



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

MCO P1900.16B Ch 3
MMSR-jec
19 Feb 1980

MARINE CORPS ORDER P1900.16B Ch 3

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. Pen change "Ch 2" beneath page numbers 11-1 through 11-4, 11-7 through 11-18, and 11-21 through 11-35.

c. Upon insertion of this Change and the pen changes, 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 addition of the requirement for certain officers who accept augmentation to complete 24 months active service subsequent to augmentation prior to submitting a request for resignation, (2) the addition of the provision that officers serving in a billet whose tour length is specified by the current edition of MCO 1300.8, will not normally be allowed to resign until completion of that tour, (3) the addition of the requirement to include in the initial advice to any Marine whose discharge involves homosexual acts or tendencies or allegations thereof the right to review of his/her case by the Secretary of the Navy in accordance with the current edition of SECNAVINST 1900.9, (4) a revised format for the certificate in lieu of orders, and (5) Change 2 which incorporated revised instructions on the preparation and issuance of the Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series) was distributed without the Change number appearing on the respective pages of Chapter 11.

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 5 of the basic Manual.

6. Certification. Reviewed and approved this date.

Robert E. Haebel
ROBERT E. HAEBEL
By direction

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removal of pages 11-12 through 11-20

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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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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

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

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

By direction

Copy to:

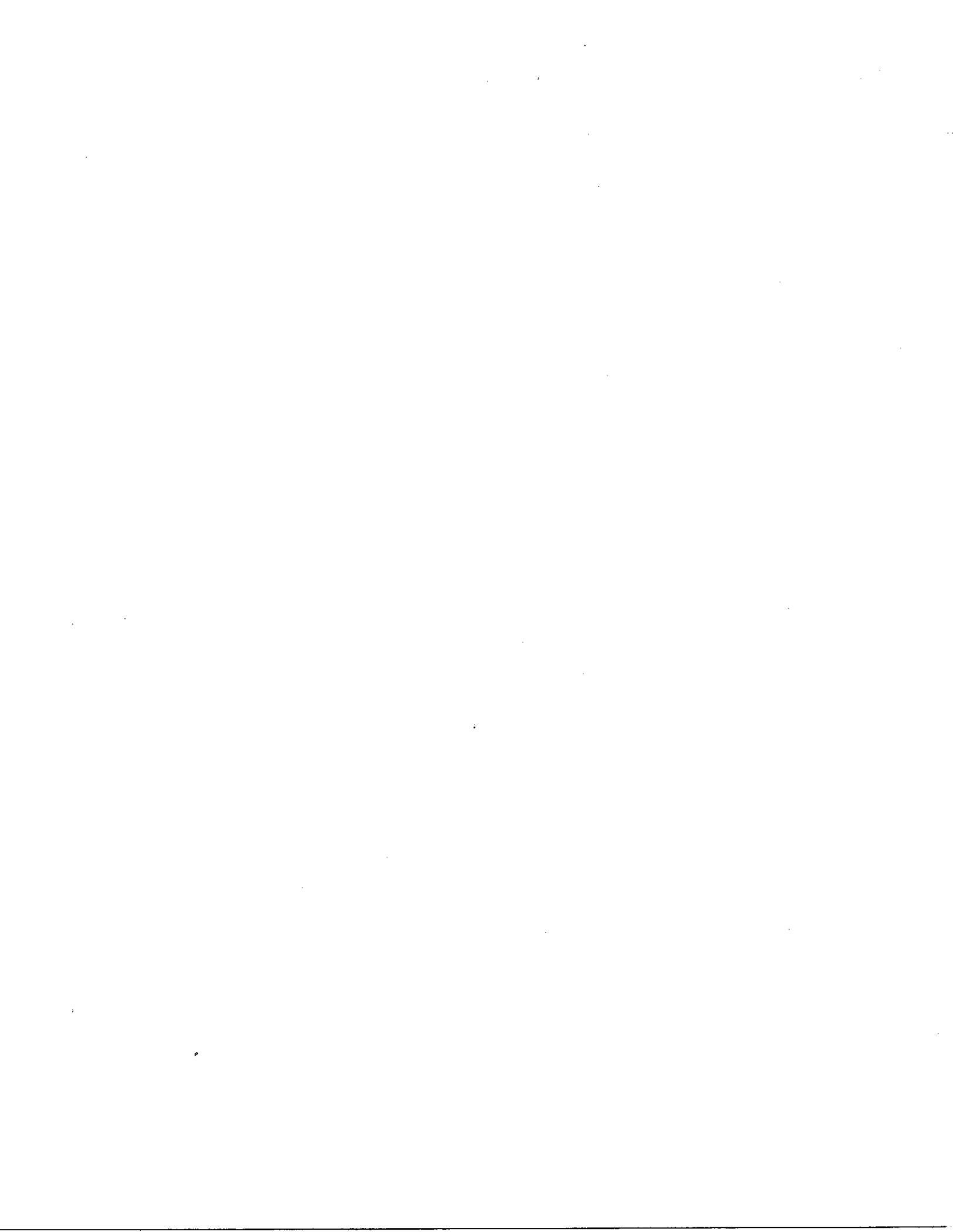
CMC (Code MMSR-2)
(Code MPI)
(Code MMPR-3)
(Code HQSH)
(Code LA)
(Code MMPR)
(Code MMOA)
(Code MMAD-3)
MCFC, (Code CPR), KSC
Officer Concerned
Dir MCD
OQR

NOTES:

1. The following will be inserted as paragraph 3 to the orders of officers who are advanced on the Retired List. "The Secretary of the Navy has determined that you are entitled to be advanced on the Retired List, with retired pay computed on the basis of the higher rate of basic pay of the two grades involved. I take pleasure in transmitting as enclosure (1), your letter of advancement to the grade of _____." As a retired officer of the Regular Marine Corps, in the time of war or national emergency declared by the President, the Secretary of the Navy may order you to active duty at sea or on shore.

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

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



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.

f. The officer, selected for and who accepts augmentation, requests to resign prior to completion of 2 years from the date of augmentation..

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, or those officers whose orders specify a specific tour length, 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, or officers who are serving in a billet where tour length is specified in the PCS Orders, and who are eligible may elect one of the following options:

(1) Request resignation coincident with rotation tour date.

◆ (2) Request resignation coincident with completion of a tour wherein the tour length has been specified in PCS Orders.

◆ (3) Return to CONUS on rotation date and serve a minimum of one year at the next duty station before resigning.

◆ (4) Accept orders from a specified tour length billet and serve a minimum of one year at the next duty station before resigning.

◆ Those officers who are ineligible to resign at RTD, or at the end of their specified tour length, 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 third or fourth option, as applicable in subparagraph 5002.4c above. Officers resigning in accordance with this subparagraph will return to CONUS (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 request for withdrawal of a resignation may be made at any time prior to the actual separation of the officer from the service.

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; 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 individual'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 re-examination 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 MMCP) 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.

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 either a general or under other than honorable conditions 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 provision of this chapter, authorized to take final action with respect to specified types of administrative discharges. As used in this chapter, and unless otherwise directed or approved by the Commandant of the Marine Corps (Code MMSR), the term "discharge authority" contemplates those Marine commanders in the chain of command between the respondent and the Commandant of the Marine Corps who exercise general court-martial authority or their temporary successors in command. Commanding generals may, at their discretion, delegate to any general officer within their command the authority to take final action on recommendation made pursuant to this chapter in which retention or discharge under honorable conditions is recommended and will appoint any such subordinate discharge authority by letter including therein the extent of authority being delegated and the necessary guidelines relative to such delegation.

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:

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 6016.1f), 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:

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 extension thereof. Such convictions and/or punishments under the UCMJ, Article 15, will be, nevertheless, considered and weighed in relation to all other relevant aspects of the Marine's behavior and performance of duty. Further considerations 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:

a. Solely upon 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 express approval of the Secretary of the Navy. Cases within this category will be submitted to the Commandant of the Marine Corps (Code MMSR) 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 MMSR) for advice or disposition.

b. Wholly or in part upon 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.

(1) 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.

(2) 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.



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 avoidance 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 court-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 MMSR) 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

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 bases 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 for review to the Commandant of the Marine Corps (Code MMSR or Code RESP in those cases which pertain to members of the Marine Corps Reserve not on active duty.)

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, 6017.2f, or 6017.3c, 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. In those cases where the recruit specifically requests review of his/her case by the Secretary of the Navy, as provided for in paragraph 6023.5d below, such final action will be held in abeyance pending completion of that review.

2. Except as provided in subparagraph 6017.2d, a commanding officer or officer in charge will initiate administrative action recommending either discharge by reason of misconduct or retention, notwithstanding the misconduct, when he/she determines that the Marine's military record includes one or more of the following:
- a. Sexual perversion, including, but not limited to:
 - (1) Lewd and lascivious act(s).
 - (2) Homosexual act(s). See SECNAVINST 1900.9 or revisions thereof, for controlling policy and additional action required in homosexual cases.
 - (3) Sodomy. See SECNAVINST 1900.9.
 - (4) Indecent exposure.
 - (5) Indecent act(s) with or assault upon a child.
 - (6) Other indecent act(s) or offense(s).
 - b. Frequent involvement of a discreditable nature with civil or military authorities. No specific number of acts or omissions are contemplated herein. Each case must be evaluated in light of its own particular facts to determine whether, because of such frequent involvement, the Marine concerned has clearly demonstrated that he/she is unqualified for retention and, if so, whether the character of his/her service has been other than honorable.
 - c. An established pattern of shirking.
 - d. Drug Abuse. Illegal, wrongful or improper use, possession, sale, transfer, or introduction on a military installation of any narcotic substance, marijuana, or dangerous drug, when supported by evidence not attributed to a urinalysis administered for identification of drug abusers pursuant to enclosure (6) of MCO 6710.1B, or not attributed to a Marine's volunteering for treatment pursuant to enclosure (4) of MCO 6710.1B. A Marine who has been tried by court-martial or punished under the UCMJ, Article 15 for use and/or possession of marijuana, and all available evidence was considered during the court-martial or Article 15 proceedings, 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 or punished under the UCMJ, Article 15, characterization of separation will be 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.



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 or Code RESP in those cases which pertain to members of the Marine Corps Reserve not on active duty) (see paragraph 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 P1050.3 has been completed.
 - c. Transfer to the continental limits of the United States, in those cases where, pursuant to the Manual of the Judge Advocate General, the record of trial is submitted directly to the Office of the Judge Advocate General without review by an officer exercising general court-martial jurisdiction, will be effected after appropriate entries have been made in the service record book to show the action taken by the convening authority.

d. When transfer to the United States is directed, report of same shall be made to the Judge Advocate General of the Navy in accordance with the MCM, 1969 (Rev.), with copy to the Commandant of the Marine Corps (Code JA) indicating the type of court-martial, sentence as approved at the time of transfer, the name of the activity to which the Marine is transferred, and the estimated date of reporting to the new activity. Upon the Marine's arrival at the new activity, the commander of that activity will immediately advise the Judge Advocate General of the Navy by message, or speedletter, with copy to the Commandant of the Marine Corps (Code JA). When a different activity or disciplinary command is redesignated as the place of temporary custody or confinement, this fact will be set forth in the report, and the date of transfer to that activity or command will be stated.

e. No punitive discharge is to be effected outside the continental limits of the United States, except in accordance with instructions of the Secretary of the Navy or the Commandant of the Marine Corps.

6. When an enlisted person serving at a station within the continental limits of the United States has been sentenced to discharge, and the discharge has not been suspended for a stated number of months to permit the Marine to continue in the service after satisfactorily serving during a probationary period, the Marine will be retained at the place of trial or transferred to another activity, or a disciplinary command, in accordance with periodic directives of the Commandant of the Marine Corps and the Chief of Naval Personnel governing designation of places of confinement. When a Marine is transferred to another station or to a disciplinary command, report of the transfer will be made to the Judge Advocate General of the Navy, with copy to the Commandant of the Marine Corps (Code JA). (See MCM, 1969 (Rev.)).

7. When an enlisted Marine serving within the United States attached to a vessel or organization destined for transfer to foreign duty has been sentenced to discharge and the discharge has not been suspended for a stated number of months to permit the Marine to continue in the service after serving satisfactorily during a probationary period, he/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;

- b. Initiate procedure for vacation of suspension; or
- c. Both.

6020. DISCHARGE BY REASON OF SECURITY. Only the Commandant of the Marine Corps or the Secretary of the Navy may direct the discharge of a member with an honorable or general discharge or a discharge under other than honorable conditions, for reason of security. See current edition of SECNAVINST 5521.6 and subparagraph 6002.2i of this Manual.

6021. REQUEST FOR DISCHARGE FOR THE GOOD OF THE SERVICE

1. All requests for discharge for the good of the service in cases involving security matters, sexual perversion, or procurement of a fraudulent enlistment, induction, or period of active service through any deliberate material misrepresentation, omission or concealment of preservice homosexual act(s) or tendencies will be referred to the Commandant of the Marine Corps (Code JA) for disposition. In other cases, the Commandant of the Marine Corps, or any Marine commander exercising general court-martial jurisdiction, without administrative discharge board action, may authorize or direct the discharge, with a discharge under other than honorable conditions of any Marine who submits a request for discharge for the good of the service (see subparagraph 6002.2h). Such requests may be submitted and processed where the Marine's conduct renders him/her triable by court-martial for any single offense in violation of the UCMJ which is listed in Section A of the Table of Maximum Punishments, paragraph 127a, MCM, 1969, (Rev.), as being punishable by a punitive discharge (the provisions of the Table of Maximum Punishments, Section B, paragraph 127c, MCM, 1969, (Rev.), have no applicability to requests for discharge for the good of the service pursuant to this paragraph); provided that the Marine has been afforded the opportunity to consult with counsel, and the Marine certifies in writing his/her understanding that:

- a. His/her commission of the offense(s) which form(s) the basis of the request renders him/her triable by court-martial.
- b. The maximum permissible punishment under the UCMJ for a single offense which forms the basis of the request includes a punitive discharge.
- c. He/she will receive a discharge under other than honorable conditions.
- d. He/she understands the adverse nature of such a discharge.
- e. He/she understands the possible consequences thereof.

Notwithstanding a Marine's submission of a request for discharge for the good of the service, the appropriate discharge authority may disapprove such request and either direct the Marine's retention, or refer the Marine's case to an administrative discharge board. In such cases, see paragraphs 6002.11, 6005, 6017, and 6018.

2. For the advice to be given a Marine who requests discharge for the good of the service, and for the recording of such advice see subparagraph 6023.4. This advice and recording thereof must be specifically tailored to the case to make it clear that a Marine who requests discharge for the good of the service, pursuant to this paragraph, is not entitled to have his/her case presented to and considered by an administrative discharge board, even though he/she may, as a result of his/her request, be discharged under conditions other than honorable. There is no waiver of a right to administrative discharge board action in these cases; simply, no such right exists in cases involving request for discharge for the good of the service pursuant to this paragraph.

3. A discharge approved as a result of a Marine's request for discharge for the good of the service may be suspended. See paragraph 6026.

4. A Marine who has submitted a request for discharge for the good of the service has the unqualified right to withdraw his/her request at any time prior to approval of the request by the discharge authority. In the event that the Marine does withdraw his request, the provisions of paragraph 6002.15(b) permit the processing of that Marine for discharge under other applicable provisions of this Manual. In such cases, the Marine may be processed for appropriate punitive or administrative action based upon the acts which his/her original request for discharge was based, or for other appropriate reasons, as if he/she had never submitted a request for discharge for the good of the service.

5. Notwithstanding a Marine's written acknowledgement that he/she will receive a discharge under other than honorable conditions as a result of his/her submission of a request for discharge for the good of the service, the discharge authority or higher authority may direct the Marine's separation with either an honorable or general discharge if he/she determines that the Marine's total record warrants such discharge characterization. The discharge authority should not approve a discharge under other than honorable conditions unless, in acting as the convening authority of a court-martial upon a conviction of the offense(s) charged, he/she would approve an unsuspended punitive discharge as part of the sentence awarded by the court.

6. A Marine who submits a request for discharge for the good of the service will complete such request by signed statement in tenor as follows, witnessed by at least once witness:

a. "Article 31, UCMJ, having been read and explained to me, and with full understanding of my rights, I hereby request discharge for the good of the service. This request is based on my commission of the following offense(s) in violation of the Uniform Code of Military Justice:

I understand that my commission of the foregoing offense(s) renders me triable by court-martial and that the maximum permissible punishment for such offense(s) includes a (dishonorable) (bad conduct) discharge. Prior to submitting this request I have been afforded the opportunity to consult with counsel and I have consulted with the following counsel and I am entirely satisfied with his/her advice:

I understand that my discharge from the naval service, effected by acceptance of this request, will be with a discharge under other than honorable conditions, which will be issued without referral to or consideration of my case by an administrative discharge board. I understand that if awarded a discharge under other than honorable conditions I may be deprived of virtually all rights as a veteran under both Federal and State legislation, and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of service rendered in any branch of the Armed Forces or the character of the discharge received therefrom may have a bearing."

b. The signature of the witness should follow the signature of the Marine. Military witnesses should be identified by name, grade, social security number, organization and Armed Force. Civilian witnesses should be identified by name and address. Where one of the witnesses is the Marine's counsel, he/she should be identified as such.

c. Since a prerequisite for the issuance of a discharge based upon a request for discharge for the good of the service is conduct by the Marine which renders him/her triable by court-martial, the submission of such request must contain an acknowledgment 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. 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 either to submit a statement in rebuttal to the proposed discharge action or to decline to make a statement;

d. 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

e. 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 6024.3l);

(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.

◆ d. A Marine processed for discharge pursuant to paragraphs 6016.1f, 6017.2a(2), or 6017.3b(6) for homosexual tendencies or acts or for fraudulent enlistment based upon pre-service homosexual tendencies or acts 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 in accordance with the current edition of SECNAVINST 1900.9. Accordingly, written notification to a Marine being processed under any of those bases must include such advice in addition to the applicable rights as specified in paragraphs 6023.1 through 4. The Marine's acknowledgement and waiver, if any, of this additional right will be accomplished as previously set forth in the paragraphs above.

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

(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, 6023.3, and 6023.5b 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, 6023.4 and 6023.5a 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 MMSR). 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 7

GENERAL INSTRUCTIONS FOR SEPARATIONS

7001. TIME AND PLACE OF SEPARATION

1. A Regular or reservist stationed within the continental limits of the United States will be separated from the Marine Corps at the duty station to which assigned at the time he/she becomes eligible for such separation except residents of Puerto Rico who will be separated in that commonwealth if they entered the service there, unless they request otherwise in writing.

2. When, prior to expiration of enlistment or expiration of any extension of enlistment or when separation from active duty for any other reason is authorized, Marines serving outside continental United States and at sea, including such times as a ship may be in a United States port, become eligible for separation, they will be transferred by the field commander concerned or commander of Marine detachment afloat to the Marine Corps activity nearest a port of entry within the continental United States where Government messing, quarters, medical and Marine Corps disbursing facilities are available. Transfer will be effected to ensure arrival not later than 10 days prior to the effective date of discharge or release.

a. Marines returning to the continental United States for retirement/transfer to the FMCR may select one of the following stations for separation processing, regardless of availability of Government billeting and messing. The commanding officer of the old duty station shall:

- (1) Counsel the member on the Survivor Benefit Program (SBP).
- (2) Make an entry on page 11 of the OQR/SRB if the member has been recommended for an award.
- (3) Ensure that the OQR/SRB/PAHEL accompany the member to the separation activity.
- (4) Submit biographical information on the member, suitable for reading at the retirement ceremony, to the separation activity 30 days prior to retirement/transfer to the FMCR.

MCDEC QUANT	012	MATSG 90 MFS	G79
HQ FMFLant NORVA	111	MCAS (H) NRiver NC	024
Camp H. M. Smith HI	1CD	MCAS Yuma AZ	027
MCB CamPen CA	014	MCAS Kaneohe Bay HI	091
MCB CamLej NC	013	MCAS Beaufort SC	026
MCB 29 Palms CA	015	MCFC KSC	047
MCLSBLant Albany GA	063	HQ 1st MCD GCTY	902
MCLSBPac Barstow CA	019	HQ 4th MCD PHILA	904
MCRDep PISC	016	HQ 6th MCD ATLA	908
MCRDep SDiego	017	HQ 8th MCD NRLNS	910

MCAS Cherry Pt NC	022	HQ 9th MCD Shawnee	
MCAS El Toro CA	023	Mission KS	912
4th MAW/MARTC NRLNS	147	HQ 12th MCD TISFRAN	914

b. All Marines, not covered in subparagraph a above, stationed outside the continental United States who become eligible for separation may request from the Commandant of the Marine Corps (Code MMOA for officers, MMEA for enlisted, as appropriate) to be ordered for separation processing to a Marine Corps activity of their choice within the continental United States provided a humanitarian hardship situation exists. Requests of this nature will not be approved unless Government billeting, messing, medical, and Marine Corps disbursing facilities are available.

c. Orders authorizing Marines (all categories) to proceed to a station of their choice for separation processing will include the following paragraph:

"At your request you are authorized to report to (name and location of activity) instead of (the separation activity in the United States to which ordered for temporary duty in connection with separation processing, with the understanding that you are not entitled to reimbursement for mileage or expenses in excess of that allowed for travel to (activity to which directed to report in the United States) and hence to your Home of Record, place from which ordered to active duty, or home of selection, as applicable. Travel time in excess of that authorized for the direct travel will be charged as leave. If you do not desire to bear this expense, this authorization is revoked and you will report as directed in your basic orders. JTR, paragraph M4157 or M4158 and NTI, paragraph 4002 are applicable."

▶ d. Marines returning from overseas assignments who desire to retire/transfer to the FMCR will do so within 30 days of returning to continental United States or will be required to serve for a minimum of 1 year at a new duty station or to EAS whichever is the shorter period of time. Overseas extension/terminal leave may be utilized in order to fall within the 30-day time period. The preceding does not apply to mandatory, by law, retirements/transfers to the FMCR.

▶ e. For the purpose of the provisions of paragraphs 3a and 3b above, the 1-year requirement at the new duty station is interpreted to mean 1 year of duty within the same Geo-Location Code area.

▶ 3. Enlisted Marines becoming eligible to be separated under honorable conditions while serving outside the continental United States in other than belligerent countries may, at their own request, be separated at their duty stations. Marines shall indicate their election by executing on page 11 of the service record a request to be so separated.

a. Marines desiring separation in a foreign country whether for the purpose of traveling or residing in a foreign area after separation from the service, at a time substantially prior to the normal date of separation, shall make application for a passport and for permission to remain in the foreign country or its possessions. These applications should be accompanied by statements from the commander relative to the date the person will be eligible for separation under honorable conditions.

b. In the case of enlisted Marines the commander shall, prior to separation of the Marine ascertain that he/she will be issued a passport and has been or will be granted permission to remain in the foreign area. In this connection, the commander may accept a written statement from the appropriate consular or diplomatic representative to the effect that the Marine concerned has applied for a passport and that it appears that he/she is eligible to receive a passport upon separation from the service. In general a consular or diplomatic representative will be in a position to make this latter statement upon receipt of proper proof of the individual's claim to United States citizenship or nationality. Permission to travel or reside in a foreign country may be substantiated by a written statement from the foreign government concerned that the Marine has been granted or it is anticipated that he/she will be granted permission to remain in the foreign area in question.

c. Officers will submit requests to be separated on foreign shores to the Commandant of the Marine Corps (Code MM). Their requests shall contain a statement that application has been made for a passport and indications are that such passport will be granted upon separation. Additionally, the request shall include a statement that permission to remain in the foreign area has been or will be obtained.

7002. EFFECTIVE TIME OF SEPARATION

1. A discharge or separation takes effect upon delivery of the discharge or separation document, except as indicated in subparagraph 7002.5, below. For members of the Regular Marine Corps who are transferred to the Marine Corps Reserve and are concurrently released from active duty, separation is effected upon delivery of the separation.
2. In cases where discharge has been authorized or directed and the Marine is unavailable due to his/her confinement in a civilian jail, prison, or institution and personal delivery of the certificate is not possible or feasible, the discharge will be effective on the date shown on the discharge certificate. If the Marine is unavailable due to his/her unauthorized absence, a discharge in absentia will not be effected without the approval of the Commandant of the Marine Corps (Code MMSR).
3. Title 38 U.S.C. 106(c) provides that, for the purpose of entitlement to benefits administered by the Veterans Administration, a Marine discharged or released from a period of active duty shall be deemed to have continued on active duty during that period of time immediately following the date of such discharge or release from such duty determined in accordance with regulations to be required for him/her to proceed to his/her home by the most direct route, and in any event, until midnight of the date of such discharge or release. If a discharged member is injured while returning home and requires hospitalization, he/she may be eligible for benefits from the Veterans Administration and should be advised to file an appropriate claim to that agency.
4. If discharge is being effected as a result of immediate entry or reentry into any component of the Armed Forces, the discharge certificate will be dated as of the date preceding such entry or reentry.
5. The release from active duty of a reservist who was assigned to active duty as a reservist is effective at the expiration of authorized travel time. The discharge of a reservist as the result of expiration of enlistment or fulfillment of service obligation will be effective on the date shown on the discharge certificate.

6. When the date of discharge is not indicated, approved administrative discharges will be effected at the earliest practicable date and normally not later than 5 working days from the time of receipt of the discharge order by the command concerned. 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CERTIFICATE IN LIEU OF ORDERS (1900)
 NAVMC 10922 (11-80)
 SN: 8000-00-006-7820 U/I: PADS OF 100

	GRADE	SSN	DATE
--	-------	-----	------

PART I	<input type="checkbox"/> SEPARATION WITHOUT ORDERS CERTIFICATE: IN CONNECTION WITH TRAVEL CLAIM, I CERTIFY THAT THE RECORD OF THE ABOVE NAMED MARINE SHOWS THE FOLLOWING: HONORABLY DISCHARGED AT (Name and location of activity)		
	DETACHED (Time and date)	PEBD	
	LAST PERMANENT DUTY STATION		
	PLACE TO WHICH MILEAGE FOR TRAVEL ELECTED		
	REGULAR HOME OF RECORD AT LAST ENLISTMENT (City and State)	RESERVE HOME OF RECORD AT TIME OF LAST ASSIGNMENT TO ACTIVE DUTY (City and State)	
PLACE OF ACCEPTANCE AT LAST ENLISTMENT (City and State)		PLACE FROM WHICH ORDERED TO ACTIVE DUTY (City and State)	

PART II	<input type="checkbox"/> ALERT UNIT CERTIFICATE: IN CONNECTION WITH TRANSPORTATION OF HOUSEHOLD EFFECTS, I CERTIFY THAT THE COMMANDANT OF THE MARINE CORPS HAS ALERTED THIS UNIT THAT IT WILL BE TRANSFERRED TO A RESTRICTED PERMANENT DUTY STATION OUTSIDE THE UNITED STATES WITHIN 90 DAYS.		
	UNIT DESIGNATION	PERMANENT DUTY STATION	DATE ALERTED

PART III	<input type="checkbox"/> CHANGE OF HOME PORT/PERMANENT STATION OF MOBILE UNIT CERTIFICATE: IN CONNECTION WITH TRANSPORTATION OF DEPENDENTS AND SHIPMENT OF HOUSEHOLD EFFECTS, I CERTIFY THAT THE COMMANDANT OF THE MARINE CORPS OR CHIEF OF NAVAL OPERATIONS HAS DIRECTED THE CHANGE OF HOME PORT/PERMANENT STATION OF THIS VESSEL/UNIT.		
	OLD STATION/PORT	NEW STATION/PORT	EFFECTIVE DATE

PART IV	<input type="checkbox"/> DEPENDENTS TRAVEL UNDER UNUSUAL OR EMERGENCY CONDITIONS: TRANSPORTATION OF DEPENDENTS HAS BEEN APPROVED AS THE RESULT OF CONDITIONS SPECIFICALLY PROVIDED FOR BY JTR, PAR. M7102 OR M7103.		
	LOCATION OF OVERSEAS STATION	DESIGNATED DESTINATION	EFFECTIVE DATE

PART V	<input type="checkbox"/> DESIGNATED SHIP OR STAFF CERTIFICATE: IN CONNECTION WITH TRANSPORTATION OF DEPENDENTS AND SHIPMENT OF HOUSEHOLD EFFECTS, I CERTIFY THAT THE COMMANDANT OF THE MARINE CORPS HAS DESIGNATED THIS UNIT TO OPERATE IN AN OVERSEAS AREA FOR A CONTEMPLATED CONTINUOUS PERIOD OF ONE YEAR OR MORE.		
	UNIT DESIGNATION	PERMANENT DUTY STATION	DATE DESIGNATED

TO BE USED IN CONJUNCTION WITH ANY OF THE ABOVE PARTS, AS APPLICABLE:

<input type="checkbox"/> FAVORABLE DEPENDENCY DETERMINATION FOR THE FOLLOWING PERSON(S) HAS BEEN MADE AS EVIDENCED BY THE CURRENT COPY OF THE DEPENDENCY APPLICATION (NAVMC 10922) DATED _____ AND CONTAINED IN THE MARINE'S SERVICE RECORD.		
NAME (Last, First, Middle Initial)	RELATIONSHIP	DATE OF BIRTH

PART VI	<input type="checkbox"/> LAST PLACE MARINE WAS REIMBURSED OR TRANSPORTATION REQUEST WAS FURNISHED AND USED FOR TRANSPORTATION OF DEPENDENTS (City and State):						
	ACCOUNTING AND APPROPRIATION DATA - ACCOUNTING CLASSIFICATION						
	APPROPRIATION SYMBOL AND SUBHEAD	OBJECT CLASS.	BUREAU CONT. NO.	SUB. ALLOT.	AUTHN. ACCT'G. ACTY.	TRANS. TYPE	PROPERTY ACCT'G. ACTY.
DATE	TYPED NAME AND SIGNATURE OF CERTIFYING OFFICER			ISSUING ACTIVITY			

◆ FIGURE 7-1.--Certificate In Lieu Of Orders.



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 9-1.
- 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 extent 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 MMFR-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.

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 CPR), 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 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. As a member of the Fleet Marine Corps Reserve (FMCR) you may be ordered to active duty by competent authority in time of war or national emergency declared by congress, for the duration of war or national emergency and 6 months thereafter or in time of national emergency declared by the President or when otherwise authorized by law.

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

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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: 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. As a retired enlisted Marine of the Regular Marine Corps, in time of national emergency the Secretary of the Navy may order you to active duty.
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)." As a retired enlisted Marine advanced to officer status, in time of national emergency the Secretary of the Navy may order you to active duty.

Figure 9-2.--Release from Active Duty and Transfer to the Retired List.--Continued.



e. Marines who have temporary officer status terminated and remain on active duty (these Marines will receive a DD FORM 214 upon separation from enlisted status). However, temporary officers who revert to permanent enlisted status for purpose of transferring to the Fleet Marine Corps Reserve effective on the same date of reversion will be issued a DD FORM 214.

f. Marine officers dismissed from the service pursuant to sentence of general court-martial.

g. Marine officers dropped from the rolls in accordance with either Section 1161 or 6408 of Title 10, U. S. Code.

h. Personnel being removed from the Temporary Disability Retired List.

4. General Instructions

a. The original of the DD FORM 214 will be delivered to the Marine at the time discharge or transfer is effected. In addition, copy number 4 of the DD FORM 214 will be delivered to the Marine being discharged, released or transferred to a Reserve component of the Marine Corps and who has initialed Block 30 of the DD FORM 214. If the effective date does not occur until completion of travel, the form will be delivered to the Marine prior to departure from the separation activity. As an exception to the above, when emergency conditions preclude physical delivery or when the Marine departs well in advance of normal departure time (e.g., leave in conjunction with retirement) the copy(ies) of the DD FORM 214 will be mailed to the Marine to arrive on the effective date of separation/transfer. The commander must ensure that if the separatee has initialed Block 30 that copy number 4 is physically delivered to the separatee prior to departure from the separation activity and that the remainder of DD FORM 214's, copies 2, 3 and 5 through 8, are distributed the day following the effective date of separation and that each copy is forwarded to the appropriate unit/organization as prescribed in subparagraph 11002.9. Failure on the part of separating activities to make prompt and correct distribution of each copy of the DD FORM 214 creates the following types of problems: it generates queries for separation information from Veterans' Administration, the Department of Labor, State employment service, lending institutions; it impedes the servicing of eligible and deserving former Marines who seek employment, financial assistance, or various veterans benefits authorized by State and Federal laws; and it prevents accomplishment of other required Marine Corps tasks in a timely and responsible manner. In this respect, the Veterans' Administration has requested that the veteran be advised that to preclude delays and possible financial hardship in applying for and receiving veterans benefits, particularly education benefits, the copy number 4 of DD Form 214 is required and should be submitted with the application for such benefits. The decision to release this information rests with the veteran; however, providing this information will expedite the VA processes of verification and eligibility determination, and approval of benefits. Other actions required include, but are not limited to: removal of officers from the lineal records; ensuring that Marines who are released from active duty or discharged/re-signed are not considered for promotion; and retirement of HQMC Official Military Personnel Files to the National Personnel Center, St. Louis, Missouri.

b. Modification of completion instructions in two particular cases are as follows:

(1) In the case of a Marine who has appeared before a physical evaluation board and has been placed in "awaiting orders status" pending final action by the Secretary of the Navy on retention, retirement, or discharge for physical disability, take the following action:

(a) The activity responsible for administering the Marine's record will complete items 1 through 11, 13 through 16, 18 through 21 and item 30 if applicable, in accordance with the instructions in subparagraph 11002.5, below, prior to departure of the Marine from the activity.

(b) When retirement or discharge is directed by the Commandant of the Marine Corps, the remaining items will be completed and the forms distributed. The original and copy 4, if applicable, shall be mailed to the Marine to arrive on the effective date of separation.

(c) In the event the Marine is retained on active duty, the original and all copies of the form will be destroyed.

(2) In the case of Marines who are transferred to a Veterans' Administration hospital for further treatment pending final action on the report of a physical evaluation board, take the following action:

(a) The activity administering the Marine will complete items 1 through 11, 13 through 16, 18 through 21 and item 30, if applicable, prior to transfer from the naval hospital in which the Marine is hospitalized and will forward the form to the Marine Corps activity responsible for maintenance of service records while the Marine is a patient at the Veterans' Administration hospital.

(b) When retirement or discharge is directed by the Commandant of the Marine Corps, the remaining items will be completed and the forms distributed. The original and copy 4, if applicable, shall be mailed to the Marine to arrive on the effective date of separation.

c. DD Form 214 is accepted as an official record of the Marine's military service by the Veterans' Administration and the other agencies to which copies are furnished. Care, therefore, will be exercised in the preparation of the form to ensure that each page is completely legible. Prior to distribution, each copy of DD Form 214 will be checked for legibility and the Marine must sign each copy of the form.

d. Since the form will be read by civilians who may not be familiar with military terms, abbreviations will be avoided.

e. If more space is required for entering information, the entry may be continued utilizing item 18 of the form. If no detailed information is applicable for an entry, enter "None." When information for one or more of the data items on the DD Form 214 is not available and the document is issued to the separatee, the applicable block(s) will be annotated "See Remarks." In Remarks, item 16, a statement of explanation will be made regarding the incomplete item(s), i.e., "Information for items 11 and 14 not available at time of completion, a DD Form 215 will be issued when missing data becomes available." The same procedure applies on a release from a period of active duty for training of 90 days or more, or Marines being separated from the active duty training under a Reserve special enlistment program as specified in subparagraph 11002.2b.

f. The form contains spaces for all items deemed appropriate; therefore, no additional entries will be made unless specifically authorized by the Commandant of the Marine Corps.

g. All entries apply to the current period of active service except where specifically noted otherwise.

h. In the event that a DD Form 214 is lost or destroyed or requires alterations or corrections, the following will apply:

(1) Corrections or changes made during the preparation of the DD Form 214 will be neat and legible on all copies and initialed by the authenticating officer. Once the original and copy 4, if applicable, have been delivered to the separatee, no correction may be made to copies by the separating activity.

(2) The Marine to whom a DD Form 214 is issued will be cautioned not to make any changes or alterations to the form. To do so will render the form void. If an error is discovered by the separatee after receipt of the form and after departure from the separation activity, and/or distribution of copies of the form have been made, correction or change will be made by the Commandant of the Marine Corps on a DD Form 215 Correction to DD Form 214, Report of Separation From Active Duty. Requests for corrections to the form will be addressed to Commandant

b. If the "Type of Separation" in item 23 is "Transfer to Marine Corps Reserve," the separation authority (item 25), separation code (item 26) as well as the narrative reason for separation (item 28) will be as follows:

<u>Separation Authority Item 25:</u>	<u>Narrative Reason for Separation - Item 28:</u>	<u>Separation Code- Item 26:</u>
MARCORSEPMAN 6009	Completion of required active service	(b)(2)High
MARCORSEPMAN 6012.1a	Order applicable to all members - voluntary	
MARCORSEPMAN 6012.1a	Order applicable to all members - involuntary	
MARCORSEPMAN 6012.1a	Early separation to attend college or vocational school	
MARCORSEPMAN 6012.1f	Early separation under authorized circumstances - voluntary	
MARCORSEPMAN 6012.1f	Early separation under authorized circumstances - involuntary	
MARCORSEPMAN 6012.1g	Directed by the Secretary of the Navy - voluntary	
MARCORSEPMAN 6012.1g	Directed by the Secretary of the Navy - involuntary	
MARCORSEPMAN 6012.6	Early separation upon return from overseas duty	

c. If the "Type of Separation" in item 23 is "Transfer to the Fleet Marine Corps Reserve," the separation authority (item 25), separation code (item 26) as well as the narrative reason for separation (item 28) will be as follows:

<u>Separation Authority Item 25:</u>	<u>Narrative Reason for Separation - Item 28:</u>	<u>Separation Code- Item 26:</u>
MARCORSEPMAN 9007	Transferred to the Fleet Marine Corps Reserve	(b)(2)High
MARCORSEPMAN 9007	Transfer to the Fleet Marine Corps Reserve, Reserve, Retained EAD	
MCO 1900.15B of 31 Mar 76	Released from EAD and reverted to the Fleet Marine Corps Reserve	
MARCORSEPMAN 9007	Officer reverts to enlisted and transfer to the Fleet Marine Corps Reserve	

d. If the "Type of Separation" in item 23 is "Temporarily Retired," the separation authority (item 25), separation code (item 26) as well as the narrative reason for separation (item 28) will be as follows:

<u>Separation Authority Item 25:</u>	<u>Narrative Reason for Separation - Item 28:</u>	<u>Separation Code- Item 26:</u>
MARCORSEPMAN 10301	Placed on Temporary Disability Retired List	(b)(2)High

e. If the "Type of Separation" in item 23 is "Retired," the separation authority (item 25), separation code (item 26) as well as the narrative reason for separation (item 28) will be as follows:

<u>Separation Authority Item 25:</u>	<u>Narrative Reason for Separation - Item 28:</u>	<u>Separation Code- Item 26:</u>
MARCORSEPMAN 9003	Retired	(b)(2)High
MARCORSEPMAN 9003	Retired from the Fleet Marine Corps Reserve	
MARCORSEPMAN 10201	Permanently retired by reason of physical disability	

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f. If the "Type of Separation" in item 23 is "Released from Active Duty," the separation authority (item 25), separation code (item 26) as well as the narrative reason for separation (item 28) will be as follows:

<u>Separation Authority Item 25:</u>	<u>Narrative Reason for Separation - Item 28:</u>	<u>Separation Code Item 26:</u>
MARCORSEPMAN 6009	Completion of active obligated service USMCR	(b)(2)High
MARCORSEPMAN 6012.1a	Early separation to attend college or vocational school	
MARCORSEPMAN 6012.6	Early separation overseas returnee	

g. If the "Type of Separation" in item 23 is "Release from Initial Tour of Active Duty for Training," the separation authority (item 25), separation code (item 26) as well as the narrative reason for separation (item 28) will be as follows:

<u>Separation Authority Item 25:</u>	<u>Narrative Reason for Separation - Item 28:</u>	<u>Separation Code Item 26:</u>
MARCORSEPMAN 6009	Expiration of Reserve special enlistment program (IADT)	(b)(2)High

h. If the "Type of Separation" in item 23 is "Void Enlistment," the separation authority (item 25), separation code (item 26) as well as the narrative reason for separation (item 28) will be as follows:

<u>Separation Authority Item 25:</u>	<u>Narrative Reason for Separation - Item 28:</u>	<u>Separation Code Item 26:</u>
MARCORSEPMAN 6012.1e or 6012.2 or 6017.3b MARCORSEPMAN 7024	Lack of jurisdiction - when it is detm a Mar was enl through recruiter misfeasance and he/she is subsequently dis as a result Lack of jurisdiction - statutorily void enl.	(b)(2)High

29. TIME LOST. This item applies only to the current tour of active duty. Complete by recording; each period of lost time, the number of days time within parenthesis followed by inclusive dates; e.g., "(12) 790201 - 790212." The item will not be left blank, if there is no period to report, enter "None."

30. MEMBER REQUESTED COPY 4. If the separatee desires the statutory or regulatory authority for separation, reenlistment eligibility code, SPD Code and the narrative reason for separation, he/she so requests by initialing Block 30 (see Veterans' Administration advisory, paragraph 11002.4a above). Copy number 4 will be physically delivered to the separatee prior to departure from the separation activity.

9. Distribution Instructions. Distribution of the DD FORM 214 and 215 will be made as indicated below. To provide for timely distribution of copy number 6, the mailing addresses of the State Directors of Veterans Affairs are provided in subparagraph 11002.11, below.

a. DD FORM 214

(1) Copy No. 1 (Original). Will be physically delivered to the Marine upon separation. If unavailable at time of separation, the form will be mailed to the Marine to arrive on the effective date of separation/transfer.

- a. Discharged Alien Deserters. Enter place of birth in item 18 and provide one reproduced copy to:

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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.

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7-6	3	9-13	1	10-26	0	11-10	2	12-5	0
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