



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

MCO P1900.16B Ch 1
MMSR-gds
9 Jul 1979

MARINE CORPS ORDER P1900.16B Ch 1

From: Commandant of the Marine Corps
To: Distribution List

Subj: Marine Corps Separation and Retirement Manual
(Short Title: MARCORSEPMAN)

Encl: (1) New page inserts to MCO P1900.16B
(2) List of effective pages,

1. Purpose. To update regulations and policies on separations and retirements.
2. Action
 - a. Insert enclosure (1).
 - b. Upon insertion of this Change, the pages listed in enclosure (2) are in effect. Remove and destroy pages not listed.
3. Summary of Change. Major changes in this Change are (1) the deletion of the requirement to submit a written request for retirement, resignation or transfer to the Fleet Marine Corps Reserve (FMCR), and (2) the deletion of the requirement to report Marines physically qualified for retirement or transfer to the FMCR. This Change contains a substantial number of minor changes and should be completely reviewed.
4. Change Notation. Significant changes contained in this Change are denoted by an arrow () symbol.
5. Filing Instructions. This Change will be filed immediately following page 2 of the basic Manual.
6. Certification. Reviewed and approved this date.

Robert E. Haebel
ROBERT E. HAEBEL
By direction

DISTRIBUTION: DY

Copy to: 8145001

~~FOR OFFICIAL USE ONLY~~
Designation is canceled upon
removal of pages 11-12 through 11-20

PCN 102 027300 01

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

RECORD OF CHANGES

Log completed change action as indicated

Change Number	Date of Change	Date Received	Date Entered	Signature of Person Entering Changes

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

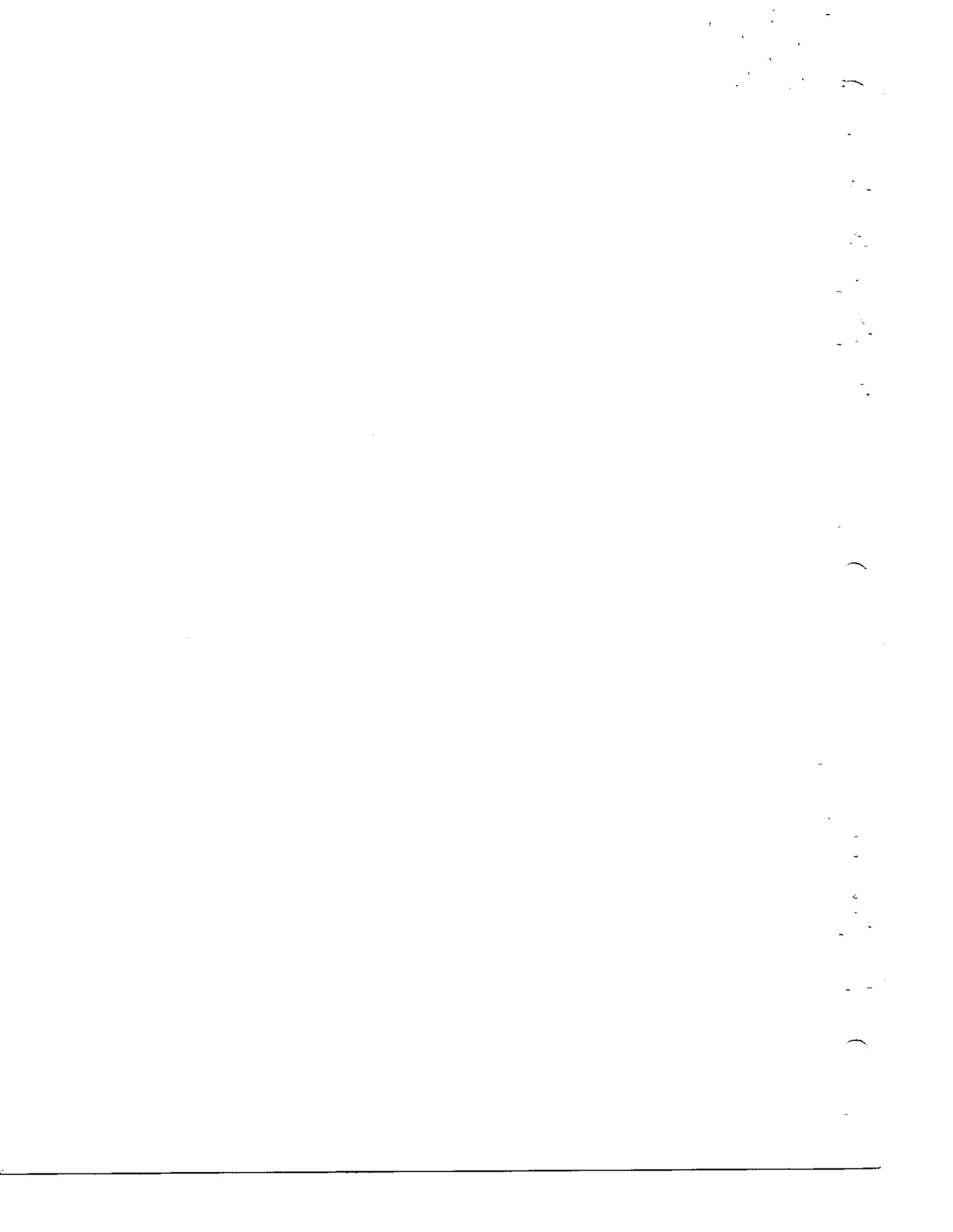
CHAPTER 1

GENERAL INFORMATION FOR RETIREMENT OF OFFICERS ON ACTIVE DUTY

	<u>PARAGRAPH</u>	<u>PAGE</u>
GENERAL	1001	1-3
DEFINITIONS	1002	1-3
PHYSICAL EXAMINATIONS	1003	1-3
RECEIPT OF RETIREMENT REQUESTS	1004	1-4
AUTHORITY TO RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE RETIRED LIST AND RETIREMENT ORDERS	1005	1-4
RETIREMENT CERTIFICATE AND BUTTON	1006	1-5
RETIREMENT CEREMONY	1007	1-5
LEAVE	1008	1-5
RETIRED GRADE	1009	1-6
RETIRED PAY	1010	1-6
PAY ACCOUNTS	1011	1-7
CURRENT ADDRESS AND RESIDENCE OF RETIRED OFFICERS	1012	1-7
◆ CERTIFICATE IN LIEU OF ORDERS (Deleted by Change 1) .	1013	1-7

FIGURE

1-1	FORMAT FOR ORDERS TO RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE RETIRED LIST	1-8
-----	---	-----



MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 1st day of a month.

1003. PHYSICAL EXAMINATIONS

1. Officers contemplating voluntary retirement and those subject to involuntary retirement are required to 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. 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. Authority will be reissued by the Commandant of the Marine Corps to effect retirement on the 1st day of the 1st 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, notification of disapproval will be transmitted via unit transaction register (UTR).
3. The issuance of authority for retirement constitutes official approval of retirement request and hence directs retirement.

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

1. Authority to release from active duty in the case of lieutenant colonels and below will be issued via the automated order writing process (AOWP) and will contain all information necessary to issue individual orders. In specific instances involving timely receipt and to preclude unnecessary personal problems, authority to release from active duty will be issued via message. Individual orders on lieutenant colonels and below will be issued by the local command using the format contained in figure 1-1. Retirement orders for colonels and above will continue to be issued by the Commandant of the Marine Corps.
2. In cases of voluntary retirement, authority to release from active duty or individual orders (colonels and above) can be issued up to 12 months in advance of the retirement date provided the request for retirement has been approved and appropriation data is available. In the absence of a voluntary retirement request, authority to release from active duty or individual orders (colonels and above) in cases of involuntary retirement will be 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

1. Retirement certificate and button, pay data and standards of conduct forms will be forwarded to the reporting command by the Commandant of the Marine Corps with a copy of AOWP release authority. The documents will be assembled with individual orders by the reporting command for delivery to the Marine. Should the documents/retirement button be received in unsatisfactory condition, immediately notify the Commandant of the Marine Corps (Code MMSR).

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. Annual leave, not in excess of 60 days, incident to retirement may be granted by the commander authorized to grant such leave in accordance with annual leave regulations. Requests for annual leave in excess of 60 days will be submitted by message to the Commandant of the Marine Corps (Code MMSR) for approval.

3. Terminal leave will be governed by the provisions of MCO P1050.3E, chapter 3.

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/she 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. The request must be submitted over the Marine's signature and should contain the social security number (SSN) for identification purposes.

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

Handwritten text, possibly a signature or date, located in the top right corner of the page.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 2

VOLUNTARY RETIREMENT OF OFFICERS ON ACTIVE DUTY

	<u>PARAGRAPH</u>	<u>PAGE</u>
GENERAL	2001	2-3
▶ CRITERIA	2002	2-4

Handwritten text, possibly a signature or date, located in the top right corner of the page.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 submitted by the reporting command via the unit diary in accordance with paragraph 8129 of MCO P1080.35C (PRIM). In addition, the officer requesting retirement will be required to sign the following entry on the administrative remarks page of the officer qualification record (OQR), "I request to transfer to the retired list effective (date)." Requests for retirement will be submitted not more than 14 months and not less than 3 months prior to the requested retirement date.
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. Upon signing the retirement entry in the officer qualification record (OQR), the officer requesting retirement 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.
7. Prior to entering the appropriate unit diary entry via the MMS system the commanding officer or his/her designated representative will:
 - a. Ensure the request is submitted within the timeframe established in paragraph 2001.4.
 - b. 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.
8. 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.

9. Requests for cancellation/modification of retirement date must be submitted no later than 30 days prior to the effective retirement date. Such requests will be considered for approval based on the needs of the Marine Corps. (Forthcoming changes to MCO P1080.35C will incorporate appropriate unit diary entries for cancellation/modification).

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. Additionally, officers who have successfully completed a military or civilian course of 19 weeks or less will not normally be approved for retirement prior to the completion of 12 months active duty following completion of 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, O5, or O6 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 date of issuance of orders from this Headquarters or the effective approval date 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 1st 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; he/she must, however, request retirement effective the 1st of the month following his/her 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. Commissioned officers are required to complete 2 years of active service after completing a course for which tuition assistance was provided. This policy does not apply to involuntary retirements.

h. 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, 1f and 1g, 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. (Forthcoming changes to MCO P1080.35C will incorporate appropriate unit diary entry for requesting waiver of set policy for retirement.)

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.

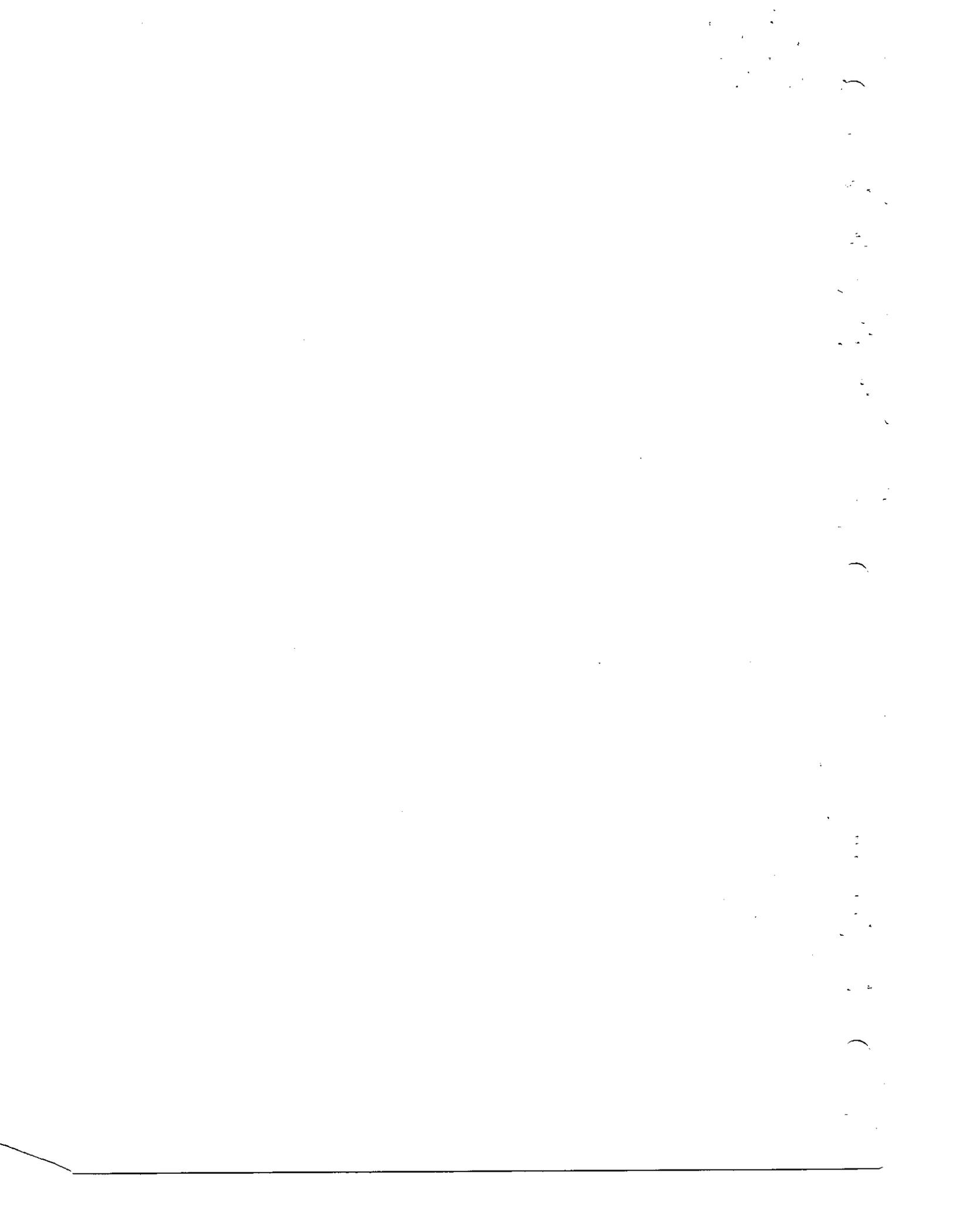
4. A chief warrant officer or warrant officer, who applies for retirement after completing 20 or more years of active service, at the discretion of the Secretary of the Navy, may be retired.

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.



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 Pl400.29B, 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 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. Waiver of this requirement on a one time basis may be made under exceptional circumstances. Requests for waiver must be submitted to the Secretary of the Navy via the Commandant of the Marine Corps (Code RESP) and appropriate chain of command.

a. In the event a reservist fails to earn the minimum points required, the Director, Marine Corps Reserve Forces Administrative Center will inform the individual by letter, that because he/she has not met prescribed satisfactory participation requirements, his/her separation or retirement is mandatory under existing law.

b. Each officer qualified for transfer to the retired Reserve will be afforded the option of requesting such transfer or tendering his/her resignation.

c. Those members who elect one of the options afforded under subparagraph 4009.2b, above, will be processed in accordance with the provisions of this chapter, and each officer subject to separation or retirement who does not elect one of the options afforded him/her under subparagraph 4009.2b, 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.

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.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

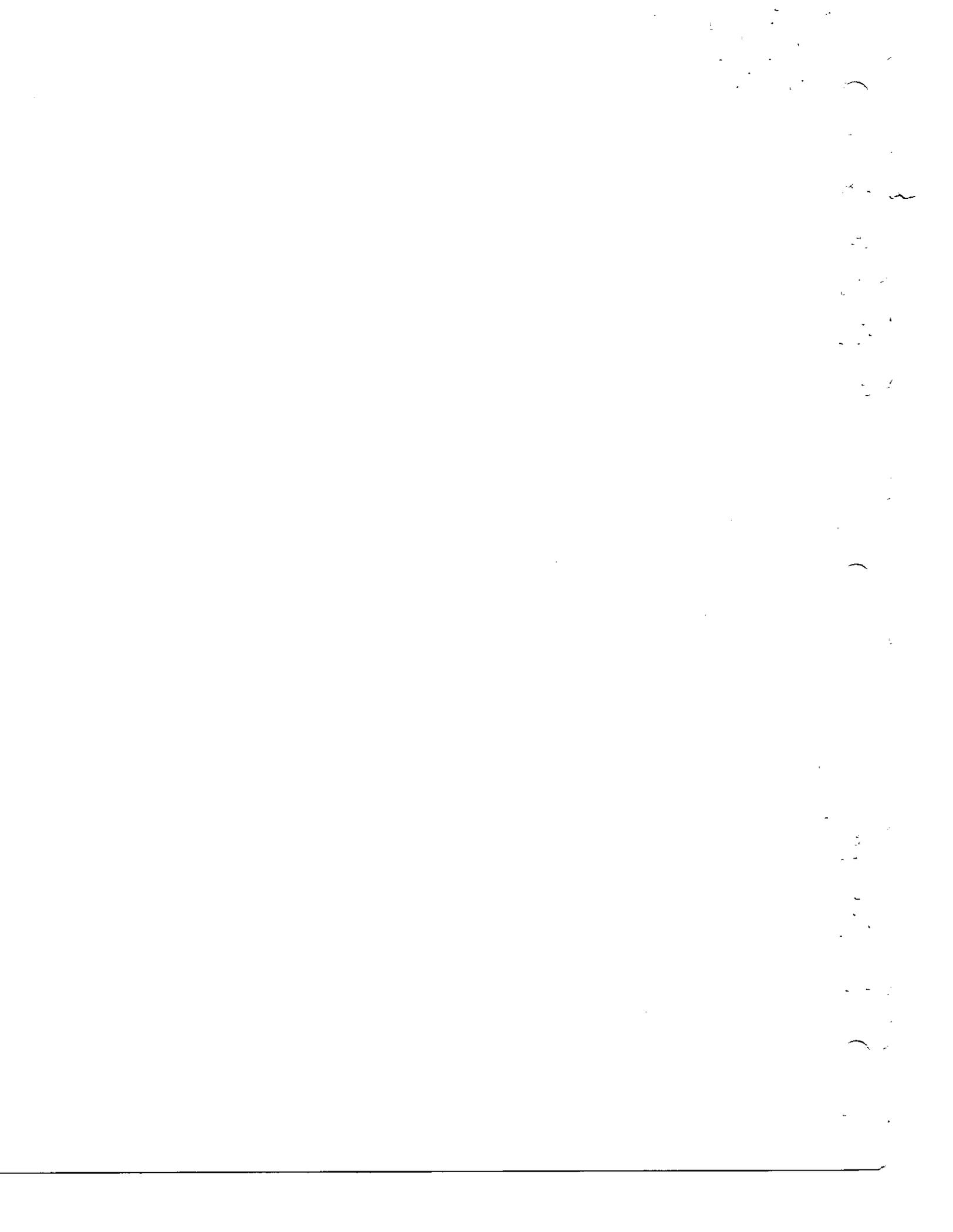
CHAPTER 5

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

	<u>PARAGRAPH</u>	<u>PAGE</u>
GENERAL	5001	5-3
RESIGNATIONS	5002	5-6
SEPARATION OR RETENTION OF OFFICERS COMMISSIONED PURSUANT TO THE DIRECT PROCUREMENT PROGRAM	5003	5-9
INVOLUNTARY DISCHARGE OF PERMANENT REGULAR OFFICERS	5004	5-9
REVOCATION OF COMMISSIONS	5005	5-10
INVOLUNTARY DISCHARGE OF RESERVE OFFICERS ON ACTIVE DUTY	5006	5-11
RESIGNATIONS OF WOMEN OFFICERS	5007	5-11
INVOLUNTARY DISCHARGE OF WOMEN OFFICERS	5008	5-11
TERMINATION OF APPOINTMENT TO WARRANT OFFICER	5009	5-12
DISCHARGE ORDERS	5010	5-12

FIGURES

5-1 REQUEST FOR RESIGNATION	5-13
5-2 ELIGIBILITY FOR MATERNITY CARE	5-14
5-3 ACCEPTANCE OF RESIGNATION OF REGULAR COMMISSION IN THE U. S. MARINE CORPS	5-15
5-4 DISCHARGE FROM U. S. MARINE CORPS (Less Than 8 Years Continuous Active Duty)	5-16
5-5 DISCHARGE FROM U. S. MARINE CORPS (More Than 8 Years Continuous Active Duty)	5-17



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.

7. The circumstances and procedures whereby officers may be administratively separated are prescribed in the current edition of SECNAVINST 1920.6. In 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 the appropriate subparagraph below which corresponds to the type of discharge recommended, or if the officer concerned requests resignation to escape trial by general court-martial, that resignation must include the statement below in subparagraph 5001.7c.

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."

8. 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.

9. 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 serve at the pleasure of the President and no terminal dates are established for their commissions. The Secretary of the Navy, acting in behalf of the President, may accept an officer's resignation. The Commandant of the Marine Corps will recommend approval of only those requests for resignations and subsequent requests for withdrawal which meet the criteria set forth in this Manual. In those cases where requests are disapproved, the Commandant of the Marine Corps will reply by letter stating the reasons therefor.

2. The resignation of a commission is a voluntary act and must be without condition. Officers who submit resignations may expect favorable action thereon provided they have fulfilled the requirements set forth below. These criteria may be modified, however, as necessary to meet existing needs of the service. Specifically, the acceptance of an officer's resignation may be deferred or disapproved in order to maintain officer personnel strength at the necessary level. The Commandant of the Marine Corps will advise the Secretary of the Navy concerning deferrals and by continuous review will ensure that only critical circumstances exist requiring such action. The acceptance of an officer's resignation will be adjudged on the following criteria:

- a. Needs of the service.
- b. 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.
- c. Completion of the period of service specified in the officer's flight training agreement.
- d. 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. Additionally, the resignation of officers who have successfully completed a military or civilian course of 19 weeks or less will not normally be approved prior to the completion of 12 months active duty following completion of the course.

e. 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, Excess Leave Program (Law), or other full-time and/or funded schooling.

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

g. Acceptance of a Reserve commission (in the case of those officers who have not completed their initial period of obligated service as specified in their service agreement).

3. 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, assigned (joined or attached) to a unit which is scheduled to deploy outside its immediate geographical location in excess of 90 days, submits a resignation within 4 months, or in the case of a carrier deployment within 9 months, of the date that deployment is scheduled to commence.

c. The officer is serving overseas and desires separation prior to completion of the minimum tour length prescribed by the current series of MCO 1300.8 (for this purpose, Alaska and Hawaii are considered to be overseas locations).

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

e. The officer is serving in a billet requiring contact relief, submits a request less than 120 days prior to the resignation date and a replacement is not available within that timeframe.

4. Requests for resignation will be submitted by the officer concerned at his/her reporting unit via the unit diary in accordance with MCO P1080.35C (PRIM) paragraph 8129 not earlier than 14 months nor less than 4 months prior to the requested date of resignation. This leadtime is necessary to allow for processing which normally takes 2 to 3 months from receipt of a request at this Headquarters. In order to ensure receipt of separation orders reasonably well in advance of the requested date, the resignation should be submitted as early as possible within the aforementioned timeframe. In those cases where the resignation is received less than 4 months prior to the requested date, this Headquarters will reestablish the effective date to allow time for complete processing. In the event such delay was caused through no fault of the officer concerned, this Headquarters will expedite that request and attempt to meet the requested date or a date shortly thereafter.

a. Once an officer decides to resign, the following officer qualification record entry will be made:

"I request to resign my commission in the Marine Corps effective _____ (date) and (do)(do not) desire a Reserve commission."

/s/ (officer resigning)

b. Regardless of whatever counselling or series of interviews are required subsequent to the officer's declaration above, the unit diary translation of that

request should occur as soon as possible, but not later than 30 days after the date of the OQR entry. Submission of a unit diary request commences the resignation process as far as this Headquarters is concerned.

c. Officers serving on an overseas tour will normally not be allowed to resign prior to completion of that tour as defined in the current edition of MCO 1300.8. Officers desiring to request resignation from an overseas duty station and who are eligible may elect one of the following options:

(1) Request resignation coincident with rotation tour date.

(2) Return to CONUS rotation tour date and serve a minimum of 1 year at the next duty station before resigning.

Those officers who are ineligible to resign at RTD, but who will become eligible in less than a year thereafter and who desire to resign when first eligible may either extend their tour to coincide with the requested date of resignation or elect the second option in subparagraph 5002.4c above. Officers resigning in accordance with this subparagraph will return to CONUS (MCC W95) not later than 10 days prior to the requested date of resignation unless they have notified the Commandant of the Marine Corps (Code MMSR-3) that separation overseas is desired.

d. In the event circumstances preclude submission of a request for resignation via the unit diary, an officer may submit a letter request in the format shown in figure 5-1. Letter requests in addition to the unit diary request are required in the following instances:

(1) When an officer is requesting a waiver of any of the criteria set forth in subparagraphs 5002.2 and 5002.3 above, he/she must justify it on the grounds of undue hardship. Such requests must include the information required by subparagraph 6014.6 of this Manual and must clearly establish that a situation exists which is not of a temporary nature susceptible to relief by other means and where approval of the resignation is the only means readily available for the alleviation of the hardship.

(2) When an officer has requested a Reserve commission but is not recommended for one by his/her commanding officer.

(3) When the officer is requesting resignation in lieu of a recommendation for administrative separation or for the good of the service in accordance with subparagraph 5001.7 above.

In cases as the above, it is imperative that the letter request be expeditiously forwarded so that they are not processed as normal requests.

e. The reporting unit will be advised of receipt of an officer's request for resignation via the UTR. Similarly it will be notified once a request is approved. Orders will be issued as described in paragraph 5010 below.

5. 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.

6. 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 is considered 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 appointment, 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 MMCP) 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 and whose application has been reviewed and accepted by the Commandant of the Marine Corps (Code MMOA) will be appointed to an enlisted pay grade 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 5002.2, above, apply in the case of an officer who is appointed in the Regular Marine Corps.

◆ b. When a woman officer who is pregnant, requests separation in accordance with the current edition of MCO 5000.12.

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 will complete 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 may submit her resignation in accordance with the current MCO 5000.12 and this Manual.

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 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 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 1st 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.

Handwritten text, possibly a signature or name, oriented vertically on the right side of the page.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 6

DISCHARGING OF ENLISTED PERSONNEL

	<u>PARAGRAPH</u>	<u>PAGE</u>
GENERAL	6001	6-3
TYPES AND REASONS FOR DISCHARGE OR RELEASE FROM ACTIVE DUTY	6002	6-7
HONORABLE DISCHARGE	6003	6-13
GENERAL DISCHARGE	6004	6-14
DISCHARGE UNDER OTHER THAN HONORABLE CONDITIONS	6005	6-15
BAD CONDUCT DISCHARGE	6006	6-17
DISHONORABLE DISCHARGE	6007	6-17
TABLE OF MATTERS RELATING TO DISCHARGES OR RELEASES FROM ACTIVE DUTY	6008	6-18
DISCHARGE FOR EXPIRATION OF ENLISTMENT OR FULFILLMENT OF SERVICE OBLIGATION	6009	6-19
DISCHARGES AT SEA	6010	6-19
DISCHARGE FOR PHYSICAL DISABILITY	6011	6-19
DISCHARGE OR RELEASE FROM ACTIVE DUTY FOR CONVENIENCE OF THE GOVERNMENT	6012	6-20
NOT USED	6013	6-28c
DISCHARGE FOR DEPENDENCY OR HARDSHIP	6014	6-28c
DISCHARGE BY REASON OF MINORITY	6015	6-31
DISCHARGE FOR UNSUITABILITY	6016	6-33
DISCHARGE BY REASON OF MISCONDUCT	6017	6-38
INSTRUCTIONS FOR PROCESSING DISCHARGES BY REASON OF MISCONDUCT	6018	6-41
DISCHARGE ADJUDGED BY SENTENCE OF COURT-MARTIAL	6019	6-42a
DISCHARGE BY REASON OF SECURITY	6020	6-43
REQUEST FOR DISCHARGE FOR THE GOOD OF THE SERVICE	6021	6-43
DISCHARGES OF PACIFIC AND ATLANTIC OCEAN AREA SECURITY FORCES PERSONNEL	6022	6-45
RIGHTS OF RESPONDENT	6023	6-45
ADMINISTRATIVE DISCHARGE BOARDS	6024	6-49
ADMINISTRATIVE DISCHARGE BOARD PROCEEDINGS	6025	6-61
SUSPENSION AND VACATION OF SUSPENSION OF APPROVED ADMINISTRATIVE DISCHARGES	6026	6-62
STAFF JUDGE ADVOCATE ACTION	6027	6-66

FIGURES

6-1	TABLE OF MATTERS RELATING TO DISCHARGES OR RELEASES FROM ACTIVE DUTY	6-18
6-2	LETTER OF NOTIFICATION FOR AN EXPEDITED DISCHARGE	6-69
6-3	RETURN ENDORSEMENT FOR AN EXPEDITED DISCHARGE	6-70

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 excluding 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, and unless otherwise directed or approved by the Commandant of the Marine Corps (Code MMSR), the phrase "Marine general officer 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 jurisdiction 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 non-availability 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 transmissible 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 nine general basis for administrative discharge, as specifically set forth in subparagraphs 6002.2a through 6002.2i.

(2) In increasing order of favorability to a member, the general basis 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:

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):

<u>Types of Discharge</u>	<u>Character of Separation</u>	<u>Given by</u>
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 basis for discharge; the first nine are the general basis 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 with an honorable or general discharge, as warranted by the member's military record. See paragraph 6016.
- g. Misconduct. Discharge with a discharge under other than honorable conditions, unless the circumstances in a given case warrant a general or honorable discharge. See paragraphs 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 nonjudicial 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 nonjudicial 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 nonjudicial 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's 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, when a member is in a disciplinary status, including the preliminary determination to administratively 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 omission(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, nonjudicial punishment(s) may be imposed for acts or omissions falling within the purview of such subparagraphs as 6012.2a(2) and 2a(3), 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 conviction(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 6017 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 6001.50, 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 Commandant of the Marine Corps (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, 6003.1b and 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, 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 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 jurisdiction 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 6003.1e(1) through 6003.1e(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 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.

b. The Marine has requested a discharge for the good of the service to escape trial by court-martial.

◆ c. The Marine has waived the right to have his/her case considered by an administrative discharge board.

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's in charge 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 legal 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 MMSR) 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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)	TRANSPORTATION IN KIND (a)	ISSUE CIVILIAN CLOTHING (b)	CASH ALLOWANCE (c)	RETAIN AND WEAR UNIFORM HOME (d)	REENLISTMENT BONUS RECOUPMENT (e)
Expiration of Enlistment or Fulfillment of Service Obligation as Applicable	Par. 6009 or 8002	Par. 6002 6003 6004	Honorable	DD 256-MC						
			or Under Honorable Conditions	DD 257-MC	Yes	No	No	No	Yes	No
Convenience of the Government	Par. 6012	Par. 6002 6003 6004	Honorable	DD 256-MC						
			or Under Honorable Conditions	DD 257-MC	Yes	No	No	No	Yes	No (E)
Dependency or Hardship	Par. 6014	Par. 6002 6003 6004	Honorable	DD 256-MC						
			or Under Honorable Conditions	DD 257-MC	Yes	No	No	No	Yes	No
Minority	Par. 6015	Par. 6002 6003 6004	Honorable	DD 256-MC						
			or Under Honorable Conditions	DD 257-MC	Yes	No	No	No	Yes	No
Disability	Par. 6011	Par. 6002 6003 6004	Honorable	DD 256-MC						
			or Under Honorable Conditions	DD 257-MC	Yes	No	No	No	Yes	No (g)
Unsuitability	Par. 6016	Par. 6002 6003 6004	Honorable	DD 256-MC						
			or Under Honorable Conditions	DD 257-MC	Yes	No	Yes	No	No	No
Misconduct	Par. 6017	Par. 6002 6003 6004 6005	Honorable	DD 256-MC						
			or Under Honorable Conditions	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	DD 256-MC						
			or Under Honorable Conditions	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	DD 256-MC						
			or Under Honorable Conditions	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	DD 259-MC						
			or Dishonorable	DD 26Q-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 incurred 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 5002.6.

(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. (See subparagraph 6012.4.)

(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. (See subparagraph 6012.4.)

(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. (See subparagraph 6012.4.)

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 8011.2.

(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 non-availability for worldwide assignment as a result of parenthood.

k. At the individual Marine's written request, to permit transfer, in an active duty status, to the U.S. Navy as a Religious Program Specialist for the purpose of supporting those chaplains serving with either the U.S. Navy or U.S. Marine Corps. Marines requesting discharge pursuant to this subparagraph will submit their requests to the Commandant of the Marine Corps (Code MMSR) via the chain of command and must certify that he/she:

(1) Possesses a high school diploma or GED equivalent;

(2) Is eligible for access to classified information;

(3) Has not been convicted by a civilian or military court within the past 3 years;

(4) Has no speech impediments and has the ability to write effectively;

(5) Will have a minimum of 2 years active obligated service remaining as of the date of selection as a Religious Program Specialist and agrees to serve in the Navy the remainder of any obligated service he/she incurred while on duty in the U.S. Marine Corps. In the event the Marine does not have a minimum of 2 years active obligated service remaining, he/she must agree, both in the request and by signed page 11 service record book entry, to extend or reenlist for the minimum time required to meet this requirement;

(6) Has signed the following page 11 service record book entry: "I hereby volunteer for the Religious Program Specialist rating with the understanding that I will be required to be supportive of clergy and people of all faiths and will be assigned duties as an assistant to those chaplains serving with units of either the U.S. Navy or U.S. Marine Corps. I also acknowledge I may be required to undergo combat training."

In addition to the above, Marines may submit as enclosures any supplemental information that will assist in the evaluation of his/her request. Such supplemental information may include but is not limited to attendance at a related service school, civilian training or civilian work experience.

Commanding officers will ensure that Marines applying for discharge pursuant to this subparagraph are interviewed by a Navy chaplain and that a formal written recommendation from the chaplain is enclosed with the Marine's request. Commanding officers must include the following information in his/her forwarding endorsements:

- (1) Appropriate comment regarding the Marine's suitability for assignment to this rating;
- (2) Appropriate comment attesting to the Marine's moral character and ability/inability to function in harmony with other people;
- (3) Appropriate comment attesting to the Marine's support/nonsupport of equal opportunity programs;
- (4) Appropriate comment pertaining to the Marine's ability/inability to perform such duties as:
 - (a) Serving as the custodian of chapel funds,
 - (b) Training personnel involved in support of religious programs,
 - (c) Maintaining records of chapel funds, appropriated funds and property accounts in support of religious programs,
 - (d) Maintaining liaison with ecclesiastical and community agencies,
 - (e) Performing administrative, clerical and secretarial duties.

Marines should be counseled that the submission of a request for discharge pursuant to this subparagraph is no assurance that discharge will be authorized. Approval/disapproval of a request for discharge will be adjudged on the needs of the service. Marines serving on an enlistment for which a bonus was paid or authorized are not eligible to be discharged pursuant to this subparagraph prior to their expiration of enlistment.

2. Commanding generals of the Marine Corps recruit depots may authorize the retention or direct the administrative separation of recruits for the convenience of the Government in accordance with the following instructions. Recruits recommended for such discharge need not be referred to an administrative discharge board or aptitude board. Recruits discharged pursuant to this paragraph will be issued an honorable discharge and will be assigned an RE-3F reenlistment code (see also paragraph 6002.20).

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. In the event the commanding general determines that a recruit was enlisted or inducted pursuant to at least one of the below-listed conditions and that, due to his/her performance, he/she should be retained in the service, the commanding general may waive the defect in the recruit's enlistment and authorize his/her retention in the service provided the error would not have required a waiver by the Commandant of the Marine Corps during initial enlistment processing. If the defect required a waiver by the Commandant of the Marine Corps during initial enlistment processing, the case will be referred to the Commandant of the Marine Corps (Code MMSR-3) for disposition:

(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 35c, 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 35c, 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. The Commandant of the Marine Corps, all commanders exercising general court-martial jurisdiction and all district directors may direct the discharge for the convenience of the Government in the following instances:

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

(1) A transfer request to the same or nearby duty station has been submitted by the Marine to the Commandant of the Marine Corps (Code MMEA) and the request been denied. If both individuals are Marines, both must have requested and been denied transfer to the same or nearby duty station. In the latter case, however, only one of the individuals may be discharged pursuant to this subparagraph.

(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 the current edition of MCO 1300.8.

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

(4) The Marine(s) has completed 24 months service following completion of a service school if the length of the course was in excess of 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/she may apply for reenlistment 2 years from the date of discharge.

g. Commanding officers of ship's detachments are not authorized to approve/disapprove the discharge of Marines pursuant to this subparagraph. When recommending a Marine for discharge pursuant to this subparagraph, commanding officers of ship's detachments will forward the documentation described in subparagraphs 6012.5d and 6012.5e above to either the Commanding General, Fleet Marine Force, Atlantic or Commanding General, Fleet Marine Force, Pacific, as appropriate, for final decision. Should the appropriate commanding general approve the recommended discharge and upon receipt of such approval, the Marine will be immediately transferred to the nearest Marine Corps activity within the continental United States for discharge without referral to this Headquarters. Commanding officers of ship's detachments will ensure, however, that the Commandant of the Marine Corps (Code MMEA) is informed by message of a Marine's transfer for discharge pursuant to this subparagraph.

h. 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 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/daughters. (See current edition of MCO 1300.8.)

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

8. Subject to the satisfaction of all the requirements of this paragraph and consistent with the military obligation of the applicants, the Commandant of the Marine Corps may authorize certain enlisted personnel to be released from active duty prior to the expiration of active service for the purpose of pursuing their education via college, vocational school or technical school. As designed, this program is intended to be a limited program for particularly deserving Marines to assist them in full-time pursuit of a degree or in acquiring a vocational skill which will allow them to better compete in the employment market. This paragraph and the current edition of MCO 1900.2 shall be cited as authority for separation. When the date of discharge or release from active duty falls on a nonworking day, separation may be effected on the last preceding working day (see subparagraph 7002.7c).

a. Scope. The provisions of paragraph 6012.5 are applicable to all enlisted Marines with the exception of:

(1) Six-month trainees.

(2) Reservists ordered to active duty due to unsatisfactory participation as provided in 10 U.S.C. 673(a).

(3) Aliens seeking to qualify for citizenship by completion of 3 years active duty unless they are to be transferred to inactive duty in a Reserve component.

(4) Marines who have acquired additional obligated service due to advancement in rate or advanced training.

b. Criteria. The following criteria will be applied in making determinations governing the early release of enlisted Marines under this program:

(1) Marines serving under a 2-year obligated active service contract or agreement, who will have a Reserve obligation upon separation, will not be released until they have completed a minimum of 21 months active duty on their current term of service.

(2) The Marine's services must not be essential to the mission of the command.

(3) The latest acceptable registration date and class convening date of the school term for which the applicant seeks release must fall within the last 3 months of remaining service, except as provided by subparagraph 6012.5d(3).

(4) The applicant must:

(a) When applying for separation to attend institutions of higher education, furnish documentary evidence that they have been accepted for enrollment commencing with a specific school term in a recognized institution of higher education in a full-time resident course of instruction leading to an associate, baccalaureate, or higher degree and which includes all of the following information:

1 Accreditation status.

2 The course to be pursued requires full-time attendance and leads to an associate, baccalaureate or higher degree. Full-time attendance is considered a minimum of 12 hours per semester.

3 The applicant has been accepted without qualification.

4 The latest date of registration for the specified school term.

5 The convening date of class for the specified school term.

6 The registration and class convening date of the next succeeding school term.

(b) When applying for separation to attend a vocational/technical school, present documentary evidence which establishes:

1 The school's specific accreditation status, including date such status was acquired and the name of the accrediting agency or association granting such accreditation. A recognized school is one which is approved by the cognizant State Board of Vocational Education, or is accredited by a nationally recognized accrediting agency or association listed by the U.S. Commissioner of Education.

2 The applicant has been accepted without qualification.

3 The specified school term is a full-time resident course of instruction of no less than 3 months' duration.

4 The latest registration date and class convening date for the next class.

5 The latest registration date and class convening date for the school term in which the applicant is accepted.

6 That they have paid or have the ability to pay full tuition for the first school term, as opposed to an entrance fee only. This is to ensure that the early release program is not used as a means of avoiding further service.

(c) Regardless of whether the applicant desires to attend an institution of higher education or a vocational/technical school he/she must furnish documentary evidence that he/she has been accepted without qualification. The words "without qualification" means that the applicant must be accepted for admission without being subject to any further approval by the school prior to his/her entrance. A statement that an applicant is admissible subject to a review of his/her records, or subject to passing an entrance examination, qualifies such acceptance and does not meet the requirements for early release. On the other hand, an applicant who is accepted on probation does meet the requirements for early release as he/she will be permitted to begin the specified course of instruction at the school. The term "full-time resident course of instruction" means that the applicant must take the minimum number of credit hours for the semester, quarter or term that is considered by the school to be full-time course instruction, and does not include night school.

(d) It is not the intent of this early release program to authorize release for attending summer school sessions at various colleges so that the Marine may make up deficiencies to prepare himself/herself for enrollment in classes during the regular semesters at these schools. It is recognized that certain schools now operate on a year-round basis. Summer sessions at such institutions constitute full-time courses of instruction. In the event a determination cannot be made the application will be forwarded to the Commandant of the Marine Corps (Code MMSR-3) in accordance with subparagraph 6012.5e.

(e) The applicant must clearly establish why the specific school term for which he/she seeks release is academically the most opportune time for him/her to begin or resume his/her education and why delay of enrollment until normal expiration of service would cause undue handicap, if any.

(f) The applicant must certify in the application and by entry on page 11 of the service record book that he/she understands that he/she is subject to possible recall to active duty and/or presecution for fraudulent separation if he/she does not fulfill the specific purpose for which the early release was granted.

(g) The Marine's performance, as evidenced by his/her service record book, must be such that he/she would be eligible for an honorable discharge.

c. Applications. Marines who meet the criteria set forth above and who have obtained the required substantiating documentation may submit an application via the chain of command to the Commandant of the Marine Corps (Code MMSR-3).

(1) The effective date of separation must be within the 3-month period prior to the applicant's normal expiration of active-obligated service or involuntary extension thereof, and, within this limitation not normally earlier than 10 days prior to the class starting date prescribed by the institution and in no event will exceed 30 days prior to such starting date. The normal expiration of active-obligated service is the date on which the applicant would normally be eligible for release from active duty. It is not the "advanced" separation date established by any other early separation program which might be in effect.

(2) The Marine's immediate commanding officer will ensure that all the criteria have been clearly met, that the information contained in the request is accurate and by endorsement will submit, at the minimum, the following:

(a) A definite recommendation (i.e., either for approval or disapproval).

(b) Applicant's normal EAS, PEBD, and current leave balance.

(c) Certification that the applicant will be eligible for an honorable discharge.

(d) Certification that the applicant is not requesting early separation to avoid service.

(e) Any other information deemed appropriate based upon the recommendation made. For example, information submitted in support of a Marine's request for waiver of one or more of the criteria in subparagraph 6012.5b.

(3) Applications should be submitted early enough to reach the Commandant of the Marine Corps (Code MMSR-3) at least 4 weeks prior to the requested date of separation to allow time for review, request for additional information, if necessary, decision, and further to guarantee adequate time for separation processing at the parent unit. Marines applying from overseas commands should apply at least 2 weeks earlier, if possible, to ensure timely return to CONUS in the event their requests are approved.

(4) Once it is determined that the Marine qualifies for early separation, this Headquarters will authorize separation for the convenience of the Government. The effective date of separation will not normally be earlier than 10 calendar days prior to the class starting date as prescribed by the school or institution.

(a) Leave while awaiting separation, as authorized by MCO P1050.3E, may be granted by commanders, in conjunction with an early release to attend college. In no event will an effective date of release from active duty be authorized for a date earlier than 90 days in advance of the normal expiration of active service unless specifically authorized by the Commandant of the Marine Corps (Code MMSR-3).

(b) Marines returned from overseas who are required to move their families to the location of the educational institution may, on submitting specific evidence that the period between the separation date specified above and the class starting date is insufficient, be released up to 30 days prior to the day classes convene.

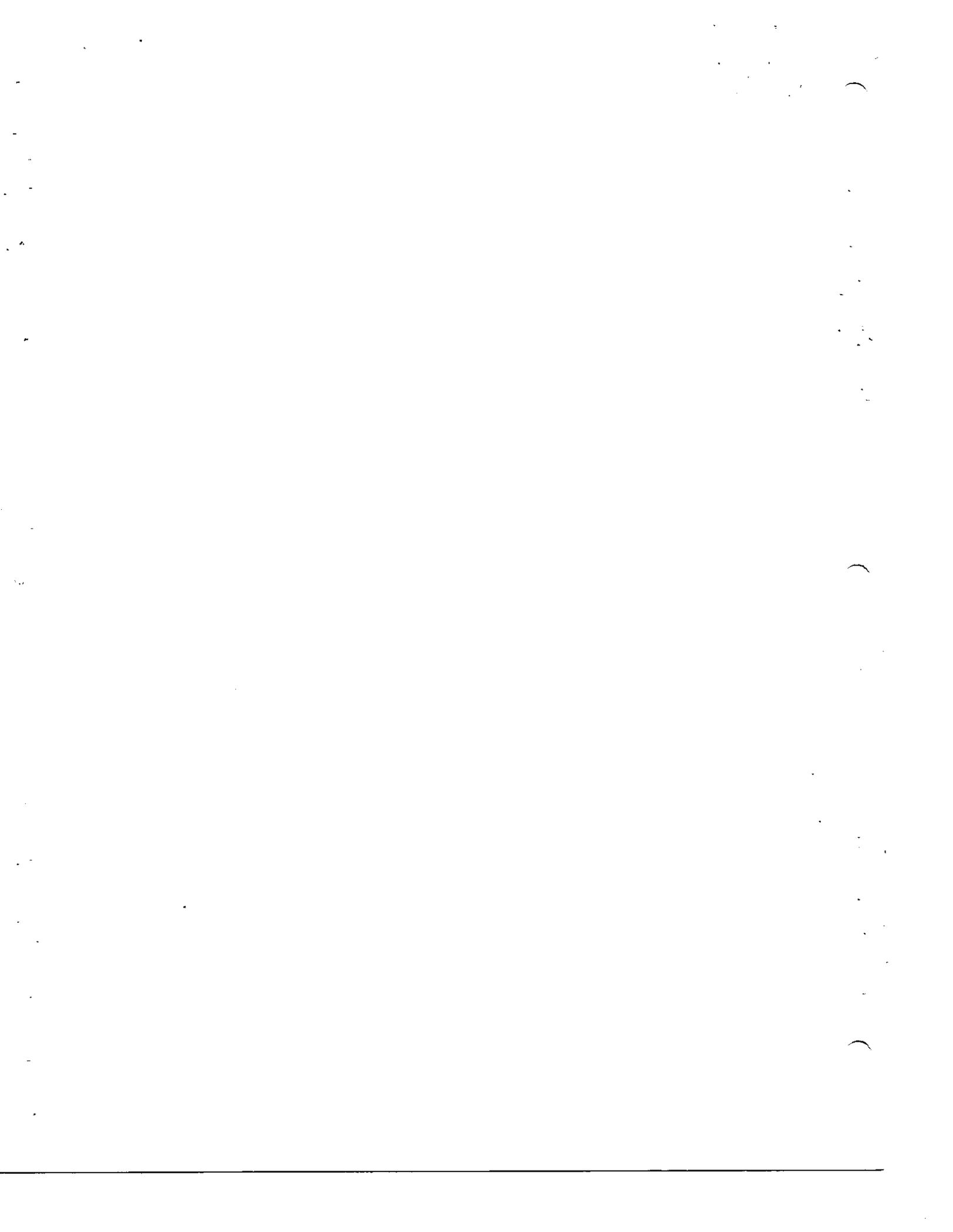
d. Exceptions and Waivers. The requirement for an applicant to be eligible for an honorable separation and the maximum permissible early release, not to include leave, of 3 months, (90 days) will not be waived. Cases in which there is a question as to eligibility for early release will be forwarded to the Commandant of the Marine Corps (Code MMSR-3) for final determination.

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 excessive 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 member of the family has 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. Unless otherwise considered warranted by the appropriate discharge authority, Marines applying for discharge by reason of hardship or dependence will not be provided the opportunity to present his/her case to a board for consideration. The decision to approve or disapprove the Marine's request will be based solely upon the documentation provided by the Marine. In the event the discharge authority determines the circumstances of a particular case warrant its referral to a board, 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. Marines who have been granted temporary additional duty with a unit for the purpose of applying for a hardship discharge will not be provided the opportunity to appear before a hardship discharge board due to the time constraints in which his/her request must be resolved.

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 and a board is considered vital, 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 (Code MSRB-10). (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 proposed 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 inept 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 5355.2, or a member's volunteering for treatment for a drug problem, pursuant to enclosure (4) of MCO 5355.3, 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, 6016.1g and 6016.1h 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 prescribed 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. In those cases in which the Marine's record does not contain evidence to indicate that he/she has been notified of his/her deficiencies and counseled concerning them, the documentation forwarded to the discharge authority will contain appropriate rationale citing the reason(s) for the lack of counseling and the action(s) taken by the command to assist the Marine in overcoming his/her deficiencies.

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 of 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; 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 where the Marine concerned has 8 or more years of active and inactive military service, the Marine will be advised of his/her rights as set forth in paragraph 6023 below and those rights will be recorded as specified therein.

(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.

c. All cases involving a recommendation for discharge by reason of unsuitability by reason of failure to conform to weight standards subsequent to a supervised weight control program as prescribed in the current edition of MCO 6100.3 must include the following:

(1) The letter complete with all endorsements which initiated the Marine's weight control program or a certified copy thereof.

(2) A record of biweekly weigh-ins as required by MCO 6100.3G. This may be a reproduced copy of whatever chart, form, or document a command uses or may be transcribed and reported in the text of the basic letter recommending discharge.

(3) The record of counselling which reflects that the Marine was advised when his/her progress was not as prescribed. This record may be in the form of standard page 11 entries in the Marine's service record or any local method which meets the requirements of advising the Marine of his/her deficiency and recording his/her acknowledgement.

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 subject to the following additional instructions.

a. Sexual Perversion. When sexual perversion is the specific basis for the proposed discharge, only the Commandant of the Marine Corps (Code MMSR-3) may authorize or direct the Marine's retention in or discharge from the service. When sexual perversion is present but the specific basis for discharge should be one of the reasons listed in subparagraph 6017.2b, 6017.2c, 6017.2e or 6017.2f, below, the local discharge authority may direct the Marine's discharge without referral to this Headquarters except for review as required by subparagraph 6005.8 of this Manual.

b. Procurement of a Fraudulent Enlistment, Induction or Period of Active Service. Except as provided in subparagraph 6017.1c below, the Commandant of the Marine Corps and all Marine commanders exercising general court-martial jurisdiction may direct the discharge of Marines who procure a fraudulent enlistment, induction or period of active service. In those cases in which the local discharge authority determines the Marine should be retained, all Marine commanders exercising general court-martial jurisdiction may waive the Marine's fraud and authorize his/her retention in the service provided the existing defect could have been waived by a commanding general of a Marine Corps recruit depot or lower authority during initial enlistment processing. If the defect could not have been waived by a commanding general of a recruit depot, the case must be referred to the Commandant of the Marine Corps (Code MMSR-3) for disposition. The Standard Form 93 shall not be used as a basis for processing a recruit for discharge due to the procurement of a fraudulent enlistment.

c. Procurement of a Fraudulent Enlistment, Induction, or Period of Active Service Through the Concealment of Preservice Homosexual Act(s) or Tendencies. With the exception of recruits, all cases involving the procurement of a fraudulent enlistment through the deliberate material misrepresentation or concealment of a preservice homosexual act(s) or tendencies must be referred to the Commandant of the Marine Corps (Code MMSR-3) for disposition. 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) or tendencies at such time as the information is corroborated with the Naval Investigative Service.

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 MCO 5355.2 or not attributed to a Marine's volunteering for treatment pursuant to MCO 5355.3. 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 6015.8. 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 6012.2a(2).

(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 preservice 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 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.

(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. In those cases in which the Marine's record does not contain evidence to indicate that he/she has been notified of his/her deficiencies and counseled concerning them, the documentation forwarded to the discharge authority will contain appropriate rationale citing the reason(s) for the lack of counseling and the action(s) taken by the command to assist the Marine in overcoming his/her deficiencies.

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.

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 paragraph 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 commander 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 reason of misconduct by an administrative discharge board convened under the provisions of paragraph 6024 or those Marines who have been recommended for administrative discharge by reason of misconduct 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 MMSR) 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 discharge 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 Fl050.3 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/she shall be transferred to a disciplinary command if he/she meets the established criteria for transfer to such a command; otherwise he/she 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;

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 AND ATLANTIC OCEAN AREA SECURITY FORCES PERSONNEL. The Commanding Generals, Fleet Marine Force, Pacific, and Fleet Marine Force, Atlantic, shall exercise such administrative control over matters relating to administrative discharges involving enlisted Marines of the Marine Corps Security Forces, Pacific Ocean Area and Marine Corps Security Forces, Atlantic Ocean Area, respectively, as is otherwise delegated to all Marine commanders exercising general court-martial jurisdiction in accordance with this chapter.

6023. RIGHTS OF RESPONDENT. A Marine processed for separation pursuant to paragraphs 6012, 6015, 6016, 6017, 6020, and 6021 shall be tendered the advice and afforded rights as prescribed below:

1. Honorable Discharge. A Marine may not be separated with an honorable discharge unless he/she has been:

a. Notified of the proposed discharge action, the general and specific basis therefor and the type of discharge certificate that may be issued; and

b. Given the opportunity either to submit a statement in rebuttal to the proposed discharge action or to decline to make a statement.

2. General Discharge. A Marine may not be separated with a discharge under honorable conditions unless he/she has been:

a. Notified of the proposed discharge action, the general and specific basis therefor and the type of discharge certificate that may be issued;

b. Given the opportunity either to submit a statement in rebuttal to the proposed discharge action or to decline to make a statement;

c. Given the opportunity to consult with a judge advocate prior to exercising or waiving any of his/her rights in connection therewith. (In isolated commands which do not have a judge advocate in the local area, this consultation with a judge advocate may be accomplished telephonically.); and

d. Advised that it is in his/her best interest to consult with a judge advocate prior to waiving any of his/her rights in connection therewith.

3. Other than Honorable Discharge or 8 Years of Service. A Marine may not be separated with a discharge under other than honorable conditions or, if the Marine has 8 or more years of active and inactive service, with a discharge, regardless of character, by reason of unsuitability or misconduct unless he/she has been:

a. Notified of the proposed discharge action, the general and specific basis therefor and the type of discharge certificate that may be issued;

b. Notified of and explained to his/her understanding the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records;

c. Given the opportunity to consult with a judge advocate prior to exercising or waiving any of his/her rights in connection therewith. (In isolated commands which do not have a judge advocate in the local area, this consultation may be accomplished telephonically.);

d. Advised that it is in his/her best interest to consult with a judge advocate prior to waiving any of his/her rights;

e. If the right to an administrative discharge board is waived, given the opportunity to submit a statement in rebuttal to the proposed discharge action; and

f. Given the right to have his/her case considered by an administrative discharge board as described in paragraph 6024 below and in connection therewith, given the following rights:

(1) Subject to the Marine's ability, the right to appear in person before the board (see paragraph 6024.7a). For Marines not under military control or Marines who are members of the Marine Corps Reserve on inactive duty, appearance before the board will be at no cost to the Government.

(2) The right to be represented before such board by counsel, if reasonably available, as set forth in paragraph 6024.6 below;

(3) If the respondent is not available and consequently cannot appear in person before the board, the right to have his/her counsel represent him/her before the board (see paragraph 6024.7a);

(4) The right to make a sworn or unsworn statement before the board (see paragraphs 6024.3b and 6024.7c);

(5) The right to challenge voting members of the board for cause (see paragraph 6024.31);

(6) The right to examine evidence presented to the board (see paragraph 6024.7b);

(7) The right to cross-examine witnesses appearing before the board (see paragraph 6024.3q);

(8) The right to submit evidence before the board (see paragraph 6024.7e);

(9) The right to make final argument before the board (see paragraph 6024.3r); and

(10) The right, upon written request to the convening authority, to be provided with a copy of the report of the board and the endorsements thereon.

4. Requests for Discharge Pursuant to Paragraph 6021. A Marine who requests discharge pursuant to paragraph 6021 will be:

a. Advised that if such request is accepted, he/she may receive a discharge under other than honorable conditions without administrative discharge board action;

b. Advised of the adverse nature of such a discharge and the possible consequences thereof;

c. Notified of and explained to his/her understanding the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records;

d. Given the opportunity to consult with a judge advocate prior to submission of such request; and

e. Advised that it is in his/her best interest to consult with a judge advocate prior to submission of such request.

5. Notification and Recordation. A Marine being processed for administrative discharge will be advised in writing of the rights and information specified in paragraphs 6023.1 through 4, as applicable.

a. For a Marine under military control, the record of administrative discharge proceedings will include either the following or certification by an officer that the required action has been taken:

- (1) A copy of the written advice tendered to the Marine;
- (2) 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, if appropriate;
- (3) The Marine's written acknowledgement that he/she was given and understands the advice tendered;
- (4) The Marine's written waiver, if any, of rights in connection with the discharge proceedings; and
- (5) The Marine's statement regarding his/her decision to consult with a judge advocate prior to exercising or waiving any of his/her rights and, if applicable, the name of the judge advocate consulted.

b. For a Marine not under military control or a Marine who is a member of the Marine Corps Reserve on inactive duty, the written advice will include a statement that failure to respond within a reasonably prescribed time period will be considered as a waiver of those rights and that the Marine will not be given an opportunity to exercise those rights later. For such Marines, the advice will be mailed by registered or certified mail to one or more of the following:

- (1) The mailing address which the records of the command reflect is the Marine's current mailing address;
- (2) The Marine's home of record;
- (3) The civil institution where the Marine is confined;
- (4) Any institution in which the Marine has been reported to be hospitalized;
- (5) In care of any person whom the Marine, at any time, has designated as a beneficiary or one to be notified in the event of serious injury or death;
- (6) Any other address or post office at or from which it is believed that official mail will be received by or forwarded to the Marine.

c. For a Marine not under military control or for a Marine who is a member of the Marine Corps Reserve on inactive duty, the record of administrative discharge proceedings will include:

- (1) A copy of the written advice tendered to the Marine;
- (2) Certification as to the date the advice was delivered or mailed and the address(es) to which the advice was mailed;

(3) The complete reply of the Marine or his/her next of kin or agent to the written advice, or a certification that no reply to the advice was received;

(4) Evidence that the advice mailed to the Marine was delivered, not delivered or undeliverable; and

(5) The Marine's written waiver, if any, of rights in connection with the discharge proceedings.

6. Special Considerations

a. Regardless of the recommendations of subordinate commanders, the discharge authority may refuse the waiver of a Marine's right to an administrative discharge board and refer the Marine's case for consideration before an administrative discharge board.

b. A Marine processed for discharge pursuant to paragraphs 6017.2a(2) or 6016.1f for homosexual acts or tendencies has the right, and must be informed of the right, to have his/her case reviewed by the Secretary of the Navy prior to discharge.

c. A Marine may not be discharged while in an unauthorized absence status without approval of the Commandant of the Marine Corps (Code MMSR).

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 administration, 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.

1. 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 testify 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 non-availability 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 certifying the nonavailability of lawyer counsel as contemplated

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 proceedings, 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 the Commandant of the Marine Corps (Code 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 MMSR) 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, or misconduct 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, 6023.2c, 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 6017, 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, or misconduct. 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-martial 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 jurisdiction 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 administrative 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 misconduct, 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(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/an 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 circumstances 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 7

GENERAL INSTRUCTIONS FOR SEPARATIONS

	<u>PARAGRAPH</u>	<u>PAGE</u>
TIME AND PLACE OF SEPARATION	7001	7-3
EFFECTIVE TIME OF SEPARATION	7002	7-5
CATEGORIES FOR DISCHARGE AT DUTY STATIONS WITHIN THE UNITED STATES	7003	7-6
TRAVEL UPON SEPARATION	7004	7-7
RETENTION IN SERVICE TO LIQUIDATE INDEBTEDNESS	7005	7-8
PHYSICAL EXAMINATIONS, TREATMENT AND PROCEEDINGS	7006	7-8
GOVERNMENT PROPERTY	7007	7-8
UNIFORMS AND CLOTHING	7008	7-8
ACCRUED LEAVE	7009	7-9
PAY ACCOUNTS	7010	7-9
CAREER ADVISORY INTERVIEWS	7011	7-9
ADDRESS OF DIRECTOR, MARINE CORPS RESERVE FORCES ADMINISTRATIVE CENTER	7012	7-9
PREPARATION OF DISCHARGE CERTIFICATES	7013	7-10
DELIVERY OF DISCHARGE CERTIFICATES	7014	7-10
ARMED FORCES OF THE UNITED STATES REPORT OF SEPARATION FROM ACTIVE DUTY (DD 214) (MC)	7015	7-10
HONORABLE DISCHARGE BUTTONS	7016	7-10
WEARING OF UNIFORM AFTER DISCHARGE	7017	7-10
NATIONAL SERVICE LIFE INSURANCE AND INSURANCE UNDER THE INSURANCE ACT OF 1951	7018	7-10
BENEFIT PAMPHLET	7019	7-11
WARNING TO MARINES NOT ELIGIBLE FOR REENLISTMENT	7020	7-11
CLOSING OUT SERVICE RECORD BOOK	7021	7-11
FORWARDING SERVICE RECORD BOOK	7022	7-11
DELIVERY OF BAGGAGE AND PERSONAL EFFECTS	7023	7-11

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

	<u>PARAGRAPH</u>	<u>PAGE</u>
VOID ENLISTMENTS	7024	7-11
NOTIFICATION TO IMMIGRATION AND NATURALIZATION SERVICE	7025	7-12
SEPARATION OF ALIENS	7026	7-12a
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	7027	7-14

FIGURE

7-1. DEPENDENT TRAVEL CERTIFICATE SEPARATION WITHOUT ORDERS	7-15
---	------

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. Independent units which do not have an organic disbursing office will effect an approved administrative discharge not later than 20 working days from the time of receipt of the discharge order.

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. 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.
3. Honorable discharge lapel buttons may be obtained through normal supply channels and are stocked under Federal stock number 8455-543-7096.

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. The provisions of 10 U.S. Code, Sections 504 and 505, prohibit enlistment of persons who are insane, intoxicated, below the age of 17, or below the age of 18 without the written consent of his/her parent or guardian if he/she has a parent or guardian entitled to his/her custody. These statutes also prohibit the enlistment, except as authorized by the Secretary concerned of deserters and persons convicted of felonies. Additionally, the U.S. Court of Military Appeals has held that, under certain circumstances, an enlistment may be void ab initio for the purposes of jurisdiction under the Uniform Code of Military Justice.

1. The following disposition will be made in cases in which a Marine's enlistment falls in one of the above mentioned categories:

a. Cases in which the Marine was enlisted while insane, intoxicated or under the age of 17 years shall be forwarded to the Commandant of the Marine Corps (Code MSRB) for disposition unless the statutory defect is no longer present. If the statutory defect is no longer present, process the Marine for discharge/retention in accordance with other provisions of this Manual.

t. Cases in which a Marine was enlisted under the age of 18 without the required parental consent will be resolved in accordance with paragraph 6015 above.

c. Cases in which a Marine who had been convicted of a felony or who was a deserter from another Armed Force was enlisted without the required waiver will be resolved in accordance with paragraph 6012.1e, 6017.2h or 6017.3b of this Manual.

d. Cases in which it is determined by a court-martial or a commander authorized to separate Marines under other than honorable conditions that no jurisdiction under the UCMJ exists over the Marine will be resolved in accordance with paragraph 6012.1e, 6015, ~~6017.2h~~, 6017.3b and 7024.1a of this Manual, as appropriate. In such cases, the Marine may be retained in the Marine Corps only if:

(1) The individual is warned of his/her rights under Article 31, UCMJ, and documentation reflecting the receipt of such warning is placed in the Marine's service record book (a form similar to the one found in Appendix A-1-n(1) of JAGINST 5800.7B may be used.);

(2) The Marine reads, understands and signs the following entry made on page 11 of his/her service record book: "Having been advised of my rights under Article 31, UCMJ and paragraph 140 A(2) of the Manual for Courts-Martial, I hereby acknowledge that a defect existed in my enlistment processing which, if known, may have otherwise made me ineligible for enlistment. I understand that current regulations provide that this defect may be waived and that I may be allowed to complete my enlistment contract. I desire to complete my enlistment and request that the defect be waived in my case. If this request is approved, I agree to complete my contract with the understanding that I am subject to the Uniform Code of Military Justice.";

(3) The service record entry above is witnessed by the Marine's commanding officer or officer in charge;

(4) The separation authority waives the defect in the Marine's case and authorizes his/her retention in the Marine Corps; and

(5) The following entry on page 11 of the Marine's service record book is completed: "The (CMC/CG _____) waived the defect in this case and authorized (individual's name) retention in USMC."

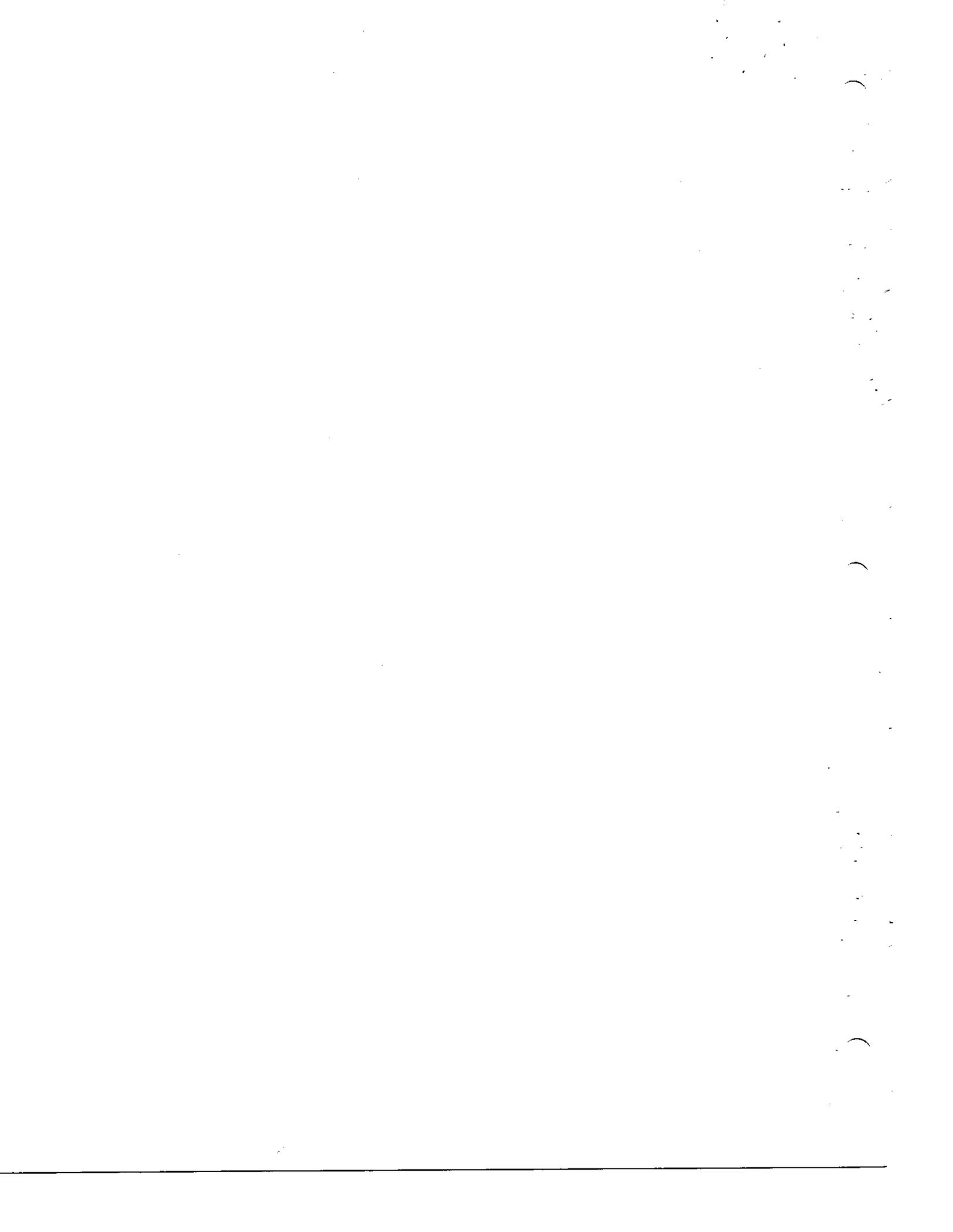
7025. NOTIFICATION TO IMMIGRATION AND NATURALIZATION SERVICE

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, i.e., hardship or for the convenience of the Government under the provisions of an early release program, 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 grounds that he/she 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Organization and Station)

(Date)

◆ In connection with transportation of dependents and household goods, I certify that the service and personal financial records of (grade of 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)

◆ 8. Favorable dependency determination for the following person(s) has been made as evidenced by the current copy of the Dependency Application (NAVMC 1092) dated _____ and contained in the Marine's service record:

<u>NAME (LAST, FIRST, MI)</u>	<u>RELATIONSHIP</u>	<u>DOB</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Signature of commanding officer)

Figure 7-1.--Dependent Travel Certificate Separation Without Orders.

(

,

,

,

(

,

,

,

,

(

,

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 9

RETIREMENT OF ENLISTED MARINES INCLUDING TRANSFER TO THE FLEET
MARINE CORPS RESERVE

	<u>PARAGRAPH</u>	<u>PAGE</u>
GENERAL	9001	9-3
CREDITABLE SERVICE	9002	9-3
ELIGIBILITY FOR RETIREMENT OF ENLISTED MARINES.	9003	9-4
ELIGIBILITY FOR TRANSFER TO FLEET MARINE CORPS RESERVE	9004	9-4
PHYSICAL EXAMINATIONS	9005	9-6
◆ APPLICATION FOR RETIREMENT OR TRANSFER TO THE FLEET MARINE CORPS RESERVE (FMCR)	9006	9-7
◆ RECEIPT OF REQUEST FOR RETIREMENT AND TRANSFER TO FLEET MARINE CORPS RESERVE	9007	9-8
◆ TRANSFER ORDERS TO THE FLEET MARINE CORPS RESERVE AND RELEASE FROM ACTIVE DUTY	9008	9-8
◆ RETIREMENT ORDERS	9009	9-9
◆ RETIREMENT AND FLEET MARINE CORPS RESERVE CERTIFICATES AND BUTTONS	9010	9-9
RETIREMENT CEREMONY	9011	9-9
◆ ACCRUED LEAVE	9012	9-10
RETIRED GRADE	9013	9-10
GRADE WHILE MEMBER OF THE FLEET MARINE CORPS RESERVE . .	9014	9-10
RETIRED PAY	9015	9-10
FLEET MARINE CORPS RESERVE RETAINER PAY	9016	9-10
◆ PAY ACCOUNTS	9017	9-11
◆ CURRENT ADDRESS AND RESIDENCE OF RETIRED ENLISTED MARINES	9018	9-11
RETIREMENT OF MEMBERS OF THE FLEET MARINE CORPS RESERVE	9019	9-11
ENLISTED MARINES ON THE RETIRED LIST	9020	9-12

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

	<u>FIGURES</u>	<u>PAGE</u>
9-1	TRANSFER TO THE FLEET MARINE CORPS RESERVE	9-13
9-2	RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE RETIRED LIST	9-16

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 non-commissioned 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 1st 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 1st 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. Additionally, enlisted Marines who have successfully completed a military or civilian course of a duration of 19 weeks or less will not normally be approved for transfer to the FMCR prior to the completion of 12 months active duty following completion of the course.

8. Exceptions to the above management policies will be made only when one of the following conditions exists: (Forthcoming changes to MCO P1080.35C will incorporate appropriate unit diary entry for requesting waiver of set policy for retirement/transfer FMCR).

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 month or the date the enlistment expires.

9005. PHYSICAL EXAMINATIONS

1. Marines contemplating retirement or transfer to the Fleet Marine Corps Reserve should 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. 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. Request for retirement and transfer to the FMCR will be submitted by the reporting command via the unit diary in accordance with paragraph 8129 of MCO P1080.35C (PRIM). In addition, the Marine requesting retirement/transfer to the FMCR will be required to sign the following entry on the administrative remarks page of the service record book (SRB). "I request (retirement) (transfer to the FMCR) effective date, (retirements for 30 years active service must be the 1st day of the month. Effective date of transfer to the FMCR may be the Marine's expiration of active service (EAS) or the last day of the month). Requests for retirement and transfer to the FMCR will be submitted not more than 14 months and not less than 3 months prior to the requested date.

2. Upon signing the retirement and transfer to the FMCR entry in the SRB, the Marine requesting retirement/transfer to the FMCR 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.

3. Prior to entering the appropriate unit diary entry via the MMS system the commanding officer or his/her designated representative will:

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

b. 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.

4. Once the request for retirement/transfer to the FMCR has been submitted via unit diary the Commandant of the Marine Corps (Code MMSR) will be notified by message when one 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).

5. Requests for cancellation/modification of retirement/transfer FMCR date must be submitted no later than 30 days prior to the effective retirement/transfer FMCR date. Such requests will be considered for approval based on the needs of the Marine Corps. If a request for cancellation is approved, the individual will be required to agree, by administrative remarks page of the SRB, not to submit a request for transfer to the FMCR for a period of 2 years from the date of cancellation except for reasons of hardship. If the Marine's EAS is prior to the expiration of the 2-year period he/she will be required to execute an agreement to extend his/her enlistment from his/her EAS for the period needed to complete 2 years. The foregoing policy does not preclude an individual from requesting a short term modification of transfer FMCR date. Maximum allowable period of modification will be limited to 6 months. Only one such modification, if approved, will be given per any individual. (Forthcoming changes to MCO P1080.35C (PRIM) will incorporate appropriate unit diary entries for cancellation/modification.)

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 notification of disapproval will be transmitted via unit transaction register (UTR).

3. The issuance of authority for release constitutes official approval of, and hence directs retirement or transfer to FMCR.

9008. TRANSFER ORDERS TO THE FLEET MARINE CORPS RESERVE AND RELEASE FROM ACTIVE DUTY

1. Authority for release from active duty and transfer to the FMCR will be issued by the Commandant of the Marine Corps via the automated order writing process (AOWP). All authority to issue FMCR orders via AOWP will appear on the permanent change of station orders (PCSO) report received by the command reporting unit (CRUC) and will contain all information necessary to issue orders. Transfer to the FMCR shall be effected on the last day of the month and personnel will assume their status as members of the FMCR on the 1st day of the following month. Exceptions to this will be made only in those cases where transfers 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.

2. Authority to release from active duty and transfer to the FMCR can be issued up to 12 months in advance of the transfer FMCR date provided the request for transfer to the FMCR has been approved and appropriation data is available.

3. 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.

4. 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.

5. 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 record to the Director, Marine Corps Reserve Forces Administrative Center, 1500 East 95th Street, Kansas City, Missouri 64131.

9009. RETIREMENT ORDERS

1. Authorization for retirement (30 years active service) will be issued by the Commandant of the Marine Corps via the automated order writing process (AOWP). 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. (See figure 9-2 for retirement order format.)

2. Authority to release from active duty can be issued up to 12 months in advance of the retirement date provided the request for retirement has been approved and appropriation data is available.

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. The enclosures to the release authority; retirement certificate, button and pay data form will be forwarded to the reporting command by the Commandant of the Marine Corps with a copy of AOWP release authority. The enclosures will be assembled with individual orders by the reporting command for delivery to the Marine. Should the enclosures be received in unsatisfactory condition, immediately notify the Commandant of the Marine Corps (Code MMSR).

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, not in excess of 60 days, incident to retirement/transfer to the FMCR may be granted by the commander authorized such leave in accordance with annual leave regulations. Requests for annual leave in excess of 60 days will be submitted by message to the Commandant of the Marine Corps (Code MMSR) for approval.
3. Terminal leave will be governed by the provisions of MCO P1050.3E, chapter 3.

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 1(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 after completion of 20 years of active service, 6 months may be counted as a whole year served, e.g., 21 years and 6 months is creditable as 22 years of active service.

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. The request must be submitted over the Marine's signature and should contain the social security number (SSN) for identification purposes.

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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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. The dependency application, NAVMC 10922, on file in (Marine's/your) service record shows the following-named persons who reside in (Marine's/your) household as approved dependents:

<u>Name</u>	<u>Relationship</u>	<u>Date of birth</u>	<u>Date approved</u>
-------------	---------------------	----------------------	----------------------

9. 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.

10. 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 CFR), Kansas City, Missouri 64197. Payment of your retainer pay will not commence until enclosure (1) is received.

Figure 9-1.--Transfer to the Fleet Marine Corps Reserve.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

11. Enclosures (2) through (4) are provided for your retention. Enclosure (5) is an 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 two copies thereof for each claim.

12. 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.

13. 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.

14. You have given your future address as: _____

Report changes of addresses 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. The request must be submitted over the Marine's signature and should contain the social security number (SSN) for identification purposes.

15. Please answer promptly all letters addressed to you by proper authority.

16. 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.

17. Your unused leave to include (date of release) is _____ days. Settlement for your leave will be included in your final active duty pay.

18. 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.

19. 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.

20. Expenditures under these orders are chargeable to (input to this paragraph will be provided by CMC (Code MMSR-2).

21. 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 9-1.--Transfer to the Fleet Marine Corps Reserve--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 9-1.--Transfer to the Fleet Marine Corps Reserve.--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 addresses to the Marine Corps Finance Center (Code CPR), Kansas City, Missouri 64197. The request must be submitted over the Marine's signature and should contain the social security number (SSN) for identification purposes.
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. The dependency application, NAVMC 10922, on file in (Marine's/your) service record shows the following-named persons who reside in (Marine's/your) household as approved dependents:

<u>Name</u>	<u>Relationship</u>	<u>Date of birth</u>	<u>Date approved</u>
9. 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.
10. 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 9-2.--Release from Active Duty and Transfer to the Retired List.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

11. 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.
12. You will notify your commanding officer immediately should you incur any disease or injury on or before the effective date of retirement.
13. Expenditures under these orders are chargeable to: _____
14. 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 9-2.--Release from Active Duty and Transfer to the Retired List.--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 10

PHYSICAL EVALUATION FOR SEPARATION AND RETIREMENT

10001. GENERAL

- ◆ 1. The laws pertaining to physical disability retirement or separation must be administered expeditiously, 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 incurred while on active 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. 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 Temporary 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.

9. 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 Marine's 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.

10. 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.

11. 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.

12. Promotion. Personnel being processed for separation because of physical disability, and who are otherwise eligible, may be promoted in accordance with the current edition of MCO P1400.29.

13. 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).

14. 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.
- 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.

15. 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 (GySgt 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 Marine 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 a 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 veteran's 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.
- ◆ 6. Ensure that each Marine retired by reason of physical disability is counseled concerning his/her option under the Survivor Benefit Plan (SBP). An election not to participate in SBP, election for coverage of spouse only or child 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 the effective date of retirement. Such elections should be made on DD Form 1883. Ensure that the spouse is notified of the Marine's SBP election under those circumstances required by the current edition of MCO 1741.11.

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, responsibilities, 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 directed 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.

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 NRMC/Naval Hospital or the Commandant of the Fourteenth Naval District, that officer 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). A Marine will normally remain on the sicklist until he/she has accepted findings from a physical evaluation board. 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 officer, one a Marine field grade officer and one a Navy line officer 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 the disability is the proximate result of active duty, or in the cases of Marines with less than 8 years service, if it was incurred in line of duty in time of war or national emergency.

(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. 6148, provides that a reservist found physically unfit because of injury as a proximate result of active duty will be accorded rights and benefits as a Marine on active duty. A reservist who is ordered to active duty, other than active duty for training, for a period of more than 30 days, and who is disabled in line of duty from disease while so employed, will be accorded rights and benefits as a Marine on active duty.

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 evaluation 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 may 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. The Marine has signed prima facie findings of a physical evaluation board (not a medical board). If the recommended findings are fit for duty, and the Marine has retirement eligibility under other provisions of law, or has indicated an intent to reenlist, he/she will not be ordered home.

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 Pl000.6, 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

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 a Physical Evaluation Board. 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 may be retained on active duty at the direction of the Secretary of the Navy based upon a favorable recommendation by the Commandant of the Marine Corps.

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 Evaluation Board would result in the Marine being discharged with severance pay 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 NRMC/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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 Marines.

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.

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.
2. In the event the Marine is physically present at a post or station and requests a retirement ceremony 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 at an 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.

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).

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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.

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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. In these cases the Marine's medical board will be forwarded for departmental review.

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 6011 of this Manual 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.

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 all medical records 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 not 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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. 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.

6. The dependency application, NAVMC 10922, on file in (Marine's/your) service record shows the following-named persons who reside in (Marine's/your) household as approved dependents:

<u>Name</u>	<u>Relationship</u>	<u>Date of birth</u>	<u>Date approved</u>
-------------	---------------------	----------------------	----------------------

Figure 10-1.--Format for Orders to Proceed Home Pending Final Disposition of Physical Evaluation Board Proceedings.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

7. **TravChar appn 1781105.2754, MPMC-77, BCN 45690, AAA 27, CC 74123 enl tv1, 74160 depns tv1 (enl ent1), 74162 trans HHE (enl ent1).

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 10-1.--Format for Orders to Proceed Home Pending Final Disposition of Physical Evaluation Board Proceedings. Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

FROM: (ORGANIZATION)

TO: MCFC KANSAS CITY MO

INFO: CMC WASHINGTON DC

UNCLAS //N //

FOR CMC CODE MMSR-4

◆ PHYSICAL DISABILITY RETIREMENT CASE OF

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 DISABILITY RETIRED LIST) AS DIR ON (DATE)

OR

3. PLEASE FORWARD RETIREMENT TO THIS COMMAND ASAP IN ORDER THAT PERSONAL DELIVERY AT APPROPRIATE RETIREMENT CEREMONY ON (DATE OF RETIREMENT) MAY BE ACCOMPLISHED.

Figure 10-3.--Format for Acknowledging CMC Messages Directing Retirement by Reason of Physical Disability.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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. 2003
(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. The request must be submitted over the Marine's signature and should contain the social security number (SSN) for identification purposes. 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. The dependency application, NAVMC 10922, on file in (Marine's/your) service record shows the following-named persons who reside in (Marine's/your) household as approved dependents:

<u>Name</u>	<u>Relationship</u>	<u>Date of birth</u>	<u>Date approved</u>
-------------	---------------------	----------------------	----------------------

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.

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. 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).

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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. 2003
 (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, (CPR), Marine Corps Finance Center, Kansas City, Missouri 64197 informed of any change in your mailing address in order that your retired pay not be interrupted. The request must be submitted over the Marine's signature and should contain the social security number (SSN) for identification purpose.

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. The dependency application, NAVMC 10922, on file in (Marine's/your) service record shows the following-named persons who reside in (Marine's/your) household as approved dependents:

<u>Name</u>	<u>Relationship</u>	<u>Date of birth</u>	<u>Date approved</u>
-------------	---------------------	----------------------	----------------------

Figure 10-5.--Format for Orders Transferring Personnel to the Temporary Disability Retired List.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

9. 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.

10. 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).

11. 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.

12. 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

FROM: (ORGANIZATION)

TO: CMC WASHINGTON DC

UNCLAS //N //

FOR CMC CODE MMSR-4

▶ PHYSICAL DISABILITY DISCHARGE CASE OF

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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

TABLE
10-1

ELIGIBILITY INDEX TABLE

	A	B
R U L E	IF THE MEMBER IS PHYSICALLY UNFIT BY REASON OF PHYSICAL DISABILITY AND	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)

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

TABLE 10-2

ELIGIBILITY INDEX TABLE FOR REGULARS AND RESERVISTS ON ACTIVE DUTY FOR MORE THAN 30 DAYS (NOTE 1)

	A	B	C	D	E	F
R U L E	If the Marine is entitled to basic pay, and disability was incurred while he/she was entitled to basic pay	and if he/she has at least 20 years of active service	and the percentage of his/her disability is	and based upon accepted medical principles the disability is	and the disability was incurred in time of war or national emergency (Note 2)	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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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

R U L E	A If the dis- ability was due to an injury	B and was prox- imate result of performing active duty	C and the mem- ber has at least 20 years of active service	D and the per- centage of his/her dis- ability is	E and based upon accepted medical prin- ciples 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 service 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

TABLE 10-4

COMPUTING DISABILITY RETIRED PAY

R U L E	A	B	C
	If the Marine is being	take the higher monthly basic pay	and multiply by
1	permanently retired (10 U.S.C. 1201 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. 1210)		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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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:

Commandant of the Marine Corps
(Code MSRB-20)
Headquarters, U.S. Marine Corps
Washington, D.C. 20380

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.

LOCATOR SHEET

Subj: Marine Corps Separation and Retirement Manual
(Short Title: MARCORSEPMAN)

Location: _____
(Indicate the location(s) of the copy(ies) of this publication.)

ENCLOSURE (1)

Ch 1

MARCORSEPMAN

LIST OF EFFECTIVE PAGES

1. The following is a list of pages in effect after insertion of this Change. Missing pages should be obtained by requisitioning the basic Manual and/or pertinent Change(s) in accordance with MCO P5600.31D.

Page	Ch	Page	Ch	Page	Ch	Page	Ch	Page	Ch
MCO P1900.16B		4-1	0	5-4	0	6-9	1	6-29	1
i	0	4-2	0	5-5	1	6-10	0	6-30	1
iii	0	4-3	0	5-6	1	6-11	1	6-31	1
v	0	4-4	0	5-7	1	6-12	1	6-32	1
vi	0	4-5	0	5-8	1	6-13	1	6-33	1
1-1	0	4-6	0	5-9	1	6-14	1	6-34	1
1-3	1	4-7	0	5-10	1	6-15	1	6-35	1
1-4	1	4-8	0	5-11	1	6-16	1	6-36	1
1-5	1	4-9	0	5-12	1	6-17	1	6-37	1
1-6	1	4-10	1	5-12a	1	6-18	0	6-38	1
1-7	1	4-10a	1	5-13	0	6-19	0	6-38a	1
1-8	0	4-11	0	5-14	0	6-20	1	6-39	1
1-9	0	4-12	0	5-15	0	6-21	1	6-40	1
2-1	1	4-13	0	5-16	0	6-22	1	6-41	1
2-3	1	4-14	0	5-17	0	6-23	1	6-42	1
2-4	1	4-15	0	6-1	1	6-24	1	6-42a	1
2-5	1	4-16	0	6-2	0	6-25	1	6-42b	1
3-1	0	4-17	0	6-3	0	6-26	1	6-43	0
3-3	0	4-18	0	6-4	1	6-27	1	6-44	0
3-4	0	4-19	0	6-5	0	6-28	1	6-45	1
3-5	0	4-20	0	6-6	0	6-28a	1	6-46	1
3-6	0	5-1	1	6-7	0	6-28b	1	6-47	1
3-7	0	5-3	0	6-8	1	6-28c	1	6-48	1

MARCORSEPMAN

Page	Ch	Page	Ch	Page	Ch	Page	Ch	Page	Ch
6-49	1	7-6	0	9-10	1	10-20	1	11-1	0
6-50	1	7-7	0	9-11	1	10-21	1	11-3	0
6-51	1	7-8	0	9-12	1	10-22	0	11-4	0
6-52	1	7-9	0	9-13	1	10-23	1	11-5	0
6-53	1	7-10	1	9-14	1	10-24	0	11-6	0
6-54	1	7-11	1	9-15	1	10-25	1	11-7	0
6-55	1	7-12	1	9-16	1	10-26	0	11-8	0
6-56	1	7-12a	1	9-17	1	10-27	0	11-9	0
6-57	1	7-13	0	10-1	0	10-28	0	11-10	0
6-58	1	7-14	0	10-2	0	10-29	0	11-11	0
6-59	1	7-15	1	10-3	0	10-30	1	11-12	0
6-60	1	8-1	0	10-5	1	10-31	0	11-13	0
6-61	1	8-3	0	10-6	1	10-32	0	11-14	0
6-62	1	8-4	0	10-7	1	10-33	1	11-15	0
6-63	1	8-5	0	10-8	1	10-34	1	11-16	0
6-64	1	8-6	0	10-9	1	10-35	0	11-16	0
6-65	1	8-7	0	10-10	1	10-37	1	11-17	0
6-66	1	9-1	1	10-11	1	10-38	0	11-18	0
6-67	1	9-2	1	10-12	1	10-39	1	11-19	0
6-68	1	9-3	0	10-13	1	10-40	1	11-20	0
6-69	1	9-4	0	10-14	1	10-41	1	11-21	0
7-1	0	9-5	1	10-15	0	10-42	1	11-22	0
7-2	0	9-6	1	10-16	1	10-43	1	11-23	0
7-3	0	9-7	1	10-17	0	10-46	1	11-24	0
7-4	0	9-8	1	10-18	0	10-47	1	11-25	0
7-5	1	9-9	1	10-19	1	10-48	1	11-26	0

MARCORSEPMAN

Page	Ch	Page	Ch	Page	Ch	Page	Ch	Page	Ch
11-27	0	11-31	0	11-35	0	12-3	0	12-7	0
11-28	0	11-32	0	11-36	0	12-4	0	13-1	0
11-29	0	11-33	0	11-37	0	12-5	0	13-3	0
11-30	0	11-34	0	12-1	0	12-6	0	13-4	0