Titles shown in the current edition of MCO P1200.7, MOS Manual, as appropriate. If no related civilian occupation, enter "None." The job title and DOT code number assigned to first sergeants and sergeants major should be that of the primary MOS held by the Marine at the time of promotion to the grade of first sergeant. If no first additional military occupational specialty is assigned, enter "None."

18. RECORD OF SERVICE. When recording the Record of Service in items 18a through 18f utilize a 2-digit format for years, months and days. Precede single years, months or days with a zero, e.g., "04 11 06" or "14 07 13."

18a. NET ACTIVE SERVICE THIS PERIOD. Enter in years, months and days the net active service for this period. These figures represent total active service this period, less time lost as defined in current directives.

18b. PRIOR ACTIVE SERVICE. Enter in years, months and days, all prior active service, excluding any service shown in item 18a. If the Marine has no prior active service enter zeros: "00 00 00."

18c. TOTAL ACTIVE SERVICE. Enter in years, months and days the total active service completed (sum total of items 18a plus 18b).

18d. PRIOR INACTIVE SERVICE. Enter in years, months and days, the total prior inactive service recorded in the officer qualification record or service record book. If the Marine has no prior inactive service enter zeros: "00 00 00."

18e. TOTAL SERVICE FOR PAY. Enter in years, months and days the total service for pay (sum total of items 18c plus 18d).

18f. FOREIGN AND/OR SEA SERVICE THIS PERIOD. Enter in years, months and days, the time spent on foreign and/or sea service <u>during current active service period</u> (item 18a). Service performed outside the continental United States while on maneuvers <u>will not be</u> included in this item.

19. INDOCHINA OR KOREA SERVICE SINCE AUGUST 5, 1964. Type an "X" in the appropriate block.

20. HIGHEST EDUCATION LEVEL SUCCESSFULLY COMPLETED (In Years). The first item in this block will show in years (1-12 grades) the highest secondary high school education level completed by the Marine. The second item of this block will show, in years, the highest college level education completed by the Marine. Complete by recording the single or dual numeric digit which represents the highest educational level completed.

21. TIME LOST (Preceding 2 Years). This item applies only to the current tour of active duty. Time lost <u>prior to the last 2 years</u> of the current tour will not be shown. Complete by recording the number of days time lost within parenthesis followed by inclusive dates; e.g., "(12) 730205-730216." The item will not be left blank; if there is no period to report, enter "None."

22. DAYS ACCRUED LEAVE PAID. Entries for this item will be made as follows:

(1) If lump-sum settlement is paid for a certain number of days, enter the number of days; e.g., "55 days."

(2) If no lump-sum leave settlement is due, enter the words "None due."

(3) If a lump sum leave settlement is due but has not yet been settled, enter the words "Due-Not Settled." A DD Form 215 (MC) will be issued by the separation activity when the number of days is known and settlement is made. See subparagraph 11004.1.

23. SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE. Enter an "X" followed by the amount "$20,000" between existing blocks for "$15,000, $10,000" or by placing an "X" in one of the blocks indicating a lesser amount of $15,000, $10,000, $5,000 or no SGLI coverage.

24. DISABILITY SEVERANCE PAY. If discharged for physical disability and severance pay is authorized by a physical evaluation board, enter an "X" in the "YES" block and insert the dollar value in the "AMOUNT" block. If the physical evaluation board does not authorize severance pay for a physical

disability discharge, and in all other cases of separation, complete by entering an "X" in the "NO" block of the item and enter "N/A" in the "AMOUNT" block.

25. PERSONNEL SECURITY INVESTIGATION

a. In the "TYPE" block of this item enter the type of investigation completed on the Marine as either "ENTNAC" - Entrance National Agency Check; "NAC" - National Agency Check; or "BI" for Background Investigation. DO NOT record the level of clearance the Marine holds. If the Marine has no security investigation completed, enter "None."

b. In the "DATE COMPLETED" block of this item enter the date the security investigation was completed by recording the date in 6-digit numerical form by year, month and day. See subparagraph 11003.5, item 4, for detailed instruction on recording dates. If a security investigation has not been completed on the Marine being separated, enter "None."

26. DECORATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED. Enter all decorations, medals, badges, commendations, citations, campaign ribbons awarded or authorized during current period of active duty, omitting authorities therefor. For campaign or expeditionary medals, include the area of operation. (Example: Vietnam, Dominican Republic.) If no decorations were awarded or authorized during the current period of active service, enter "None." In the case of separation or retirement all decorations, medals, badges, commendations, citations and campaign ribbons awarded or authorized during the entire length of service, including service in other branches of the Armed Forces, will be included.

27. REMARKS. Continue in this space items that cannot be completed within the space provided. In such cases cross references must be used to indicate the item being continued. (Example: 21, continued.) If additional space is required, enter the words "continued on reverse" in the last line of this space and complete the entries on the reverse of the form.

a. In compliance with instructions prohibiting the release outside Department of Defense of the "Authority and Reason" for separation and the "Reenlistment Code," an interpretative narrative statement will be the initial entry in this item on copies 3 and 5 forwarded to the Veterans' Administration on specified occasions. See subparagraphs 11003.2a through 11003.3g for the interpretative narrative statement to be cited for each type of separation being effected.

b. For the purpose of reemployment rights (DOD INST 1205.12), all extensions of service, except extensions to make good time lost (10 U. S. Code, 972), are considered to be at the request and for the convenience of the Government. In cases where extensions have been executed and served, item 27 will be annotated as follows: "Extension of service was at the request and for the convenience of the Government."

c. To assist the separated member in employment placement and job counseling, formal inservice training courses successfully completed during the period covered by the form will be listed in this item. For example, medical and dental, electronics, supply, administration, personnel, or heavy equipment operations. Training courses for combat skills will not be recorded.

d. If information for any item(s) is not available when the form is prepared and delivered to the separatee, a remark will be entered in this item as follows: "Information for item(s) not available at time of completion, a DD Form 215 (MC) will be issued when missing information becomes available." See subparagraph 11003.4e for annotation instructions.

e. Enter any special qualifications, e.g., Sentry and Scout dog handler; Military Motor Vehicle Operator's Permit (2½ ton or larger and Special Equipment).

f. Enter the following remarks as appropriate:

(1) Enlisted in the United States Marine Corps/Reserve.

(2) Reenlisted in U. S. Marine Corps/Reserve.

(3) Is undecided about reenlistment.

(4) Accepted Regular Commission/Warrant.

(5) Not available for signature.

(6) Separatee refused to sign form.

(7) Good Conduct Medal period commences (6-digit numerical date).

(8) Certain Marine Corps orders require entries to be made under "Remarks." Ensure that those appropriate entries are made.

g. The following notations will be made for Marines who are released or separated from active duty training under 10 U. S. Code, 511(d), formerly "Reserve Forces Act of 1955 a Reserve special enlistment program.

(1) "Res Spl Enl Prog"

(2) "Not a Final Discharge"

h. In addition to the information shown in item 19 of the form, for substantiation of tax status and/or bonus entitlements enter the inclusive dates of service in Vietnam. For example:

Served in Vietnam: 1 Aug 64 - 20 Jul 66
Served in Vietnam: 17 Oct 67 - 5 Apr 68

i. The Department of Defense has directed all military departments to implement new procedures governing the distribution of copy No. 1 (original) of the DD Form 214 (MC). The new procedures require that the separatee must request in writing to receive his/her copy of the DD Form 214 (MC). If the separatee does not request his/her copy of the DD Form 214 (MC), copy No. 1 (original) will be stapled to and distributed with copy No. 2. For the purpose of establishing a written request, the notation "Marine requests his/her copy of the DD Form 214 (MC)" should appear in the remarks section of all copies of the form and shall be initialed by the Marine on all copies of the DD Form 214 (MC).

28. MAILING ADDRESS AFTER SEPARATION (Street, RFD, City, County, State and ZIP Code). Information for this item shall be obtained by interview with the Marine being separated. The Marine's complete home address, that is, the place where he/she intends to reside permanently following separation, shall be entered in this item. If the permanent address for mailing purposes is the same as the home of record, "See item 8c" may be inserted.

29. SIGNATURE OF PERSON BEING SEPARATED. The signature of the Marine being separated should be signed with a black ink ballpoint pen to ensure that all copies bear a legible signature. If not available for signature or if the Marine refuses to sign, enter "See Remarks." In item 27, "REMARKS", a brief statement will be inserted indicating that the separatee was unavailable or refused to sign the form.

30. TYPED NAME, GRADE AND TITLE OF AUTHORIZING OFFICER. Self-explanatory.

31. SIGNATURE OF OFFICER AUTHORIZED TO SIGN. This item will be signed by the officer whose name is typed in item 30. A black ink ballpoint pen will be

used to ensure that a legible signature appears on all copies. Each copy must contain a legible signature before distribution is accomplished.

6. Distribution Instructions. Distribution of the DD Form 214 (MC) and DD Form 215 (MC) will be made as indicated below. To provide for timely distribution of these forms, the mailing addresses for certain activities are provided in subparagraph 11003.8, below.

Copy No. 1 (INDIV-1): Deliver to the Marine being separated prior to his/her departure from the separation activity (subject to exceptions stated in subparagraph 11003.4a).

NOTE: If the Marine elects not to receive the original of the DD Form 214 (MC), the original (Copy No. 1) will be stapled with copy number 2 of the form, with distribution being effected as prescribed below.

Copy No. 2 (SRB/OQR or HQMC):

(1) Marines discharged or retired. Place in closed-out SRB or OQR prior to forwarding in accordance with MCO P1070.12C, IRAM, table 4-2.

(2) Marines released or transferred to Reserve status. Forward this copy to CMC (Code MSRB-20).

(3) Marines who are immediately reenlisted. Attach this copy to the Reenlistment Contract and forward in accordance with MCO P1070.12C, IRAM, table 4-2, rule 4, column C.

Copy No. 3 (VA DATA PROC CTR): Forward this copy to the Veterans' Administration, Data Processing Center (214), Austin, Texas 78772. (Destroy this copy if Marine reenlists immediately.)

NOTE: On this copy items 9c and 10 must be completed by typing a broken horizontal line through the center of the blocks and the interpretative narrative statement for separation will be entered as the first entry in item 27.

Copy No. 4 (STATE DR SS): This copy is not utilized and will be destroyed.

Copy No. 5 (VA or 4thMAW AS APPR):

(1) Marines who are immediately reenlisted. Insert this copy as a document in the service record book.

(2) Marines who are being separated and transferred to a VA hospital.

This copy should accompany the photostatic copies of the clinical and treatment records forwarded to that hospital.

NOTE: On this copy items 9c and 10 must be completed by typing a broken horizontal line through the center of the blocks and the interpretative narrative statement for separation will be entered as the first entry in item 27.

(3) Marines who have completed VA Form 21-526e, Veterans Application for Compensation or Pension at Separation from Service. This copy should accompany photostatic or typewriter copies of the health record (less cover) when they are forwarded to the VA Regional Office. Stress to the separatee who plans to apply for veterans' compensation or pension that faster processing generally may be expected if application is completed at time of separation.

(4) In all other cases. This copy will be forwarded directly to the Reserve unit closest to the Marine's future address.

Copy No. 6 (MCD):

(1) Marines who are immediately reenlisted. This copy is not utilized and will be destroyed.

(2) Marines who do not reenlist. Attach this copy to the completed Career Planning Contract Record and forward to the Commandant of the Marine Corps (Code MMCP) in accordance with MCO P1040.31A, paragraph 5007.4b.

Copy No. 7 (MCD or MCRFAC):

(1) Marines who are immediately reenlisted. This copy is not utilized.

(2) Marines being transferred to inactive duty whose records will be forwarded to Marine Corps Reserve Forces Administrative Center, (MCRFAC), 1500 East 95th Street, Kansas City, Missouri 64131. Insert copy No. 7 as a document in the SRB or OQR for concurrent forwarding.

(3) In all other cases. This copy is not utilized and will be destroyed.

7. Additional Information for Completion of the DD Form 214 for Void Enlistment. Enter in item 9a "Void Enlistment." Enter in item 9c "YDN1 - Lack of Jurisdiction," and "23 USCMA 142, 48 CMR 758 (CATLOW)" or "23 USCMA 511, 50 CMR 651 (RUSSO): as appropriate. Marines separated under this provision do not receive any credit for service performed and items 18a through 18f are completed by entering "00 00 00." Items 9e through 13; 15 through 17; 19 through 27 are not applicable and will be completed by entering "N/A." Advise the individual that a military discharge certificate will not be issued.

8. Jurisdiction and addresses of Veterans' Administration Regional Offices

TERRITORY ALLOTTED TO	VA REGIONAL OFFICE
ALABAMA All cities and counties	Aronov Building 474 South Court Street Montgomery, Alabama 36104
ALASKA Entire state	Goldstein Building Juneau, Alaska 99801
ARIZONA All cities and counties	Federal Building 230 North First Avenue Phoenix, Arizona 85025
ARKANSAS All cities and counties	Federal Office Building 700 West Capital Avenue Little Rock, Arkansas 72201
CALIFORNIA Counties: Inyo, Kern, Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura)	1380 S. Sepulveda Blvd. Los Angeles, California 90073
Alpine, Lassen, Modoc, Mono)	Veterans' Administration Center 1000 Locust Street Reno, Nevada 89504
All other counties	49 Fourth Street San Francisco, California 94103
CANAL ZONE Entire Zone	Veterans' Benefits Office 2033 M Street, N. W. STOP 339 Washington, D. C. 20421
COLORADO All cities and counties	Denver Federal Center Denver, Colorado 80225
CONNECTICUT All cities and counties	450 Main Street Hartford, Connecticut 06103
DELAWARE All cities and counties	1601 Kirkwood Highway Wilmington, Delaware 19899 (Mailing address: P.O. Box 1266)
DISTRICT OF COLUMBIA Entire District	Veterans' Benefits Office 2033 M Street, N. W. STOP 339 Washington, D. C. 20421
FLORIDA All cities and counties	P. O. Box 1437 St. Petersburg, Florida 33731

GEORGIA All cities and counties	441-449 W. Peachtree St., N.E. Atlanta, Georgia 30308
GUAM AND HAWAII Entire islands	680 Ala Meana Blvd. Honolulu, Hawaii 96801 (Mailing Address: P.O. Box 3198)
IDAHO All cities and counties	Fifth and Fort Streets Boise, Idaho 83707
ILLINOIS All cities and counties	2030 W. Taylor Street Chicago, Illinois 60612
INDIANA Counties:	
Lake) La Porte) Porter)	2030 W. Taylor Street Chicago, Illinois 60612
All other cities and counties	36 South Pennsylvania Street Indianapolis, Indiana 46209
IOWA All cities and counties	Veterans' Administration Center Des Moines, Iowa 50308
KANSAS Counties:	
Atchison, Brown, Jackson, Jefferson, Johnson, Doniphan, Douglas, Leavenworth, Namaha, Wyandotte)	Federal Building Room 4705 1520 Market Street St. Louis, Missouri 63103
All other counties	Veterans' Administration Center 5500 East Kellogg Wichita, Kansas 67218
KENTUCKY All cities and counties	1405 W. Broadway Louisville, Kentucky 40201
LOUISIANA All parishes	701 Loyola Avenue New Orleans, Louisiana 70113
MAINE All cities and counties	Veterans' Administration Center Togus, Maine 04333
MARYLAND Counties:	
Montgomery) Prince Georges)	2033 M Street, N.W. STOP 339 Washington, D. C. 20421
All other counties	St. Paul & Fayette Streets Baltimore, Maryland 21202

MASSACHUSETTS Cities and towns-Bristol County:	
East) Mansfield)	Veterans' Administration Regional Office John Fitzgerald Kennedy Federal Bldg. Government Center Boston, Massachusetts 02203
All other cities and towns in Bristol County:	Federal Building Kennedy Plaza Providence, Rhode Island 02903
Cities and towns-Plymouth County:	
Carver, Lakesville, Marion, Mattapoisett, Middleboro, Rochester, Wareham)	Federal Building Kennedy Plaza Providence, Rhode Island 02903
All other cities and towns in Plymouth County:	Veterans' Administration Regional Office John Fitzgerald Kennedy Federal Bldg. Boston, Massachusetts 02203
Counties:	
Barnstable, Dukes, Nantucket)	Federal Building Kennedy Plaza Providence, Rhode Island 02903
All other counties	Veterans' Administration Regional Office John Fitzgerald Kennedy Federal Bldg. Boston, Massachusetts 02203
MICHIGAN All cities and counties	210 Gratiot Avenue at Library Detroit, Michigan 48231
MINNESOTA Counties:	
Becker, Beltrami, Clay, Clearwater, Kittson, Lake of the Woods, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Red Lake, Roseau, Wilkin)	Veterans' Administration Center Fargo, North Dakota 58102
All other counties	Fort Snelling St. Paul, Minnesota 55111
MISSISSIPPI All cities and counties	1500 East Woodrow Wilson Drive Jackson, Mississippi 39216

MISSOURI All cities and counties	Federal Building Room 4705 1520 Market Street St. Louis, Missouri 63103
MONTANA All cities and counties	Veterans' Administration Center Ft. Harrison, Montana 59636
NEBRASKA All cities and counties	220 South 17th Street Lincoln, Nebraska 68508
NEVADA Counties:	
Clark) Lincoln)	1380 South Sepulveda Blvd. Los Angeles, California 90073
All other counties	1000 Locust Street Reno, Nevada 89504
NEW HAMPSHIRE All cities and counties	497 Silver Street Manchester, New Hampshire 03103
NEW JERSEY All cities and counties	20 Washington Place Newark, New Jersey 07102
NEW MEXICO All cities and counties	517 Gold Avenue, S. W. Albuquerque, New Mexico 87101
NEW YORK Counties:	
Albany, Bronx, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Kings, Montgomery, Nassau, New York, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, Westchester)	252 Seventh Avenue New York, New York 10001

Other counties

Allegany	Niagara	1021 Main Street Buffalo, New York 14203
Broome	Oneida	
Cattaraugus	Onondaga	
Cayuga	Ontario	
Chautauqua	Orleans	
Chemung	Oswego	
Chenango	St. Lawrence	
Cortland	Schuyler	
Erie	Seneca	
Genesee	Steuben	
Herkimer	Tioga	
Jefferson	Tompkins	
Lewis	Wayne	
Livingston	Wyoming	
Madison	Yates	
Monroe		

NORTH CAROLINA All cities and counties	310 W. Fourth Street Winston-Salem, North Carolina 27102
NORTH DAKOTA All cities and counties	Veterans' Administration Center Fargo, North Dakota 58102
OHIO All cities and counties	1240 East 9th Street Cleveland, Ohio 44199
OKLAHOMA All cities and counties	Second and Court Streets Muskogee, Oklahoma 74401
OREGON All cities and counties	208 S. W. Fifth Avenue Portland, Oregon 97204

PENNSYLVANIA
Counties:

Adams	Lycoming	5000 Wissahickon Avenue Philadephia, Pennsylvania 19101 (Mailing Address: P. O. Box 8079)
Berks	Mifflin	
Bradford	Monroe	
Bucks	Montgomery	
Cameron	Montour	
Carbon	Northampton	
Centre	Northumberland	
Chester	Perry	
Clinton	Philadelphia	
Columbia	Pike	
Cumberland	Potter	
Dauphin	Schuylkill	
Delaware	Snyder	
Franklin	Sullivan	
Juniata	Susquehanna	
Lackawanna	Tioga	
Lancaster	Union	
Lebanon	Wayne	
Lehigh	Wyoming	
Luzerne	York	

All other counties:

Allegheny	Fulton	)
Armstrong	Greene	)
Beaver	Huntingdon	)
Bedford	Indiana	)
Blair	Jefferson	)
Butler	Lawrence	)
Cambria	Mc Kean	)
Clarion	Mercer	)
Clearfield	Somerset	)
Crawford	Venango	)
Elk	Warren	)
Erie	Washington	)
Fayette	Westmoreland	)
Forest		

1000 Liberty Avenue
Pittsburgh, Pennsylvania 15222

PHILIPPINES, Republic of the entire islands

1131 Roxas Blvd.
Manila, Philippine Islands
(Mailing Address: APO, San Francisco 96528)

PUERTO RICO, Commonwealth of Puerto Rico, including Virgin Islands

520 Ponce de Leon Ave.
San Juan, Puerto Rico 00901

RHODE ISLAND
All cities and counties

Federal Building
Kennedy Plaza
Providence, Rhode Island 02903

SAMOA
Entire Island

Veterans' Benefits Office
2033 M Street, N. W.
STOP 339
Washington, D. C. 20420

SOUTH CAROLINA
All cities and counties

1801 Assembly Street
Columbia, South Carolina 29201

South DAKOTA
All cities and counties

Veterans' Administration Center
Sioux Falls, South Dakota 57101

TENNESSEE
All cities and counties

U. S. Courthouse
801 Broadway
Nashville, Tennessee 37203

TEXAS
City of:

Texarkana

Federal Office Building
700 West Capitol Avenue
Little Rock, Arkansas 72201

Counties:

Angelina	Caldwell	)
Aransas	Calhoun	)
Atascosa	Cameron	)
Austin	Chambers	)
Bandera	Colorado	)
Bee	Comal	)
Bexar	Crockett	)
Blanco	De Witt	)
Brazoria	Dimmit	)
Brewster	Duval	)
Brooks	Edwards	)

515 Rusk Avenue
Houston, Texas 77061

Fort Bend	Medina	515 Rusk Avenue Houston, Texas 77061
Frio	Menard	
Galveston	Montgomery	
Gillespie	Nacogdoches	
Goliad	Newton	
Gonzales	Nueces	
Grimes	Orange	
Guadalupe	Pecos	
Hardin	Polk	
Harris	Real	
Hays	Refugio	
Hidalgo	Sabine	
Houston	San Augustine	
Jackson	San Jacinto	
Jasper	San Patricio	
Jefferson	Schleicher	
Jim Hogg	Shelby	
Jim Wells	Starr	
Karnes	Sutton	
Kendall	Terrell	
Kenedy	Trinity	
Kerr	Tyler	
Kimble	Uvalde	
Kinney	Val Verde	
Kleberg	Victoria	
La Salle	Walker	
Lavaca	Waller	
Liberty	Washington	
Live Oak	Webb	
Mason	Wharton	
Matagorda	Willacy	
Maverick	Wilson	
McCulloch	Zapata	
McMullen	Zavala	
Anderson	Coleman	1400 North Valley Mills Drive Waco, Texas 76710
Andrews	Collin	
Archer	Collingsworth	
Armstrong	Comanche	
Bailey	Concho	
Bastrop	Cooke	
Baylor	Coryell	
Bell	Cottle	
Borden	Crane	
Bosque	Crosby	
Bowie	Culberson	
Brazos	Dallam	
Briscoe	Dallas	
Brown	Dawson	
Burleson	Deaf Smith	
Burnet	Delta	
Callahan	Denton	
Camp	Dickens	
Carson	Donley	
Cass	Eastland	
Castro	Ector	
Cherokee	Ellis	
Childress	El Paso	
Clay	Lampasas	
Cochran	Lee	
Coke	Leon	

Erath)
Falls)
Fannin)
Fayette)
Fisher)
Floyd)
Foard)
Franklin)
Freestone)
Gaines)
Garza)
Glasscock)
Gray)
Grayson)
Gregg)
Hale)
Hall)
Hamilton)
Hansford)
Hardeman)
Harrison)
Hartley)
Haskell)
Hemphill)
Henderson)
Hill)
Hockley)
Hood)
Hopkins)
Howard)
Hudspeth)
Hunt)
Hutchinson)
Irion)
Jack)
Jeff Davis)
Johnson)
Jones)
Kaufman)
Kent)
King)
Knox)
Lamar)
Lamb)
Limestone)
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Presidio
Rains
Randall
Reagan
Red River
Reeves
Roberts
Robertson
Rockwall
Runnels
Rusk
San Saba
Scurry
Shackelford
Sherman
Smith
Somerville
Stephens
Sterling
Stonewall
Swisher
Tarrant
Taylor
Terry
Throckmorton
Titus
Tom Green
Travis
Upshur
Upton
Van Zandt
Ward
Wheeler
Wichita
Wilbarger
Williamson
Winkler
Wise
Wood
Yoakum
Young

1400 North Valley Mills Drive
Waco, Texas 76710

UTAH All cities and counties	125 South State Street Salt Lake City, Utah 84111
VERMONT All cities and counties	Veterans' Administration Center White River Junction, Vermont 05001
VIRGINIA Cities:	
Alexandria	Veterans' Benefits Office 2033 M Street, N. W. STOP 339 Washington, D. C. 20420
Counties:	
Arlington) Fairfax)	Veterans' Benefits Office 2033 M Street, N. W. STOP 339 Washington, D. C. 20420
All other cities and counties	211 W. Campbell Avenue Roanoke, Virginia 24011
VIRGIN ISLANDS (Listed under Commonwealth of Puerto Rico)	520 Ponce de Leon Avenue San Juan, Puerto Rico 00901
WASHINGTON All cities and counties	Sixth and Lenora Building Seattle, Washington 98121
WEST VIRGINIA Counties:	
Brooke Marshall) Hancock Ohio)	1000 Liberty Avenue Pittsburgh, Pennsylvania 15222
All other counties	502 Eighth Street Huntington, West Virginia 25701
WISCONSIN All cities and counties	342 N. Water Street Milwaukee, Wisconsin 53202
WYOMING All cities and counties	2360 East Pershing Blvd. Cheyenne, Wyoming 82001

11004. PREPARATION INSTRUCTION FOR DD FORM 215 (MC), CORRECTION TO DD FORM 214 (MC), REPORT OF SEPARATION FROM ACTIVE DUTY

1. DD Form 215 (MC) will be prepared as follows:

a. Except for DATE OF CORRECTION and items being corrected, all IDENTIFICATION DATA, including DEPARTMENT, COMPONENT AND BRANCH OR CLASS on the DD Form 215 (MC) will be completed as they appear on the original DD Form 214 (MC). It should be noted that military service number is no longer used in identification of the Marine, therefore, the block "SERVICE NUMBER" will be annotated "N/A" on all DD Form 215 (MC) prepared by separation activities.

b. Date of Correction. Enter date in year, month and day order. Each element of the date will consist of two digits, single digits will be prefixed by a zero. See subparagraph 11003.5, item 4, for detailed instruction.

c. Corrections. Enter under "ITEM NO." the block number of the item(s) which were omitted on the DD Form 214 (MC) prepared and delivered to the separatee. Opposite the item number under "CORRECTED TO READ" insert the missing information required. For example:

ITEM NO.	CORRECTED TO READ
6b	E5
22	31 days

d. Type the name, grade and title of the authenticating officer above the signature line. The authenticating officer will sign directly above the typed information utilizing a black ballpoint pen. Each copy of the DD Form 215 (MC) must contain a legible signature before distribution is accomplished.

e. Distribution Instructions

Copy No. 1 (INDIVIDUAL-1). Forward this copy to the separatee at the address shown in item 28 of the original DD Form 214 (MC) with instruction that this form should be attached to the original DD Form 214 (MC).

NOTE: If the Marine elected not to receive his/her original of the DD Form 214 (MC), the DD Form 215 (MC) should receive the same distribution as the original documents.

Copy No. 2 through No. 7. Distribution of copies 2 through 7 of the form will be the same as for the original of the DD Form 214 (MC). See subparagraph 11003.6 for detailed distribution instruction.

11005. SAFEGUARDING SEPARATION INFORMATION

1. All lists of separation program designators (interim and standard), including supplemental lists, published by the Marine Corps or any other branch of the Armed Forces have been designated "FOR OFFICIAL USE ONLY" and will be restricted from nongovernmental organizations and individuals.

2. Separation program designators are codes which are entered in item 9c of the DD Form 214 (MC) to provide Marine Corps and other authorized government agencies with information as to the specific reason for separation of a Marine from a period of active duty. To prevent the unauthorized release of this information to nongovernmental organizations and individuals, all commands will establish and maintain such procedures and training as necessary to ensure that:

a. A narrative description will not be recorded on any of the DD Forms prepared for the separatee or for distribution.

b. The portions of this Manual which provide narrative descriptions of reasons for separation with their related item 9c entries are safeguarded from disclosure.

11006. SPONSORSHIP OF DD FORM 214 SERIES. Department of Defense (Assistant Secretary of Defense, Manpower, Reserve Affairs and Logistics) sponsors the DD Forms 214, 214-ws and 215 which are utilized by all branches of the Armed Forces of the United States. Each service is required to promulgate preparation and distribution instruction under the guidance of Department of Defense. Deviation in format or modification of content is not authorized without prior approval of Department of Defense. Request for format or contents modification will be addressed to the Commandant of the Marine Corps (Code MSRB).

11007. RESPONSIBILITY FOR ASSIGNMENT AND MAINTENANCE OF SEPARATION PROGRAM DESIGNATORS. By direction of Department of Defense and pending the standardization of separation program designators, the Departments of the Air Force and Army have been assigned responsibility for assignment and maintenance of uniform lists and definitions of separation program designators for officer and enlisted Marines, respectively, and with providing copies of such lists to all services. Requests for additions, deletions or modifications to separation program designators shall be addressed to the Commandant of the Marine Corps (Code MSRB).

CHAPTER 12

RESERVE RETIREMENT CREDIT REPORT

	PARAGRAPH	PAGE
INSTRUCTIONS	12001	12-3

FIGURE

2-1 RESERVE RETIREMENT CREDIT REPORT 12-7

CHAPTER 12

RESERVE RETIREMENT CREDIT REPORT

12001. INSTRUCTIONS

1. The Reserve Retirement Credit Report is designed for recording credits earned toward eligibility for retirement under the provisions of 10 U.S.C. 1331-1337, commonly referred to as the Reserve Retirement Act.

2. The unit commander is responsible for accomplishing the Reserve Retirement Credit Report and for maintaining records of credits earned to support report entries.

3. The term unit commander as used within this paragraph, refers to the Commanding General, 4th Marine Division; the Commanding General, 4th Marine Aircraft Wing/Marine Air Reserve Training Command; the Director, Marine Corps Reserve Forces Administrative Center; or to the commanding officer of the organized Reserve unit on whose rolls the reservist is carried. It does not refer to any commander of a Regular Marine Corps organization since the Reserve Retirement Credit Report is prepared only by Reserve organizations.

4. Instructions for recording and reporting Reserve retirement credits are given in the paragraphs that follow.

5. The Reserve Retirement Credit Report will be prepared by the unit commander on the following occasions:

a. End of the anniversary year.

(1) Must be prepared promptly and within 30 days of the member's anniversary year. If late, justification must accompany the report.

(2) A Code 1 anniversary report will show a summary of all points earned by the member during his/her anniversary year in each individual column. In addition, the anniversary year summary blocks will show the recapitulation total of the individual column on the report. (See figure 12-1, NAVMC 798.)

b. Detachment or transfer including assignment to EAD (Code 3).

c. Upon unit mobilization (Code 3).

d. Acceptance of resignation or discharge (Code 2). (No report is required upon discharge for immediate reenlistment or appointment in the same Reserve component, since there is no break in service.)

e. Transfer to Inactive Status List or retirement (Code 2).

f. Upon joining a Reserve unit following a period of extended active duty if one or more anniversary dates elapsed while on active duty. Report will reflect credits earned from date of last anniversary year reported, by anniversary year, to end of anniversary year prior to release from active duty. The next scheduled report, transfer, end of anniversary year, etc., will include credits earned from end of last anniversary year to beginning of reporting period.

6. On a report submitted because of resignation, discharge, retirement or transfer to the Inactive Status List, an entry will be made on the Commandant of the Marine Corps copy immediately following the last entry indicating "Resigned," "Discharged," "Transferred to the Retired Reserve," or "Transferred to the Inactive Status List."

7. On a report submitted because of reassignment or transfer to another unit or command, an entry will be on the Commandant of the Marine Corps copy immediately following the last entry indicating "Transferred to MCRFAC" OR "USMCR-(0)-RUC ____."

8. Reports will be accomplished as follows:

a. All reports will be prepared in triplicate and receive distribution as follows:

(1) Original NAVMC 798 to service record book or officer's qualification record.

(2) Duplicate of all reports, officer and enlisted (NAVMC 798) to Commandant of the Marine Corps (Code MMSR-5).

(3) Triplicate NAVMC 798 to Marine to be retained for determination of total credits earned.

b. The original will become a chronological record for permanent retention in the service record book or officer's qualification record and will reflect all credit earned since entry on current period of continuous service. Upon discharge for immediate reenlistment or appointment to officer grade, the original report will be transferred to the new service record book or officer's qualification record. No entry to reflect discharge and reenlistment or appointment is required. No NAVMC 798 will be prepared for members carried on the Inactive Status List. However, such periods will be covered in the next report submitted as noted in subparagraph 12001.6i, below.

c. For subsequent reports, the original NAVMC 798 will be removed from the service record book or officer's qualification record. Two copies of blank forms (NAVMC 798) will be inserted in the typewriter with the original. Entry for the period to be covered will be made on the line immediately following the last entry on the original. Therefore, the duplicate and triplicate copies will only reflect credits for the specific period covered.

d. When all spaces on the original report have been filed, it should be numbered "1"; additional pages inserted and numbered "2," "3," etc.

e. Entries will be made in accordance with the instructions on the form, except in cases where entry is not required under any column, the space will be checked "X" to indicate that it was not overlooked.

f. Should an erroneous entry be discovered after submission, the unit commander will make a new report covering the same period. The erroneous entry on the original will be lined out and initialed. Each copy will be marked "corrected copy." Corrected reports which are submitted later than 2 years following the end of the anniversary year for which submitted shall be forwarded with full justification to the Commandant of the Marine Corps (Code MMSR-5) for approval.

g. A unit commander may delegate the authority to certify records of Reserve retirement credits to appropriate officers of his/her headquarters.

h. The original and all copies of the report will bear the signature of the authenticating officer.

i. Each report will cover the entire period since the last report was submitted. However, in the case of end of anniversary year, this report will be a summation of all previous reports submitted during the anniversary year. If the member has been carried on the Inactive Status List, inclusive dates will be entered, the letters "ISL" will be entered in the column indicating occasion for report, and no points will be credited for such period.

j. On the Commandant of the Marine Corps copy of all reports which have credited periods of active duty or active duty for training, enter the inclusive dates of all such duty to include travel time.

9. Certain substantiating records and reports are necessary to the accomplishment of the Reserve Retirement Credit Report.

a. For all types of equivalent instruction, other than correspondence courses and equivalent instructions or duty for drills (EIOD), a report of performance must be made by the reservist to his/her unit commander on NAVMC 799, Equivalent Instruction Report, as follows:

(1) Members of Mobilization Training Units and members performing associate duty may submit such reports quarterly, indicating the date each meeting was attended or period of associate duty was performed and the number of credits claimed for each. Such members may submit a report at any time during the quarterly period when necessary to assure that points are credited within the current anniversary year. It is the responsibility of the commanding officer concerned to maintain attendance records and to verify these periodic reports when submitted.

(2) Members who perform periods of equivalent instruction other than as indicated above, upon completion of each such period will prepare NAVMC 799 and submit it to their unit commander for approval.

(3) Approved reports submitted on NAVMC 799 will be retained by the unit commander as a supporting document for the preparation of NAVMC 798 and for at least 3 months thereafter.

b. Credits for correspondence courses will be taken from reports furnished by the Marine Corps Institute or Extension School, Marine Corps Development and Education Command.

(1) Reports to Reserve unit commanders by the Marine Corps Institute or Extension School, Marine Corps Development and Education Command, will:

(a) Be prepared for each reservist having successfully completed correspondence work for which retirement credits are earned;

(b) Be prepared annually as of the anniversary date of the individual reservist (the correspondence schools are responsible for obtaining anniversary date upon enrollment), and/or on other appropriate occasions e.g., completion of all courses and disenrollment;

(c) Be submitted promptly on the anniversary date of the individual reservist;

(d) Be made in letter or machine report form as appropriate;

(e) Show the total number of credits earned during the reporting period. In determining the total, the effective date as of which points shall be credited to the Marine for the satisfactory completion of a lesson shall be the date of receipt of the completed lesson by the school. Detailed reports indicating the date that each credit is earned will be made only upon special request by the reservist's commanding officer.

(f) Not be submitted for work completed while the reservist is serving on extended active duty. When the school cannot determine whether the Marine is serving on active duty, a report will be submitted.

(2) Unit commanders will retain the correspondence school report as a supporting document for the preparation of the Reserve Retirement Credit Report.

(3) Unit commanders will not include in the Reserve Retirement Credit Report credits for correspondence work completed while on extended active duty.

(4) It is the responsibility of the student to keep the school informed of the identity of his/her current commander for reporting purposes. The return address form submitted by the inactive reservist for each lesson will contain both the reservist's address and the unit designation of his/her Reserve unit commander.

c. To provide Reserve organizations with accurate information concerning those reservists who perform a period of extended active duty and then rejoin a Reserve organization, the following procedures apply:

(1) A copy of the reservist's orders to extended active duty with all endorsements will be placed in his/her qualification jacket or service record book and retained until he/she rejoins a Reserve organization.

(a) If the reservist is discharged and reenlisted in the Reserve while on extended active duty, the orders will be transferred to his/her new service record book and retained until he/she rejoins a Reserve organization.

(b) If the reservist is discharged while on extended active duty and reenlisted in the Regular Marine Corps, or if he/she does not reenlist in any component of the Marine Corps, the orders will be forwarded with his/her closed-out service record book.

(c) Should the situation stated in subparagraph 12001.9c(1)(b), above, occur and the Marine later reenlist in the Marine Corps Reserve, the unit which joins him/her will commence Reserve retirement reporting from date of reentry.

(2) When the Reserve Retirement Credit Report entries showing the period of active Federal service have been made and copies submitted, as provided above by the Reserve unit, the orders will be forwarded to the Commandant of the Marine Corps (Code MSRB-20).

RESERVE RETIREMENT CREDIT REPORT (1610)
NAVMC 798 (3-74) (SUPERSEDES ALL PREVIOUS EDITIONS OF NAVMC 798 & 798a WHICH WILL NOT BE USED.)
SN: 0000-001-0202 U/I: PD

ORGANIZATION	DATES (Inclusive) FROM-	TO-	OCCASION (Enter code from below)	ACTIVE DUTY POINTS	DRILLS	INACTIVE DUTY POINTS: CORRESPONDENCE COURSES	OTHER EQUIVALENT INSTRUCTION	MEMBERSHIP	TOTAL	ANNIVERSARY YEAR SUMMARY: TOTAL ACTIVE DUTY POINTS	INACTIVE DUTY POINTS (Not to exceed 60)	TOTAL POINTS CREDITED	SIGNATURE, GRADE, TITLE
BulkFuelCo,4th FSSG,Tucson,AZ	17Jun74	16Jun75	1	16	48	2	4	15	69	16	60	76	I M King Maj CO
BulkFuelCo,4th FSSG,Tucson,AZ	17Jun75	28Dec75	AcDuTra 3	x	24	- x	1Jul74-16Jul74 x	x	x	x	x	x	Ph Randall Capt Execo
CoD,6thEngrSpt Bn,Phoenix,AZ	29Dec75	31Mar76	Tr 3	OMCR 16	RUC 12	22327 x	x	x	x	x	x	x	S J Taylor Capt CO
MCRFAC	1Apr76	16Jun76	Tr 1	Cl 16	III 36	/AcDuTra x	10	15	- 61	5Jan76-20Jan76 16	60	76	E P Eddy Bydir

OPTIONAL SCRIPTOMATIC/ADDRESSOGRAPH/TYPEWRITTEN IDENTIFICATION

☒ ORIGINAL
☐ RESERVIST COPY
☐ CMC COPY

PEBD 17Jun55

OCCASION CODES
1 — End of Anniversary Year
2 — Separated from active reserve status
3 — Detached, transferred, or unit mobilization

DO NOT FAIL TO IDENTIFY RESERVIST REPORTED ON

NAME (Last) (First) (Middle)	GRADE	SSN
MARINE, John J.	GySgt	800246789

(Over)

Figure 12-1.--Reserve Retirement Credit Report.

CHAPTER 13

DISCHARGE CERTIFICATES (DD 256 MC THROUGH DD 260 MC AND DD 794 MC)

	PARAGRAPH	PAGE
INSTRUCTIONS	13001	13-3

CHAPTER 13

DISCHARGE CERTIFICATES (DD 256 MC THROUGH DD 260 MC AND DD 794 MC)

13001 INSTRUCTIONS

1. Custody

a. Discharge certificates shall be kept in the custody of the commander or designated representative who is responsible for their safekeeping, accountability, and proper issue.

b. When an organization is disbanded, discharge certificates remaining on hand shall be forwarded by registered mail to the Navy Cognizance I Supply System in accordance with instructions contained in the Introduction to NAVSUP Publications 2002.

2. Preparation

a. Discharge certificates will be prepared by the organization having custody of the service record book.

b. The character of discharge will be in accordance with paragraph 6008. In the event the commander considers that the individual is entitled to a discharge of a character different from that indicated in the table, he/she may make recommendations to the Commandant of the Marine Corps (Code MMSR-3).

3. Entries. No derogatory remark will be made on the discharge certificate. Entries, other than signature, on the discharge certificate will be typed and recorded as follows:

a. Front

(1) Name. Grade, full name in capital letters (beginning with the first name), followed by the social security number. In the case of a reservist, no additional statement will be placed on the discharge certificate. Discharge forms appropriate to the status under which the Marine is discharged will be issued to all Marines without designation of component.

(2) Date. As shown in the following example: "on the 10th day of September 1977."

(3) Reverse. No entries will be made on the reverse of the discharge certificate.

4. Delivery

a. Honorable and general discharge certificates will always be delivered in person by an officer and the delivery should be made by the battalion or squadron commander, if practicable. If not practicable, delivery should be made by the company or battery commander. In any case, the delivery should be accompanied by an expression of good wishes.

b. In those instances where personal delivery cannot be made, the following action should be taken:

(1) The commanding officer will mail the discharge certificate to the person concerned using first class mail with a return address on the envelope as follows:

Military Personnel Record Center
National Archives and Record Service
General Services Administration, Region 6
St. Louis, Missouri 63132

Upon mailing, an entry will be made in the Marine's service record on page 11, stating date, organization, the fact that the discharge certificate was mailed on that date, and the signature and duty of the officer authenticating the entry.

(2) Marines at home awaiting results of a physical evaluation board. Commanders will mail the discharge certificate to the Marine concerned using first class mail. Returned undelivered certificates will be forwarded to the Commandant of the Marine Corps (Code MSRB-20).

c. The discharge certificate will not be delivered to the Marine until a Security Termination Statement (OPNAV 5511-14) is completed if such statement is required.

5. Replacement of Lost or Destroyed Discharge Certificate, Enlisted or Officer

a. Duplicate discharge certificates will not be issued, but upon request to the Commandant of the Marine Corps (Code MSRB-10), a DD 303 MC, Certificate in Lieu of Lost or Destroyed Discharge, will be issued.

b. Certificates in lieu of lost or destroyed discharges are of a value equal to original discharge certificates in the substantiation of entitlement to Federal, State, or local benefits.

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