MCO P1900.16C
w/ch 1-10

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(SHORT TITLE: MARCORSEPMAN)

U.S. MARINE CORPS

PCN 102 027300 00

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SUBJ: MCO P1900.16C CH 8. MARINE CORPS SEPARATION AND RETIREMENT MANUAL (MARCORSEPMAN)

1. THIS CHANGE IS APPLICABLE TO THE MARINE CORPS ACTIVITIES ON DISTRIBUTION CODE DY.

2. IN PAR 1202.18H WHERE REFERENCE IS MADE TO THE TOLL FREE PHONE NUMBER "1-800-225-5082" CHANGE TO READ "1-800-255-5082."

3. DIRECT IMMEDIATE PEN CHANGE TO SUBJ ORDER.

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MM(1), GENDIST

S. E. FINKE, ADMIN OFF, 41736

Wm. M. KEYS, BGEN, MM, 42441

Wm M Keys

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SUBJ: MCO P1900.16C CH 6, MARINE CORPS SEPARATION AND RETIREMENT MANUAL {MARCORSEPMAN}

1. THIS CHANGE IS APPLICABLE TO MARCORPS ACTIVITIES ON DISTRIBUTION CODE DY.

2. CHANGE 4 OF THIS MANUAL IS CURRENTLY BEING PREPARED FOR SIGNATURE AND WILL BE DISTRIBUTED AT A LATER DATE. CHANGE 5 WAS DISTRIBUTED AS ALMAR 163/86.

3. IN THE FIRST SENTENCE OF PAR 1006.6 OF SUBJECT DIRECTIVE CHANGE "30 DAYS" TO READ "60 DAYS."

4. IN PAR 2004.3 DELETE THE FIRST SENTENCE, "OFFICERS SERVING OVERSEAS MAY REQUEST RETIREMENT TO BE EFFECTIVE THE 1ST OF THE MONTH FOLLOWING THEIR RTD;" AND REPLACE WITH NEW SENTENCE, "OFFICERS SERVING OVERSEAS MAY REQUEST RETIREMENT TO BE EFFECTIVE ON THE 1ST DAY OF A MONTH, BUT NO MORE THAN 60 DAYS FOLLOWING THEIR RTD."

MM, GENDIST

PCN 102 027300 06

JMG

J. M. GAIESKI, MAJ, DEP, MMSR, 41739

E. C. CHEATHAM, JR., LTGEN, MM, 48003

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5. IN PAR 7004.3B WHERE REFERENCE IS MADE TO "30 DAYS AFTER RTD" CHANGE TO READ "60 DAYS AFTER RTD."

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

MCO P1900.16C Ch 2
MMSR-1-vsw
21 Mar 1984

MARINE CORPS ORDER P1900.16C Ch 2

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 P1900.16C
(2) List of Effective Pages

1. Purpose. To transmit new page inserts to the basic Manual.

2. Action

a. Insert enclosure (1).

b. Upon insertion of this Change, the pages listed in enclosure (2) are in effect. Remove and destroy pages not listed.

3. Effective Date. 15 April 1984.

4. Summary of Changes

a. Inclusion of several tables and figures as an aid to separation processing to include an index to the Manual, a consolidated "check-off" list for documents and actions relating to separations, a guide to the separation procedures for officers twice failed of promotion, and a list of units reporting to the CMC for discharge authority normally vested in the general court-martial convening authority.

b. An updating of the addresses to regional Veterans Administration offices receiving copies of DD Form 214.

c. A change in the use and routing of copies 3 and 7 of DD Form 214.

d. Additional guidance regarding leave in conjunction with separation.

e. Inclusion of guidance regarding selective service registration for separating Marines.

f. Inclusion of a reenlistment code to be used for women Marines separated for pregnancy.

g. Inclusion of guidance regarding cancellation of PCS orders when requesting retirement.

h. Inclusion of "Home of Selection Endorsement" on figures containing separation orders.

i. Inclusion of guidance regarding the delivery of retirement packages at appropriate ceremonies.

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removal of pages 1-38 through 1-50.

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j. Inclusion of guidance regarding expungement of resignation related material.

k. Inclusion of guidance on actions to be taken for the administrative separation of enlisted Marines who are eligible for transfer to the Fleet Marine Corps Reserve or retired list.

l. Inclusion of guidance regarding the recoupment of enlistment/reenlistment bonuses on enlisted non-EAS administrative separations.

m. Inclusion of additional bases for the separation of enlisted Marines within 90 days of their EAS.

n. Inclusion of a requirement that enlisted Marines requesting separation in lieu of trial by court-martial who are serving in a rank higher than lance corporal to acknowledge that they will be administratively reduced to the rank of lance corporal if their request for separation is approved.

5. Change Notation. Significant changes contained in the revised pages for this Change are denoted by an arrow (➧) symbol.

6. Filing Instructions. This Change transmittal will be filed immediately following page 3 of the basic Manual.

7. Certification. Reviewed and approved this date.

D. J. MURPHY
By direction

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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 P5600.31E.

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 1

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CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

1001. GENERAL

1. This Manual sets forth the procedures for separating Marines in the following instances:

a. Upon fulfillment of service obligation/requirement by reason of: expiration of active service (EAS), expiration of obligated service (EOS), transfer to the Fleet Marine Corps Reserve, transfer to the Retired Reserve, retirement, or officer resignation.

b. Prior to completion of service obligation by reason of: disability; administrative separation, both voluntary and involuntary; convenience of the Government; minority; homosexuality; misconduct; good of the service; security; or failure of selection for promotion or resignation for cause in the case of certain officers.

2. The remainder of this chapter provides information and prescribes the procedures and policies which are in essence applicable to all Marines unless otherwise specifically noted.

1002. DEFINITIONS

1. 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 the Secretary of the Navy, but specifically excluding punitive separation by the sentence of a general or special court-martial.

2. Discharge. Complete severance from all military status gained by the enlistment or induction concerned.

3. Military Record. An individual's overall performance while a member of the military service, including personal conduct and performance of duty.

4. 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.

5. Release from Active Duty. Termination of active duty status and transfer or reversion to a Reserve component not on active duty including transfer to the Individual Ready Reserve (IRR).

6. Separation. A general term which includes discharge, release from active duty, transfer to the Fleet Marine Corps Reserve or retired list, release from custody and control of the Armed Forces, transfer to the IRR, and similar changes in active or Reserve status.

1003. TYPES OF SEPARATIONS. There are seven types of separations which are listed below. The first five are administrative and may be awarded in accordance with the provisions of this Manual. The last two are punitive and may only be awarded as a result of an approved sentence of the appropriate level court-martial. Note that in certain cases service upon separation may be uncharacterized.

Types of Separation	Character of Separation	Given by
Honorable discharge	Honorable	Administrative action
General discharge	Under honorable conditions	-do-
Discharge under other than honorable conditions	Under other than honorable conditions	-do-
Entry level separation	Uncharacterized	Admin action entry level status
Order of release from custody or control of the Marine Corps	-do-	Admin action required
Bad conduct discharge	Under other than honorable conditions	General or special court-martial
Dishonorable discharge	Dishonorable	General court-martial

1004. CHARACTERIZATION OF SERVICE

1. Types of Characterization or Description. The following types of characterization of service or descriptions of separation are authorized:

a. Characterization of service as honorable, general (under honorable conditions), or under other than honorable conditions.

b. Entry level separation.

c. Order of release from the custody and control of the Marine Corps by reason of void enlistment or induction.

2. Characterization of Service

a. General Considerations

(1) Most Marines earn honorable discharges. A few, for a variety of reasons, do not measure up. In fairness to the majority who serve honorably and well, commanders and separation authorities should take particular care to ensure undeserving Marines receive no higher characterization than is due. Table 1-1 contains the rules for determining character of service.

(2) Characterizing service is a form of recognizing a Marine's performance during a period of enlistment. Marines in general and commanding officers in particular should not underestimate the importance and value of characterization. For Marines, it serves both as a service goal and as a meaningful endorsement to potential employers. For commanders, it serves as a tool, all too often unused, in performance counseling and awarding of proficiency and conduct markings. Characterization of service is based upon a Marine's military behavior and performance of duty, both of which commanders constantly evaluate. So, conduct and proficiency markings and fitness reports, whichever apply, form the primary basis for determining the character of a Marine's service.

(3) Characterization at separation shall be based upon the quality of the member's service, including the reason for separation. The quality of service will be determined in accordance with standards of acceptable personal conduct and performance of duty for military personnel. These standards are found in the UCMJ, directives and regulations issued by the Commandant of the Marine Corps and higher authorities, the enlisted performance evaluation system as set forth in the current editions of MCO P1610.7 (Performance Evaluation System) and MCO P1070.12 (Individual Records and Accounting Manual) respectively, the Marine Corps Manual, and the time-honored customs and traditions of the Marine Corps and naval service.

(4) Only the Commandant of the Marine Corps (Codes MMSR and RES) or general court-martial convening authorities may waive the rules in table 1-1 and approve characterizations based on other than military record alone. When there is doubt as to appropriate characterization or a commanding officer believes a characterization other than table 1-1 allows is more appropriate, forward a letter describing the particular circumstances, the commander's observations and specific recommendation to the separation authority. Final action on any such case must occur prior to the separation date. If not complete, the Marine receives the higher of the characterizations in question. In any case where a Marine's record supports honorable characterization and the commanding officer recommends a lesser, notify the Marine in accordance with paragraph 6303 of this Manual.

b. Types of Characterization

(1) Honorable. The honorable characterization is appropriate when the quality of the member's service generally has met the standards of acceptable conduct and performance of duty for military personnel, or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(2) General (Under Honorable Conditions). If a member's service has been honest and faithful, it is appropriate to characterize that service under honorable conditions. Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the member's conduct or performance of duty outweigh positive aspects of the member's military record. This characterization may be issued when a Marine's average proficiency or conduct marks are below either 3.0 or 4.0 respectively.

(3) Under Other Than Honorable Conditions

(a) This characterization may be issued in the following circumstances:

1 When the reason for separation is based upon a pattern of behavior that constitutes a significant departure from the conduct expected of Marines.

2 When the reason for separation is based upon one or more acts or omissions that constitute a significant departure from the conduct expected of Marines. Examples of factors that may be considered include the use of force or violence to produce serious bodily injury or death, abuse of a special position of trust, disregard by a superior of customary superior-subordinate relationships,

acts or omissions that endanger the security of the Marine Corps, deliberate acts or omissions that seriously endanger the health and safety of other persons, drug abuse and drug trafficking.

(b) This characterization is authorized only if the member has been afforded the opportunity to request an administrative board, except in cases of separation in lieu of trial by courts-martial (paragraph 6211).

c. Limitations on Characterization. Except as otherwise provided in this paragraph, characterization will be determined solely by the member's military record during the current enlistment or period of service to which the separation pertains, plus any extensions prescribed by law or regulation or effected with the consent of the member.

(1) Prior service activities, including records of conviction by courts-martial, records of absence without leave, or comissions of other offenses for which punishment was not imposed shall not be considered on the issue of characterization. To the extent that such matters are considered on the issue of retention or separation, the record of proceedings may reflect express direction that such information shall not be considered on the issue of characterization.

(2) Preservice activities may not be considered on the issue of characterization except as follows: in proceedings concerning fraudulent entry into the Marine Corps, evidence of preservice misrepresentations about matters that would have precluded, postponed or otherwise affected the member's eligibility for enlistment or induction may be considered on the issue of characterization.

(3) When the sole basis for separation is a serious offense which resulted in a conviction by a special or general court-martial that did not impose a punitive discharge, the member's service may not be characterized under other than honorable conditions unless approved by the Secretary of the Navy.

(4) The limitations in paragraph 6106 on matters that may be considered on the issue of separation are also applicable to characterization of service.

(5) Conduct in the civilian community of a member of a Reserve component who is not on active duty or active duty for training may form the basis for characterization under other than honorable conditions only if such conduct affects directly the performance of military duties. Such conduct may form the basis of characterization as general (under honorable conditions) only if such conduct has an adverse impact on the overall effectiveness of the Marine Corps including military morale and efficiency.

(6) A member's voluntary submission to a DoD treatment and rehabilitation program for personal use of drugs and evidence provided voluntarily by the member concerning personal use of drugs as part of initial entry into such a program may not be used against the member on the issue of characterization. This limitation does not preclude the following actions:

(a) The introduction of evidence for impeachment or rebuttal purposes in any proceedings in which the evidence of drug abuse (or lack thereof) has been first introduced by the member; and

(b) Taking action based on independently derived evidence, including evidence of drug abuse after initial entry into the treatment and rehabilitation program. However, this does not authorize the use of urinalysis conducted solely as a result of a member's voluntary self-referral; in order for urinalysis results to be used on the issue of characterization, they must not have been obtained as part of a treatment and rehabilitation program.

(7) The results of mandatory urinalysis may be considered on the issue of characterization when the evidence was gathered during an inspection under

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

3. Except for reenlistment or when discharge is otherwise directed by competent authority, enlisted Marines who have not completed obligated service under law will not be discharged upon expiration of enlistment. They will be transferred to the Individual Ready Reserve. Marines separated prior to their expiration of enlistment will be transfered to the Individual Ready Reserve subject to the guidance in paragraphs 6311.3 and 6401.5 of this Manual.

1006. TIME AND PLACE OF SEPARATION

1. Commanding officers separate Marines under their command when due or directed except:

a. When the unit is located outside the continental United States.

b. When the Commandant of the Marine Corps (Code MMSR) directs transfer for separation elsewhere based upon humanitarian or hardship circumstances.

c. When the Marine is a resident of Puerto Rico. Unless the Marine submits a written request to the contrary, commanders must transfer Marines who both are resident of and entered the Marine Corps in Puerto Rico to that commonwealth for separation at Marine Barracks Roosevelt Roads.

d. When the Marine is in unauthorized absence status on the effective date of separation.

e. When a Marine pending administrative discharge goes U.A. prior to the separation authority's decision in the case.

2. Marines are normally separated in the United States. Commanding officers of units overseas must transfer Marines pending separation to the nearest Marine Corps' activity in the continental United States which has government messing, quarters, medical, and Marine Corps disbursing facilities in time to ensure arrival at the separation location as close to but not later than 10 days prior to the effective date of discharge. Marines returning from permanent overseas duty stations who are within 90 days of completing their active service obligation may request separation upon return. Upon the Marine's completing the administrative requirements below, voluntary separation may be processed pursuant to paragraphs 6401 and 6420.

a. Criteria

(1) Marine's enlistment (including any extension thereof) or period of extended active duty will expire 90 days or less after the date of arrival in CONUS.

(2) Marine consents in writing as outlined in subparagraph 1006.2d, below.

(3) Marine is not indebted to the Government.

(4) Marine does not intend to reenlist.

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

b. Military Obligation. Separation should be consistent with the military obligation of the Marine. In this connection enlisted Marines whose total

obligated service as defined in MCO P1001R.1E, MCRAMM, paragraph 3000.1, will expire within a 60-day period may be discharged rather than released to inactive duty and their obligation shall be considered fulfilled. Marines desiring to reenlist immediately will not be separated under this authority.

c. Expiration Current Contract (ECC) Date. Commanders will report a change of ECC date to coincide with the discharge date with the unit diary separation entry.

d. Separation Prior to Arrival in CONUS. A Marine who is entitled to and elects transportation to an area outside CONUS may be separated overseas provided the Marine meets the criteria of paragraph 1006.2a and;

(1) The Marine would be eligible for release from active duty or discharge under the provisions of paragraph 1006.2, based on scheduled date of arrival in CONUS and consents to such separation in writing as outlined in paragraph 1006.2e, below and;

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

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

"I hereby consent to be (discharged) (released) in lieu of my normal or established date of discharge or release on (date). I understand that entitlement to pay and allowances and credit for active Federal service ceases on the actual date of my separation from active service."

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

(2) Refer to paragraph 1007.6 for information concerning the effective date of separation of reservists assigned to active duty.

f. Recoupment of Reenlistment Bonus. Recoupment of reenlistment bonus will not be made from Marines separated under this paragraph.

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

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

3. Separation Locations for Marines Returning CONUS for Retirement/Transfer FMCR. Marines returning to the continental United States for immediate retirement/transfer to the FMCR may select one of the following stations for separation processing, regardless of availability of government billeting and messing:

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
MCLBLant Albany GA	063	HQ 1st MCD GCTY	902
MCLBPac Barstow	019	HQ 4th MCD PHILA	904
MCRD PISC	016	HQ 6th MCD ATLA	908
MCRD SDiego CA	017	HQ 8th MCD NRLINS	910
MCDS Cherry Pt NC	022	HQ 9th MCD Shawnee Mission KS	912
MCAS EL Toro CA	023	HQ 12th MCD TISFRAN	914

The commanding officer of the old duty station shall:

a. Counsel the member on the Survivor Benefit Program (SBP).

b. Ensure that the OQR/SRB/HR/DR accompany the member to the separation activity.

c. Submit biographical information on the member, suitable for reading at the retirement ceremony, to the separation activity 30 days prior to separation.

4. Exceptions. All Marines, not covered in paragraph 1006.2b 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 and Code 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.

5. Required Paragraph in Orders. 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. Traveltime 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, as applicable, and the current edition of MCO P4650.37 apply."

6. Except for those using leave as authorized by paragraph 1010, Marines returning from overseas assignments who desire to retire/transfer to the FMCR will do so within 30 days of returning to the continental United States or will be required to serve for a minimum of 1 year at a new duty station. The preceding does not apply to mandatory, by law, retirements. For the purpose of the provisions of this paragraph the 1 year requirement at the new duty station is interpreted to mean 1 year of duty within the same geographic area as determined by the geo-location date current tour began established in the JUMPS/MMS.

7. Separation Outside CONUS. Marines serving overseas whose permanent residence is outside the continental United States may request separation at the Marine Corps' activity nearest their home rather than returning to the United States. Also, Marines serving overseas may request to separate at their duty station under the following condition:

a. Eligible for separation under honorable conditions or higher.

b. Country in which Marine is separating is nonbelligerent.

c. Marine has passport and permission to remain in the country.

In order to approve such request, commanding officers may accept a written statement from the appropriate consular or diplomatic representative that the Marine concerned has applied for and is eligible to receive a passport upon separation from the service. Similarly, a written statement from the foreign government authorizing a Marine to travel or reside in that country will suffice for proof of permission to remain in the country. Approval authority under this paragraph rests with the commanding officer for enlisted Marines. Officers desiring separation under this paragraph must forward their requests and supporting documents to the Commandant of the Marine Corps (Code MM).

1007. EFFECTIVE TIME OF SEPARATION

1. A discharge or separation takes effect upon delivery of the discharge or separation document, except as indicated in paragraph 1002.5 above. 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 document.

2. In cases where discharge has been authorized or directed and the Marine is unavailable due to 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 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 to proceed to 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, the Marine may be eligible for benefits from the Veterans Administration and should be advised to file an appropriate claim to that agency.

REENLISTMENT CODES

Code	When Assigned	Remarks
(B)(2)		
RE-3P	Failure to meet physical (medical) standards. (includes pseudo-folliculitis/and weight standards).	Recommended by CO upon removal of disqualifying factor. CMC authority required for reenlistment.
(B)(2)		

6. Distribution Instructions. Distribution of the DD Form 214 and DD Form 215 will be made as indicated below. To provide for immediate distribution of copy number 6, the mailing addresses of the State Directors of Veterans Affairs are provided in table 1-3.

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. For discharged alien deserters, enter place of birth in item 18 and provide one reproduced copy to:

U.S. DEPARTMENT OF STATE, Visa Office - SCA/VO
State Annex No. 2
Washington, D.C. 20520

(2) Copy No. 2 (SRB/OQR or HQMC)

(a) Marines Discharged or Retired. Place in closed-out SRB or OQR prior to forwarding in accordance with the current edition of MCO P1070.12, IRAM, table 4-1.

(b) Marines Released or Transferred to the Marine Corps Reserve. Forward this copy to the Commandant of the Maine Corps (Code MMRB-20).

(c) Marines who are Immediately Reenlisted. Attach this copy to the Reenlistment Contract and forward in accordance with the current edition of MCO P1070.12, IRAM, table 4-2.

(3) Copy No. 3

(a) This copy is to be forwarded to the Veterans' Administration, Data Processing Center (214), 1615 East Woodward Street, Austin, Texas 78772.

(b) Marines who are Being Separated and Transferred to a VA Hospital. A reproduced copy will accompany the photostatic copies of the clinical and treatment records forwarded to that hospital.

(c) Marines who Have Complete VA Form 21-256e, Veterans Application for Compensation or Pension at Separation from Service. A reproduced copy will accompany the photostatic or typewriter copies of the health record (less cover) when they are forwarded to the VA Regional Office having jurisdiction over the member's permanent address. Stress to the Marine who plans to apply for veteran's compensation or pension that faster processing generally may be expected if application is completed at time of separation. See table 1-3 for jurisdiction and address.

(4) Copy No. 4

(a) Will be physically delivered to the Marine upon separation if the Marine has so requested by having initialed block 30 of the form.

(b) If the Marine has not requested this copy, it will be inserted as a document in the OQR/SRB, to be available in case the Marine requests a copy later.

(5) Copy No. 5. Forward this copy to the U.S. Department of Labor, Unemployment Insurance Systems Design Center, P.O. Box 44246, Capital Station, Baton Rouge, Louisiana 70804.

(6) Copy No. 6. If the Marine has "Xed" the yes block in item 20 and indicated the appropriate state, then this copy will be forwarded to the Director of Veterans Affairs for the state stipulated. Mailing addresses for the Veterans Affairs offices are provided in table 1-3. If this copy is not utilized for the above purpose it should be destroyed.

(7) Copy No. 7

(a) Marines who are Immediately Reenlisted. Insert this copy as a document in the service record book.

(b) For a Marine discharged while in an appellate leave status, forward this copy to the Marine Corps Finance Center (Code CPJ-1), Kansas City, Missouri 64197.

(c) In all other cases, this copy is not used and will be destroyed.

(8) Copy No. 8

(a) Marines being transferred to inactive duty whose records will be forwarded to Marine Corps Reserve Support Center (MCRSC), Overland Park, Kansas. Insert this copy as a document in the SRB or OQR for concurrent forwarding.

(b) In all other cases, this copy is not utilized and will be destroyed.

1203. PREPARATION INSTRUCTIONS FOR DD FORM 215, CORRECTION TO DD FORM 214, CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY. DD Form 215 will be prepared as follows:

1. Except for the date (item 6) and items being corrected, all identification date, including name, department, component, branch, SSN and mailing address on the DD Form 215 will be completed as they appear on the original DD Form 214.

2. Corrections. Separation date on the DD Form 214 being corrected is completed by entering the date in year, month, and day order. The separation date is recorded in item 12b of the DD Form 214, and should be entered in the same format. Enter under "ITEM NO." the block number of the item(s) which are to be corrected or were omitted when the DD Form 214 was prepared and delivered to the separatee. Opposite the item number under "CORRECTED TO READ" insert the corrected or missing information required:

ITEM	CORRECTED TO READ
4b	E5
17	21

3. Date. Enter the date in year, month, and day order. Each element of the date will consist of two digits, single digits will be prefixed by a zero.

4. Type the name, grade and title of the official authorized to sign. The authenticating officer will sign directly above the typed information using a black ink ballpoint pen. Each copy of the DD Form 215 must contain a legible signature before distribution is accomplished.

5. Distribution Instructions. Although the general distribution instructions are reflected on the DD Form 215, the specific Marine Corps distribution instructions are provided in paragraph 1202.6 above. The original and copy 4, if applicable, will be forwarded to the separatee at the address shown in item 4 with instructions that this form should be attached to the original DD Form 214 and copy 4, if applicable. Distribution of the remaining copies of the DD Form 215 will be the same as for the original of the DD Form 214 when it was prepared and distributed.

1204. SAFEGUARDING SEPARATION INFORMATION

1. The DD Form 214 and DD Form 215 are sources of significant and authoritative information used by civilian and Government agencies for a variety of purposes such as VA benefits, reemployment rights, unemployment insurance, etc. As such, they are valuable forms, and therefore, vulnerable for fraudulent use. To preclude fraudulent use, certain features have been designed into the DD Form 214 and DD Form 215. Blocks 1, 3, 4, 12 and 18 through 30 of the DD Form 214 as well as blocks 1, 3, and 5, and of the DD Form 215 have been surprinted with security ink to make alterations readily discernible.

2. In addition to design safeguards, the following control and accounting features will be implemented by commanders of each unit or activity authorized to requisition, store and issue DD Form 214 and DD Form 215:

a. Appoint a commissioned officer, warrant officer or a staff noncommissioned officer in the grade of gunnery sergeant or above to act as the agent who is responsible for the requisition, control and issue of blank DD Form 214 and DD Form 215.

b. The agent will approve the requisition of blank forms.

c. Verify total number of forms received against the requisition.

d. Furnish adequate storage to provide for strict security of blank forms at all times.

e. Ensure that all obsolete forms are destroyed.

f. Ensure that all forms discarded, including those which are blank or partially completed, and reproduced copies of the DD Form 214, will be destroyed. No forms will be discarded intact.

g. Ensure that blank forms used for educational instructional purposes, and forms maintained for such uses, are clearly voided in an unalterable manner.

h. Ensure that the DD Form 214-ws "WORKSHEET" receives the same safeguards, controls, accountability, discard and destruction procedures as the DD Form 214 and DD Form 215.

i. The commander will monitor and periodically review the above procedures to ensure compliance. In addition, the above procedures may be subject to review and evaluation for compliance by members of the Inspector General's field administrative staff.

1205. SPONSORSHIP OF DD FORM 214 SERIES. Department of Defense (Assistant Secretary of Defense, Manpower, Reserve Affairs and Logistics (ASD) (MRA&L)) sponsors the DD Form 214, DD Form 214ws and DD Form 215 which are used by all branches of the Armed Forces of the United States. Each service is required to publish preparation and distribution instruction under the guidance of DoD. Deviation in format or modification of content is not authorized without prior approval of DoD. Requests to add or delete information will be coordinated with the other military services in writing, prior to submission to the (ASD) (MRA&L).

1206. RESPONSIBILITY FOR ASSIGNMENT OF SEPARATION PROGRAM DESIGNATOR (SPD). The standard codes for officer and enlisted personnel were developed under the direction of DoD and are published in MCO 1080.20. The Departments of Air Force and Army have been assigned responsibility for assignment and maintenance of uniform lists and definitions of SPD's for officer and enlisted member, respectively, and with providing copies of such lists to all services. Requests for additions, deletions or modifications to SPD's shall be addressed to the Commandant of the Marine Corps (Code MPI-60).

TABLE 1-1 CHARACTERIZATION OF SERVICE

RULE	If the separating Marine (not a release from active duty)	Characterize service	Issue
1	is under 17 years of age	uncharacterized	order of release from custody of control of military service.
2	is between 17 and 18 and has served less than 180 days	entry level separation	DD 214 only.
3	over 18 years of age and has served less than 180 days	entry level separation 1	DD 214 only.
➧ 4	over 18 years of age and has served more than 180 days, is a corporal or below and has average conduct or proficiency markings of 4.0/3.0 or better	honorable 1	Honorable Discharge Certificate, DD Form 214 and honorable discharge pin.
5	over 18 years of age and has served more than 180 days, is a corporal or below and has average conduct or proficiency markings below 4.0/3.0	under honorable conditions 1	General Discharge Certificate and DD Form 214.
➧ 6	is a sergeant or above	honorable 1	Honorable Discharge Certificate, DD Form 214 and honorable discharge pin.
7	has requested separation in lieu of court-martial	under other than honorable conditions 1	other than honorable conditions Discharge Certificate and DD Form 214.
➧ 8	is being separated under a provision of chapter 6	as directed by separation authority	appropriate certificate based upon discharge authority's decision, DD Form 214, and honorable discharge pin if appropriate.

NOTE 1. Unless unusual circumstances warrant other characterization and other characterization is approved by GCM authority or higher.

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
(B)(2)		

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
(B)(2)		

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
[redacted]		

(B)(2)

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices

TERRITORY ALLOTED TO	VA REGIONAL OFFICE
ALABAMA All cities and counties	Aronov Building 474 South Court Street Montgomery , Alabama 36104
ALASKA All cities and counties	235 East 8th Street Anchorage, Alaska 99501
ARIZONA All cities and counties	3225 North Central Avenue Phoenix, Arizona 85012
ARKANSAS All cities and counties	1200 West 3rd Street Little Rock, Arkansas 72201
CALIFORNIA Counties: Inyo, San Bernadino Kern, San Luis Obispo Los Angeles, Ventura Orange, Santa Barbara	Federal Building 11000 Wilshire Blvd. Los Angeles, California 90024
Alpine, Lassen Mono	1201 Terminal Way Modoc Reno, Nevada 89520
Imperial, Riverside Diego	2022 Camino Del Rio North San San Diego, California 92108
All other counties	211 Main Street San Francisco, California 94105
CANAL ZONE Entire zone	941 N. Capitol Street, N.E. Washington, D.C. 20421
COLORADO All cities and counties	Denver Federal Building Building 20 Denver, Colorado 80225
CONNECTICUT All cities and counties	450 Main Street Hartford, Connecticut 06103
DELAWARE All cities and counties	1601 Kirkwood Highway Wilmington, Delaware 19805
DISTRICT OF COLUMBIA Entire district	941 N. Capitol Street, N.E. Washington, D.C. 20421
FLORIDA cities and counties	144 First Avenue South All St. Petersburg, Florida 33731
GEORGIA All cities and counties	730 Peachtree Street, N.E. Atlanta, Georgia 30365
GUAM Entire island	VA Office Pacific Daily News Bldg. Room 405, 238 O'Hara St. Agana, Guam 96910
HAWAII island	PJKK Federal Building Entire 300 Ala Moana Blvd Honolula, Hawaii 96813

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices

IDAHO All cities and counties	Federal Building 550 West Fort Street Boise, Idaho 83724
ILLINOIS All cities and counties	536 South Clark St. Chicago, Illinois 60680
INDIANA All cities and counties	575 N. Pennsylvania St. Indianapolis, Indiana 46204
IOWA All cities and counties	210 Walnut Street Des Moines, Iowa 50309
KANSAS All cities and counties	503 Kansas Avenue, Suite 201 PO Box 1369 Topeka, Kansas 66601
KENTUCKY All cities and counties	600 Federal Place Louisville, Kentucky 40202
LOUISIANA All cities and counties	701 Loyola Avenue New Orleans, Louisiana 70113
MAINE All cities and counties	Route 17 East Togus, Maine 04330
MARYLAND Counties: Montgomery Prince Georges	941 N. Capitol St. N.E. Washington, D.C. 20421
All other counties	Federal Building 31 Hopkins Plaza Baltimore, Maryland 21201
MASSACHUSETTS Towns of Fall River and New Bedford and counties of: Barnstable, Dukes, Nantucket, Plymouth, Bristol	321 South Main St. Providence, Rhode Island 02903
All other counties	John F. Kennedy Federal Building Government Center Boston, Massachusetts 02203
MICHIGAN All cities and counties	Patrick A. McNamara Federal Building 477 Michigan Avenue Detroit, Michigan 48226
MINNESOTA Counties: Duluth, Minneapolis, Rochester, St. Cloud, St. Paul	Federal Building Fort Snelling St. Paul, Minnesota 55111
All other counties	21st Avenue & Elm St. Fargo, North Dakota 58102

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices

MISSISSIPPI All cities and counties	120 North State St. War Memorial Building RM B-100 Jackson, Mississippi 39205
MISSOURI All cities and counties	Federal Building 1520 Market Street St. Louis, Missouri 63103
MONTANA All cities and counties	William St. Hwy 12 West Ft. Harrison, Montana 59636
NEBRASKA All cities and counties	Federal Building 100 Centennial Mall North Lincoln, Nebraska 68508
NEVADA All cities and counties	245 East Liberty Street Reno, Nevada 89520
NEW HAMPSHIRE All cities and counties	Norris Cotton Federal Bldg. 275 Chestnut Street Manchester, New Hampshire 03101
NEW JERSEY All cities and counties	20 Washington Place Newark, New Jersey 07102
NEW MEXICO All cities and counties	Dennis Chavez Federal Bldg. 500 Gold Avenue, S.W. Albuquerque, New Mexico 87102
NEW YORK Cities and counties: Binghamton Buffalo Rochester Syracuse Utica	Federal Building 111 West Huron Street Buffalo, New York 14202
All other cities and counties	252 7th Ave at 24th St. New York, New York 10001
NORTH CAROLINA All cities and counties	Federal Building 251 N Main Street Winston, North Carolina 27102
NORTH DAKOTA All cities and counties	21st Avenue & Elm St. Fargo, North Dakota 58102
OHIO All cities and counties	Anthony J. Celebrezze Federal Building 1240 East 9th Street Cleveland, Ohio 44199
OKLAHOMA All cities and counties	Federal Building 125 South Main St. Muskogee, Oklahoma 74401
OREGON All cities and counties	Federal Building 1220 S.W. 3rd Avenue Portland, Oregon 97204

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices

PENNSYLVANIA Cities and counties: Altoona Johnstown Pittsburgh	1000 Liberty Avenue Pittsburgh, Pennsylvania 15222
All other cities and counties	P. O. Box 8079 5000 Wissahickon Ave. Philadelphia, Pennsylvania 19144
PHILLIPINES Republic of the entire islands 96528	1131 Roxas Blvd. (Manila) APO San Francisco, California
PUERTO RICO Commonwealth of Puerto Rico including Hato Rey Virgin Islands	Federal Building Carlos E. Chardon St. San Juan, Puerto Rico 00918
RHODE ISLAND All cities and counties	321 South Main Street Providence, Rhode Island 02903
SOUTH CAROLINA All cities and counties	1801 Assembly Street Columbia, South Carolina 29201
SOUTH DAKOTA All cities and counties	Courthouse Plaza Bldg. 300 North Dakota Ave. Sioux Falls, South Dakota 57101
TENNESSEE All cities and counties	110 9th Avenue, South Nashville, Tennessee 37203
TEXAS Cities and counties: Abilene Amarillo Austin Dallas El Paso Ft. Worth Killeen Lubbock Midland Odessa Terminal Waco Wichita Falls	1400 N. Valley Mills Dr. Waco, Texas 76799
Bowie	1200 West 3rd Street Little Rock, Arkansas 72201
All other counties	2515 Murworth Drive Houston, Texas 77054
UTAH All cities and counties	Federal Building 125 South State Street Salt Lake City, Utah 84138
VERMONT All cities and counties 05001	North Hartland Rd. White River Junction, Vermont
VIRGINIA Cities and counties: Arlington Fairfax Alexandria Falls Church	941 N. Capitol Street, N.E. Washington, D.C. 20421
All other counties	210 Franklin Road, S.W. Roanoke, Virginia 24011

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices

WASHINGTON All cities and counties		Federal Building 915 2nd Avenue Seattle, Washington 98174
WEST VIRGINIA Counties: Brooke Marshall	 Hancock Ohio	1000 Liberty Avenue Pittsburgh, Pennsylvania 15222
All other counties		640 4th Avenue Huntington, West Virginia 25701
WISCONSIN All cities and counties		342 North Water Street Milwaukee, Wisconsin 53202
WYOMING All cities and counties		2360 East Pershing Blvd. Cheyenne, Wyoming 82001

CERTIFICATE IN LIEU OF ORDERS (1900)

NAVMC 11062 (1-80)
SN: 0000-00-006-7820 U/I: PADS of 50

NAME (Last, First, Middle Initial)	GRADE	SSN	DATE

PART I

☐ 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	RESERVE
HOME OF RECORD AT LAST ENLISTMENT (City and State)	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

☐ 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

☐ 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

☐ 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

☐ 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:

☐ 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

☐ LAST PLACE MARINE WAS REIMBURSED OR TRANSPORTATION REQUEST WAS FURNISHED AND USED FOR TRANSPORTATION OF DEPENDENTS (City and State):

PART VI

ACCOUNTING AND APPROPRIATION DATA — ACCOUNTING CLASSIFICATION

APPROPRIATION SYMBOL AND SUBHEAD	OBJECT CLASS.	BUREAU CONT. NO.	SUB. ALLOT.	AUTH'N ACCT'G ACTY.	TRANS. TYPE	PROPERTY ACCT'G ACTY.	COST CODE

DATE	TYPED NAME AND SIGNATURE OF CERTIFYING OFFICER	ISSUING ACTIVITY

SAMPLE

☆ G P O 1980 — 640-197 / 179 REGION NO. 4

Figure 1-1.--Certificate In Lieu of Orders.

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

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

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

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

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

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

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

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

Figure 1-2.--Information Concerning the Regulations and Procedures of the Board for Correction of Naval Records and the Navy Discharge Review Board.

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

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

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

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

The evidence before the board which may be considered in connection with a particular discharge document will normally be restricted to that which is relevant and material to the former member's particular term of Marine Corps service or during that term of Marine Corps service, or at the time of separation.

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

Figure 1-2.--Information Concerning the Regulations and Procedures of the Board for Correction of Naval Records and the Navy Discharge Review Board--Continued.

REENLISTMENT CODES

Code	When Assigned	Remarks
(B)(2) [redacted]		
RE-3F	Failure to complete recruit training.	SRB entry required stating reason for assignment. CMC authority required for reenlistment. To include women Marines discharged due to pregnancy.
(B)(2) [redacted]		

Item

28. NARRATIVE REASON FOR SEPARATIONS. The narrative reason for separation is a brief statement describing the circumstances of the termination. Table 1-2 provides the narrative reason to be used with the separation authority in item 25 along with the separation code used in item 26.

Item

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 within parenthesis followed by inclusive dates; i.e., "(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 Marine desires the statutory or regulatory authority for separation, reenlistment eligibility code, SPD code, and the narrative reason for separation, the member so requests by initialing block 30. Copy number 4 will be physically delivered to the separatee prior to departure from the separation activity.

6. Distribution Instructions. Distribution of the DD Form 214 and DD Form 215 will be made as indicated below. To provide for immediate distribution of copy number 6, the mailing addresses of the State Directors of Veterans Affairs are provided in table 1-3.

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. For discharged alien deserters, enter place of birth in item 18 and provide one reproduced copy to:

U.S. DEPARTMENT OF STATE, Visa Office - SCA/VO
State Annex No. 2
Washington, D.C. 20520

(2) Copy No. 2 (SRB/OQR or HQMC)

(a) Marines Discharged or Retired. Place in closed-out SRB or OQR prior to forwarding in accordance with the current edition of MCO P1070.12, IRAM, table 4-1.

(b) Marines Released or Transferred to the Marine Corps Reserve. Forward this copy to the Commandant of the Maine Corps (Code MMRB-20).

(c) Marines who are Immediately Reenlisted. Attach this copy to the Reenlistment Contract and forward in accordance with the current edition of MCO P1070.12, IRAM, table 4-2.

(3) Copy No. 3

(a) This copy is to be forwarded to the Veterans' Administration, Data Processing Center (214), 1615 East Woodward Street, Austin, Texas 78772.

(b) Marines who are Being Separated and Transferred to a VA Hospital. A reproduced copy will accompany the photostatic copies of the clinical and treatment records forwarded to that hospital.

(c) Marines who Have Complete VA Form 21-256e, Veterans Application for Compensation or Pension at Separation from Service. A reproduced copy will accompany the photostatic or typewriter copies of the health record (less cover) when they are forwarded to the VA Regional Office having jurisdiction over the member's permanent address. Stress to the Marine who plans to apply for veteran's compensation or pension that faster processing generally may be expected if application is completed at time of separation. See table 1-3 for jurisdiction and address.

(4) Copy No. 4

(a) Will be physically delivered to the Marine upon separation if the Marine has so requested by having initialed block 30 of the form.

(b) If the Marine has not requested this copy, it will be inserted as a document in the OQR/SRB, to be available in case the Marine requests a copy later.

(5) Copy No. 5. Forward this copy to the U.S. Department of Labor, Unemployment Insurance Systems Design Center, P.O. Box 44246, Capital Station, Baton Rouge, Louisiana 70804.

(6) Copy No. 6. If the Marine has "Xed" the yes block in item 20 and indicated the appropriate state, then this copy will be forwarded to the Director of Veterans Affairs for the state stipulated. Mailing addresses for the Veterans Affairs offices are provided in table 1-3. If this copy is not utilized for the above purpose it should be destroyed.

(7) Copy No. 7

(a) Marines who are Immediately Reenlisted. Insert this copy as a document in the service record book.

(b) For a Marine discharged while in an appellate leave status, forward this copy to the Marine Corps Finance Center (Code CPJ-1), Kansas City, Missouri 64197.

(c) In all other cases, this copy is not used and will be destroyed.

(8) Copy No. 8

(a) Marines being transferred to inactive duty whose records will be forwarded to Marine Corps Reserve Support Center (MCRSC), Overland Park, Kansas. Insert this copy as a document in the SRB or OQR for concurrent forwarding.

(b) In all other cases, this copy is not utilized and will be destroyed.

1203. PREPARATION INSTRUCTIONS FOR DD FORM 215, CORRECTION TO DD FORM 214, CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY. DD Form 215 will be prepared as follows:

1. Except for the date (item 6) and items being corrected, all identification date, including name, department, component, branch, SSN and mailing address on the DD Form 215 will be completed as they appear on the original DD Form 214.

2. Corrections. Separation date on the DD Form 214 being corrected is completed by entering the date in year, month, and day order. The separation date is recorded in item 12b of the DD Form 214, and should be entered in the same format. Enter under "ITEM NO." the block number of the item(s) which are to be corrected or were omitted when the DD Form 214 was prepared and delivered to the separatee. Opposite the item number under "CORRECTED TO READ" insert the corrected or missing information required:

ITEM	CORRECTED TO READ
4b	E5
17	21

3. Date. Enter the date in year, month, and day order. Each element of the date will consist of two digits, single digits will be prefixed by a zero.

4. Type the name, grade and title of the official authorized to sign. The authenticating officer will sign directly above the typed information using a black ink ballpoint pen. Each copy of the DD Form 215 must contain a legible signature before distribution is accomplished.

5. Distribution Instructions. Although the general distribution instructions are reflected on the DD Form 215, the specific Marine Corps distribution instructions are provided in paragraph 1202.6 above. The original and copy 4, if applicable, will be forwarded to the separatee at the address shown in item 4 with instructions that this form should be attached to the original DD Form 214 and copy 4, if applicable. Distribution of the remaining copies of the DD Form 215 will be the same as for the original of the DD Form 214 when it was prepared and distributed.

1204. SAFEGUARDING SEPARATION INFORMATION

1. The DD Form 214 and DD Form 215 are sources of significant and authoritative information used by civilian and Government agencies for a variety of purposes such as VA benefits, reemployment rights, unemployment insurance, etc. As such, they are valuable forms, and therefore, vulnerable for fraudulent use. To preclude fraudulent use, certain features have been designed into the DD Form 214 and DD Form 215. Blocks 1, 3, 4, 12 and 18 through 30 of the DD Form 214 as well as blocks 1, 3, and 5, and of the DD Form 215 have been surprinted with security ink to make alterations readily discernible.

2. In addition to design safeguards, the following control and accounting features will be implemented by commanders of each unit or activity authorized to requisition, store and issue DD Form 214 and DD Form 215:

a. Appoint a commissioned officer, warrant officer or a staff noncommissioned officer in the grade of gunnery sergeant or above to act as the agent who is responsible for the requisition, control and issue of blank DD Form 214 and DD Form 215.

b. The agent will approve the requisition of blank forms.

c. Verify total number of forms received against the requisition.

d. Furnish adequate storage to provide for strict security of blank forms at all times.

e. Ensure that all obsolete forms are destroyed.

f. Ensure that all forms discarded, including those which are blank or partially completed, and reproduced copies of the DD Form 214, will be destroyed. No forms will be discarded intact.

g. Ensure that blank forms used for educational instructional purposes, and forms maintained for such uses, are clearly voided in an unalterable manner.

h. Ensure that the DD Form 214-ws "WORKSHEET" receives the same safeguards, controls, accountability, discard and destruction procedures as the DD Form 214 and DD Form 215.

i. The commander will monitor and periodically review the above procedures to ensure compliance. In addition, the above procedures may be subject to review and evaluation for compliance by members of the Inspector General's field administrative staff.

1205. SPONSORSHIP OF DD FORM 214 SERIES. Department of Defense (Assistant Secretary of Defense, Manpower, Reserve Affairs and Logistics (ASD) (MRA&L)) sponsors the DD Form 214, DD Form 214ws and DD Form 215 which are used by all branches of the Armed Forces of the United States. Each service is required to publish preparation and distribution instruction under the guidance of DoD. Deviation in format or modification of content is not authorized without prior approval of DoD. Requests to add or delete information will be coordinated with the other military services in writing, prior to submission to the (ASD) (MRA&L).

1206. RESPONSIBILITY FOR ASSIGNMENT OF SEPARATION PROGRAM DESIGNATOR (SPD). The standard codes for officer and enlisted personnel were developed under the direction of DoD and are published in MCO 1080.20. The Departments of Air Force and Army have been assigned responsibility for assignment and maintenance of uniform lists and definitions of SPD's for officer and enlisted member, respectively, and with providing copies of such lists to all services. Requests for additions, deletions or modifications to SPD's shall be addressed to the Commandant of the Marine Corps (Code MPI-60).

TABLE 1-1 CHARACTERIZATION OF SERVICE

RULE	If the separating Marine (not a release from active duty)	Characterize service	Issue
1	is under 17 years of age	uncharacterized	order of release from custody of control of military service.
2	is between 17 and 18 and has served less than 180 days	entry level separation	DD 214 only.
3	over 18 years of age and has served less than 180 days	entry level separation 1	DD 214 only.
➧ 4	over 18 years of age and has served more than 180 days, is a corporal or below and has average conduct or proficiency markings of 4.0/3.0 or better	honorable 1	Honorable Discharge Certificate, DD Form 214 and honorable discharge pin.
5	over 18 years of age and has served more than 180 days, is a corporal or below and has average conduct or proficiency markings below 4.0/3.0	under honorable conditions 1	General Discharge Certificate and DD Form 214.
➧ 6	is a sergeant or above	honorable 1	Honorable Discharge Certificate, DD Form 214 and honorable discharge pin.
7	has requested separation in lieu of court-martial	under other than honorable conditions 1	other than honorable conditions Discharge Certificate and DD Form 214.
➧ 8	is being separated under a provision of chapter 6	as directed by separation authority	appropriate certificate based upon discharge authority's decision, DD Form 214, and honorable discharge pin if appropriate.

NOTE 1. Unless unusual circumstances warrant other characterization and other characterization is approved by GCM authority or higher.

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
MARCORSEPMAN Par. 1005	Completion of Required Active Service (USMC) EAS	MBK1
	Expiration of Enlistment (USMC) EOS	KBK1
	Completion of Required Active Service (USMCR) IADT	MBK2
	Expiration of Enlistment (USMCR) EOS	MBK3
MARCORSEPMAN Par. 1105	As a result of a court-martial (GCM)-Desertion	JJC1
	As a result of a court-martial (GCM)-Other	JJD1
	As a result of a court-martial (SPCM)-Desertion	JJC2
	As a result of a court-martial (SPCM)-Other	JJD2
MARCORSEPMAN Par. 6202	General demobilization or reduction in authorized strength	JCC1
MARCORSEPMAN Par. 6203.1	Parenthood (without admin discharge board)	JDG1
	Parenthood (with admin discharge board)	GDG1
MARCORSEPMAN Par. 6203.2a(1)	CoG, Med board determination of obesity (without admin discharge board)	JFV5
	CoG, Med board determination of obesity (with admin discharge board)	GFV5
➧MARCORSEPMAN Par. 6203.2a(2) Par. 6203.2a(3) Par. 6203.2a(8) Par. 6203.2a(9)	CoG, Condition not a physical disability which interferes with performance of duty (without admin discharge board)	JFV1
	CoG Condition not a physical disability which interferes with performance of duty (with admin discharge board)	GFV1
➧MARCORSEPMAN Pars. 6203.2a(4) and 6203.2a(5)	CoG, Condition not a physical disability, Motion/ Travel Sickness (without admin discharge board)	JFV3
	CoG Condition not a physical disability, Motion/ Travel Sickness (with admin discharge board)	GFV3
➧MARCORSEPMAN Par. 6203.2a(6)	CoG, Condition not a physical disability, Pseudo-folliculitis-Barbae (without admin discharge board)	JFV6
	CoG, Condition not a physical disability, Pseudo-folliculitis-Barbae (with admin discharge board)	GFV6
➧MARCORSEPMAN Par. 6203.2a(7)	CoG, Condition not a physical disability, Allergy (with admin discharge board)	GFV2
	CoG, Condition not a physical disability, Allergy (without admin discharge board)	JFV2

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
MARCORSEPMAN Par. 6404.2	Immediately enlist or reenlist (to enlist in USMC)	KHC1
	Immediately enlist or reenlist (less than 2 yrs active obligated service remaining)	KHC2
MARCORSEPMAN Par. 6404.2	Immediately enlist or reenlist (NESEP)	KHC3
	Immediately enlist or reenlist (MECEP)	KHC4
MARCORSEPMAN Par. 6405	Attend School (early separation) Discharged	KCF1
	Attend School (early separation) Release from active duty	MCF1
MARCORSEPMAN Par. 6406	Accept Civil office (Discharged)	KCK1
	Accept Civil office (Release from active duty)	MCK1
MARCORSEPMAN Par. 6407	Hardship (Discharged	KDB1
	Hardship (Release from active duty)	MDB1
MARCORSEPMAN Par. 6408	Pregnancy (Discharged)	KDF1
	Pregnancy (Release from active duty)	MDF1
MARCORSEPMAN Par. 6409	Conscientious objector	KCM1
MARCORSEPMAN Par. 6410	Surviving Family Member (Discharged)	KCQ1
	Surviving Family Member (Release from active duty)	MCQ1
MARCORSEPMAN Par. 6411	Officer Candidate Disenrolls	KHE1
MARCORSEPMAN Par. 6412	Twice failed selection for promotion to Staff Sergeant voluntary	KND1
MARCORSEPMAN Par. 6413	Reduction in grade from Staff Sergeant to Sergeant or below voluntary	KND2
MARCORSEPMAN Par. 6414	Ordained a minister (not on active duty)	KCL1
MARCORSEPMAN Par. 6415	Transfer to the Navy Hospital Corps	KBJ2
MARCORSEPMAN Par. 6416	Marriage (Discharge)	KDC1
	Marriage (Release from active duty)	MDC1

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
MARCORSEPMAN Par. 6417	Transfer to the Navy as a Religious Program Specialist	KBJ1
MARCORSEPMAN Par. 6419	Sepration in lieu of trial by court-martial	KFS1
MARCORSEPMAN Par. 6420, 6404.5, 6404.6	Completion of Required Active Service (for members of ship, mobile unit, return from overseas and members returning from treatment status to full duty status with less than 90 days to EAS)	MBM1
	Expiration of Enlistment (EOS)	KBM1
MARCORSEPMAN Par. 7003	Retired	RBD1
	Retired from the Fleet Marine Corps Reserve	SBD1
MARCORSEPMAN Par. 7007	Transfer to the Fleet Marine Corps Reserve	NBD1
	Transfer to the Fleet Marine Corps Retained EAD	NBD2
	Officer reverts to enlisted and transfer to the Fleet Marine Corps Reserve	NBD3
MCO 1900.15B of 31 Mar 76	Released from EAD and reverted to the Fleet Marine Corps Reserve	NBD4
MARCORSEPMAN Par 8201	Permanently retired by reason of physical disability	SFJ1
MARCORSEPMAN Par. 8301	Placed on Temporary Disability Retired List	SFK1
MARCORSEPMAN Par. 8401	Physical disability with severance pay	JFL1
	Physical disability w/entl to severance pay, severance pay not paid, less than 6 mos acdu	JFL2
	Physical disability with severance pay, existed prior to entry but aggravated by service	JFQ1
	Physical disability w/entl to severance pay, existed prior to entry but aggravated by service, severance pay not paid, less than 6 mos acdu	JFQ2
MARCORSEPMAN Pars. 8402 and 8407	Physical disability without severance pay (not in line of duty)	JFP1
MARCORSEPMAN Par. 8404	Physical disability existing prior to entry determined by MedBd	JFM1
	Physical diability existing prior to entry determined by MedBd (entry level separation)	JFM2
	Physical disability existing prior to entry determined by PEB	JFN1
	Physical disability existing prior to entry determined by PEB (entry level separation)	JFN2
MARCORSEPMAN Par. 8406	Not physically qualified to be commissioned	JFR1

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices

TERRITORY ALLOTED TO	VA REGIONAL OFFICE
ALABAMA All cities and counties	Aronov Building 474 South Court Street Montgomery , Alabama 36104
ALASKA All cities and counties	235 East 8th Street Anchorage, Alaska 99501
ARIZONA All cities and counties	3225 North Central Avenue Phoenix, Arizona 85012
ARKANSAS All cities and counties	1200 West 3rd Street Little Rock, Arkansas 72201
CALIFORNIA Counties: Inyo, San Bernadino Kern, San Luis Obispo Los Angeles, Ventura Orange, Santa Barbara	Federal Building 11000 Wilshire Blvd. Los Angeles, California 90024
Alpine, Lassen Mono	1201 Terminal Way Modoc Reno, Nevada 89520
Imperial, Riverside Diego	2022 Camino Del Rio North San San Diego, California 92108
All other counties	211 Main Street San Francisco, California 94105
CANAL ZONE Entire zone	941 N. Capitol Street, N.E. Washington, D.C. 20421
COLORADO All cities and counties	Denver Federal Building Building 20 Denver, Colorado 80225
CONNECTICUT All cities and counties	450 Main Street Hartford, Connecticut 06103
DELAWARE All cities and counties	1601 Kirkwood Highway Wilmington, Delaware 19805
DISTRICT OF COLUMBIA Entire district	941 N. Capitol Street, N.E. Washington, D.C. 20421
FLORIDA cities and counties	144 First Avenue South All St. Petersburg, Florida 33731
GEORGIA All cities and counties	730 Peachtree Street, N.E. Atlanta, Georgia 30365
GUAM Entire island	VA Office Pacific Daily News Bldg. Room 405, 238 O'Hara St. Agana, Guam 96910
HAWAII island	PJKK Federal Building Entire 300 Ala Moana Blvd Honolula, Hawaii 96813

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices

IDAHO All cities and counties	Federal Building 550 West Fort Street Boise, Idaho 83724
ILLINOIS All cities and counties	536 South Clark St. Chicago, Illinois 60680
INDIANA All cities and counties	575 N. Pennsylvania St. Indianapolis, Indiana 46204
IOWA All cities and counties	210 Walnut Street Des Moines, Iowa 50309
KANSAS All cities and counties	503 Kansas Avenue, Suite 201 PO Box 1369 Topeka, Kansas 66601
KENTUCKY All cities and counties	600 Federal Place Louisville, Kentucky 40202
LOUISIANA All cities and counties	701 Loyola Avenue New Orleans, Louisiana 70113
MAINE All cities and counties	Route 17 East Togus, Maine 04330
MARYLAND Counties: Montgomery Prince Georges	941 N. Capitol St. N.E. Washington, D.C. 20421
All other counties	Federal Building 31 Hopkins Plaza Baltimore, Maryland 21201
MASSACHUSETTS Towns of Fall River and New Bedford and counties of: Barnstable, Dukes Nantucket, Plymouth Bristol	321 South Main St. Providence, Rhode Island 02903
All other counties	John F. Kennedy Federal Building Government Center Boston, Massachusetts 02203
MICHIGAN All cities and counties	Patrick A. McNamara Federal Building 477 Michigan Avenue Detroit, Michigan 48226
MINNESOTA Counties: Duluth, Minneapolis Rochester, St. Cloud St. Paul	Federal Building Fort Snelling St. Paul, Minnesota 55111
All other counties	21st Avenue & Elm St. Fargo, North Dakota 58102

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices

MISSISSIPPI All cities and counties	120 North State St. War Memorial Building RM B-100 Jackson, Mississippi 39205
MISSOURI All cities and counties	Federal Building 1520 Market Street St. Louis, Missouri 63103
MONTANA All cities and counties	William St. Hwy 12 West Ft. Harrison, Montana 59636
NEBRASKA All cities and counties	Federal Building 100 Centennial Mall North Lincoln, Nebraska 68508
NEVADA All cities and counties	245 East Liberty Street Reno, Nevada 89520
NEW HAMPSHIRE All cities and counties	Norris Cotton Federal Bldg. 275 Chestnut Street Manchester, New Hampshire 03101
NEW JERSEY All cities and counties	20 Washington Place Newark, New Jersey 07102
NEW MEXICO All cities and counties	Dennis Chavez Federal Bldg. 500 Gold Avenue, S.W. Albuquerque, New Mexico 87102
NEW YORK Cities and counties: Binghamton Buffalo Rochester Syracuse Utica	Federal Building 111 West Huron Street Buffalo, New York 14202
All other cities and counties	252 7th Ave at 24th St. New York, New York 10001
NORTH CAROLINA All cities and counties	Federal Building 251 N Main Street Winston, North Carolina 27102
NORTH DAKOTA All cities and counties	21st Avenue & Elm St. Fargo, North Dakota 58102
OHIO All cities and counties	Anthony J. Celebrezze Federal Building 1240 East 9th Street Cleveland, Ohio 44199
OKLAHOMA All cities and counties	Federal Building 125 South Main St. Muskogee, Oklahoma 74401
OREGON All cities and counties	Federal Building 1220 S.W. 3rd Avenue Portland, Oregon 97204

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices

PENNSYLVANIA Cities and counties: Altoona Johnstown Pittsburgh	1000 Liberty Avenue Pittsburgh, Pennsylvania 15222
All other cities and counties	P. O. Box 8079 5000 Wissahickon Ave. Philadelphia, Pennsylvania 19144
PHILLIPINES Republic of the entire islands 96528	1131 Roxas Blvd. (Manila) APO San Francisco, California
PUERTO RICO Commonwealth of Puerto Rico including Hato Rey Virgin Islands	Federal Building Carlos E. Chardon St. San Juan, Puerto Rico 00918
RHODE ISLAND All cities and counties	321 South Main Street Providence, Rhode Island 02903
SOUTH CAROLINA All cities and counties	1801 Assembly Street Columbia, South Carolina 29201
SOUTH DAKOTA All cities and counties	Courthouse Plaza Bldg. 300 North Dakota Ave. Sioux Falls, South Dakota 57101
TENNESSEE All cities and counties	110 9th Avenue, South Nashville, Tennessee 37203
TEXAS Cities and counties: Abilene Amarillo Austin Dallas El Paso Ft. Worth Killeen Lubbock Midland Odessa Terminal Waco Wichita Falls	1400 N. Valley Mills Dr. Waco, Texas 76799
Bowie	1200 West 3rd Street Little Rock, Arkansas 72201
All other counties	2515 Murworth Drive Houston, Texas 77054
UTAH All cities and counties	Federal Building 125 South State Street Salt Lake City, Utah 84138
VERMONT All cities and counties 05001	North Hartland Rd. White River Junction, Vermont
VIRGINIA Cities and counties: Arlington Fairfax Alexandria Falls Church	941 N. Capitol Street, N.E. Washington, D.C. 20421
All other counties	210 Franklin Road, S.W. Roanoke, Virginia 24011

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices

WASHINGTON All cities and counties		Federal Building 915 2nd Avenue Seattle, Washington 98174
WEST VIRGINIA Counties: Brooke Marshall	 Hancock Ohio	1000 Liberty Avenue Pittsburgh, Pennsylvania 15222
All other counties		640 4th Avenue Huntington, West Virginia 25701
WISCONSIN All cities and counties		342 North Water Street Milwaukee, Wisconsin 53202
WYOMING All cities and counties		2360 East Pershing Blvd. Cheyenne, Wyoming 82001

CERTIFICATE IN LIEU OF ORDERS (1900)

NAVMC 11062 (1-80)
SN: 0000-00-006-7820 U/I: PADS of 50

NAME (Last, First, Middle Initial)	GRADE	SSN	DATE

PART I

☐ 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	RESERVE
HOME OF RECORD AT LAST ENLISTMENT (City and State)	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

☐ 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

☐ 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

☐ 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

☐ 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:

☐ 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

☐ LAST PLACE MARINE WAS REIMBURSED OR TRANSPORTATION REQUEST WAS FURNISHED AND USED FOR TRANSPORTATION OF DEPENDENTS (City and State):

PART VI

ACCOUNTING AND APPROPRIATION DATA — ACCOUNTING CLASSIFICATION

APPROPRIATION SYMBOL AND SUBHEAD	OBJECT CLASS.	BUREAU CONT. NO.	SUB. ALLOT.	AUTH'N ACCT'G ACTY.	TRANS. TYPE	PROPERTY ACCT'G ACTY.	COST CODE

DATE	TYPED NAME AND SIGNATURE OF CERTIFYING OFFICER	ISSUING ACTIVITY

★ G P O 1980 – 640-197 / 179 REGION NO. 4

SAMPLE

Figure 1-1.--Certificate In Lieu of Orders.

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

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

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

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

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

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

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

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

Figure 1-2.--Information Concerning the Regulations and Procedures of the Board for Correction of Naval Records and the Navy Discharge Review Board.

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

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

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

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

The evidence before the board which may be considered in connection with a particular discharge document will normally be restricted to that which is relevant and material to the former member's particular term of Marine Corps service or during that term of Marine Corps service, or at the time of separation.

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

Figure 1-2.--Information Concerning the Regulations and Procedures of the Board for Correction of Naval Records and the Navy Discharge Review Board--Continued.

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

Applications for review and explanatory matter may be obtained by writing the Navy Discharge Review Board, Department of the Navy, Washington, D.C. 20370.

STATEMENT OF THE INDIVIDUAL

I have been advised of the purpose and procedure for making application to the Board for Correction of Naval Records and the Navy Discharge Review Board.

I have also been advised that a discharge under other than honorable conditions resulting from a period of continuous unauthorized absence of 180 days or more, is a conditional bar to benefits administered by the Veterans Administration notwithstanding any action by the Navy Discharge Review Board.

_____
Signature

_____
Witness

Figure 1-2.--Information Concerning the Regulations and Procedures of the Board for Correction of Naval Records and the Navy Discharge Review Board--Continued.

CHECK-OFF LIST FOR SEPARATIONS

I. PRESEPARATION INTERVIEW

SUBJECT	REFERENCE	WHEN APPLICABLE		
		DISCHARGED	RELEASED FROM ACTIVE DUTY	Retire FMCR
Career Planning Interview	MCO P1900.16C Par 1101.4a MCO P1040.31	YES*	YES	NO
Reenlistment Benefits	MCO P1040.31	YES*	YES	NO
Marine Corps Reserve Affiliation	MCO 1001.39	YES*	YES	NO
Inform Member of Address of Marine Corps District Director	MCO P1900.16C Par 1101.4b	YES*	NO	NO
Military Selective Service Act Obligation-NAVMC 10228	MCO 1001.1	NO	YES	NO
Selective Service Registration	MCO P1900.16C Par 1101.4	YES	YES	NO
Separation Physical	MCO P1900.16C Par 1008, 1011	YES*	YES	YES
VA Dental Treatment Eligibility	MCO 1900.16C Par 1101.4d	YES	YES	YES
Conversion of SGLI	MCO P1741.8B MCO P1760.8	YES	YES	YES
Maternity Care	MCO 5000.12	YES	YES	NO
Health Care Insurance	MCO 1760.8B	YES	YES	NO
BCNR/NDRB Advice	MCO P1900.16C Par 1101.4e	YES	NO	NO
Unemployment Benefits	MCO P1900.16C Par 1101.4f	YES	YES	NO
Civil Readjustment/Veterans Rights and Benefits	MCO P1760.8	YES	YES	YES
VA Claim (VA Form 21-526e)	MCO P1760.8_ Chap 1	YES	YES	YES
Audit Service Record	MCO 1070.12D Chap 5	YES	YES	YES
Wearing of Uniform after separation	MCO P1900.16C MCO P1020.34D MCO P10120.28	YES	YES	YES
Travel	MCO P1900.16C Par 1009 JTR, Vol I Chap 4 and 7 MCO P4650.37 Chap 21	YES	YES	YES
Transportation in Kind (if applicable)	JTR, Par 5300	YES	YES	YES
Separation/severance and contract cancellation payment (when applicable)	DODPM Part 4	YES	NO	NO
Shipment of Household Effects (if applicable)	JTR, Vol I Chap 8	YES	YES	YES
Allotment Stoppage	MCO P7220.31	NO	NO	YES
Bonds in Safekeeping	Must request from MCFC within 60 days after separation	YES	YES	YES

*Not applicable in the case of separation/retirement by physical disability.

Figure 1-3.--Check-Off List for Separations.

CHECK-OFF LIST FOR SEPARATIONS

II. - FORMS, ORDERS AND ADMINISTRATIVE MATTERS (ENLISTED)

SUBJECT	REFERENCE	WHEN APPLICABLE		
		DISCHARGED	RELEASED FROM ACTIVE DUTY	Retire FMCR
Selective Service Registration Form (SSS-1)	MCO P1900.16C Par 1101.4g	YES	YES	NO
Security Termination Statement	MCO 5521.3_ Par 14	YES	YES	YES
DD 214 (used only in terminating active duty status)	MCO P1900.16C Par 1101.2a	YES	YES	YES
DD 2 (Ret)	MCO P1070.12D Par 2004	NO	NO	YES
DD 2 (Res)	MCO P1070.12D Par 2004	NO	YES	NO
Notice of Obligated Service - NAVMC 10228	MCO P1900.16C Par 1101.2b	NO	YES	NO
Notification to Immigration & Naturalization Service	MCO P1900.16C Par 1103	YES	NO	NO
One copy of "Once a Veteran" - NAVMC 2537	MCO P1900.16C Par 1101.2d	YES	YES	YES
Discharge Certificate	MCO P1900.16C Par 1101.2c	YES	NO	NO
Honorable Discharge Button/Pin	MCO P1900.16C Par 1101.2d	YES	NO	NO
Fitness Report - Sergeant and above	MCO 1610.7B	YES	YES	YES
Issue of Dependent ID Cards and Medical Care DD Form 1172 and 1173	MCO 1750.6	NO	NO	YES
Recover Dependent Card	MCO 1750.6	YES	YES	YES
Dependent Medical Care and 1173 Statement (DD 1407)	SECNAVINST 6320.8 Sec II, Par 7	YES	YES	YES
Survivor Benefit Plan (SBP)	MCO 1070.12D Par 4014.3e	NO	NO	YES
Release from Active Duty Orders (Reserves)	MCO 1900.15	NO	YES	NO
Unit Diary Entry	MCO P1080.35_ Chap 2	YES	YES	YES
Temporary Disability Retired List, Orders of	MCO P1900.16C Par 8302 Fig 8-5	NO	NO	YES (TDRL ONLY)
Retirement by Reason of Permanent Physical Disability, Orders to	MCO P1900.16C Par 8202 Fig 8-4	NO	NO	YES (PDRL ONLY)
Message Report of Physical Disability Discharge	MCO P1900.16C Figure 8-6	YES	NO	NO
Message Report of Physical Disability Retirement or Transfer to TDRL	MCO P1900.16C Par 8202.2c or 8303.2c (Fig 8-3)	NO	NO	YES
Closing out Service Record and Transfer of SRB, Health and Dental Records	MCO P1900.16C Par 1101.7 MCO P1070.12D Par 4001	YES	YES	YES

Figure 1-3.--Check-Off List for Separations--Continued.

CHECK-OFF LIST FOR SEPARATIONS

III - FORMS, ORDERS AND ADMINISTRATIVE MATTERS (OFFICERS)

SUBJECT	REFERENCE	WHEN APPLICABLE		
		DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED
Selective Service Registration Form (SSS-1)	MCO P1900.16C Par 1101.4g	YES	YES	NO
Security Termination Statement	MCO 5521.3 Par 14	YES	YES	YES
DD 2 (Ret)	MCO P1070.12D	NO	NO	YES
DD 2 (Res)	MCO P1070.12D	NO	YES	NO
DD 114	NAVSOP 3007	YES	YES	YES
Recover Dependent ID Card	MCO 1750.6E	YES	YES	NO
Issue of Dependent ID Card and Medical Care DD 1172 & DD 1173	MCO 1750.6E	NO	NO	YES
Survivor Benefit Plan (SBP)	MCO 1070.12D Par 3010.3d	NO	NO	YES
Release from active duty orders (Reserve Officers)	MCO 1900.1J	NO	YES	NO
DD 214 (used only in terminating an active duty status)	MCO P1900.16C 1101.2A	YES	YES	YES
Temporary Disability Retired List Orders	MCO P1900.16C Par 8302 Fig 8-5	NO	NO	YES (TDRL Only)
Fitness Report	MCO 1610.7B	YES	YES	YES
Unit Diary Entry	MCO P1080.35D Chap 2	YES	YES	YES
Closing out the Service Record and Transfer of OQR, Health and Dental Records	MCO P1070.12D Par 4001 MCO P1900.16C Par 1101.7	YES	YES	YES

Figure 1-3.--Check-Off List for Separations--Continued.

(1) Two years in grade - officers in grades W-2 - W-4 and lieutenant colonels and above who are eligible for retirement under the prior law (See paragraph 2002.2 above.)

(2) Three years in grade - all officers selected and promoted to the grade of lieutenant colonel or above after 15 September 1981.

b. Additional Obligated Service. Officers attending school under various programs or who receive special training in compliance with official orders must complete the additional service obligation incurred by their participation.

(1) Service Schools

(a) Two years from the date of completion if the school exceeds 20 weeks duration.

(b) One year from completion for courses of less than 20 weeks.

(c) The service requirement is applicable to any officer who does not complete any such school and will commence effective the date of transfer from the course.

(2) Education Programs

(a) Service requirement prescribed by the Marine Corps directive in effect at the time of selection for the College Degree Program, Special Education Program, Advanced Degree Program, Funded Law Education Program, Excess Leave Program (LAW), or other full-time, funded schooling.

(b) Tuition assistance - 2 years from the date of completion of any course for which tuition assistance was provided.

c. Tour Length/Minimum Time on Station

(1) CONUS - must have completed 1 year on station, based upon the date current tour began (DCTB) established within the Manpower Management System (MMS). In the case of officers reassigned within the same geographical area, the geo-location DCTB will be used.

(2) Overseas/Prescribed Tour Length - officers serving overseas or on tours whose length is prescribed by the current edition of MCO 1300.8 must complete a full tour. Paragraph 2004.3 below, contains special instructions concerning requests from officers in this category.

d. PCS Orders

(1) Officers who are eligible or are within 12 months of attaining eligibility for retirement and have been issued PCS orders may request cancellation of the pending assignment provided a request for retirement is submitted to be effective:

(a) The 1st day of the month following the effective date of arrival at the new duty station; or

(b) If not eligible at that time, the 1st day of the month following attainment of initial eligibility. Requests which involve cancellation of PCS orders must be submitted via the most expeditious means available not later than 120 days prior to the effective date of execution of orders. Requests which meet the above guidelines or those which were submitted prior to the date of issuance of the orders from this Headquarters will normally be favorably considered.

(2) Officers subject to orders who are not within 12 months of retirement eligibility or whose request for retirement in lieu of PCS orders is submitted less than 120 days prior to the effective date of execution of orders, will be required to carry out orders and complete the required minimum tour at the next duty station.

e. Contact Relief/Critical Skill. Requests for retirement from officers serving in billets which require contact relief or special qualifications or who are considered to possess a critical skill may be deferred up to 12 months until necessary relief/assignment action can be properly executed.

2. Waiver of Criteria

a. Except for the service in grade requirement, the Commandant may waive the remaining criteria in paragraph 2003.1 above. Only the President may waive the 3 year service in grade requirement. An officer requesting waiver of any of the criteria above or the submission timeframe established below must submit a written request via the chain of command to the Commandant of the Marine Corps (Code MMSR) simultaneously with the unit diary request. Except as noted in paragraph 2003.2b below, such requests must be based upon hardship or humanitarian considerations and should include the information required by paragraph 6407 of this Manual or by paragraph 1101 of current edition of MCO P1000.6 (ACTS). Only those cases which clearly establish that a situation exists which is not of a temporary nature and is not susceptible to relief by other means will be favorably considered. Opportunity for subsequent civilian employment will not be used as a basis for requesting waivers.

b. Requests for retirement will normally be favorably considered notwithstanding established criteria if the officer concerned:

(1) Has completed at least 30 years active service;

(2) Has qualifying service and is considered twice failed of selection for promotion to the next higher grade;

(3) Is a Reserve officer eligible for retirement whose active service is no longer required; or

(4) Has previously served satisfactorily in a higher grade (see paragraph 2002.12 above for an explanation of satisfactory service).

3. Voluntary Retirement in a Lower Grade. Officers above the grade of CWO-4 who have not completed the requisite time in grade as set forth in paragraph 2003.1a above, may request to retire in the next lower grade provided the other eligibility criteria are met. Officers whose requests are approved on this basis will receive retired pay based upon the lower grade. A retirement request submitted from an officer who does not have the minimum time in grade and whose request is not based on hardship will be processed for retirement in the lower grade. Requests for retirement in the lower grade from warrant officers will not be approved.

2004. ADMINISTRATIVE PROCEDURES

1. Submission of Requests. Requests for voluntary retirement will be submitted by the reporting command via the unit diary in accordance with the current edition of MCO P1080.35D (PRIM). In addition, the officer requesting retirement will be required to sign the following entry on the administrative remarks page of the officer qualification record (OQR), "I request to transfer to the retired list effective (date)." Requests submitted beyond the timeframe will not be accepted in the MMS and therefore must be submitted with justification by separate correspondence/message to the Commandant of the Marine Corps (Code MMSR-2). Officers requesting retirement are cautioned not to make significant personal commitments (such as

c. Certificate in Lieu of Orders. Certificates in lieu of orders may not be issued until a retirement date has been approved by the Secretary of the Navy. Since this Headquarters issues orders immediately after approval and up to 12 months in advance of a retirement date, certificates in lieu of orders will not normally be issued.

2005. INVOLUNTARY RETIREMENT

1. In view of the various statutes which govern involuntary retirement, it is essential that one thoroughly understand the distinctions between total commissioned service, active commissioned service, and active service. Paragraph 2002 above, contains definitions of each.

2. In accordance with statute and in some cases separate Marine Corps policy, officers must be retired as indicated in table 2-1 and the following paragraphs:

a. At age 62, unless such retirement is deferred by the President for a period of time not to extend beyond age 64.

b. Safety Zone. Officers who would otherwise be subject to involuntary discharge, but are within 2 years of qualifying for retirement will be continued until qualified for retirement unless sooner retired or discharged under another provision of law.

c. Officers Selectively Continued. The continuation of officers subject to discharge or involuntary retirement was included in DOPMA as a discretionary provision to permit the services to meet manpower requirements in specific skills that, for a variety of reasons, exhibit shortages on a transitory basis. DOPMA precribes that continuation boards may be convened at the discretion of the Secretary of the Navy whenever the needs of the service so require. These boards may be convened to consider officers in the grades of captain and above who are subject to discharge or involuntary retirement under previous law or DOPMA. If an officer is neither considered nor selected for continuation by a board convened by the Secretary of the Navy, the officer shall be discharged or retired under previous law or DOPMA, whichever applies. Unless solicited by HQMC, individual request for selective continuation will not be considered or forwarded. In the absence of a Marine Corps wide program request received will be filed without further action. The maximum periods of ACDU for which an officer may be continued on active duty under DOPMA are as follows:

(1) Captains. Any period that does not extend beyond 20 years active commissioned service

(2) Majors. Any period that does not extend beyond 24 years active commissioned service.

(3) Lieutenant Colonels and Colonels. Any period of time not to exceed 5 years.

(4) Period of Continuation. The period of continuation when authorized will normally be at least 2 years; however, subject to the limitations above, longer periods may be authorized. The specific terms of continuation will be the subject of separate correspondence between this Headquarters and any officer continued. Continuation for one period does not guarantee a second period.

d. Warrant Officers. Warrant officers unless separated or retired under other provisions of law shall be retired on the 1st day of the month 60 days after the completion of 30 years active service unless continued on active duty beyond that term under the provisions of 10 U.S.C. 1305. In no case, however, may a warrant officer be continued on active duty beyond 60 days after reaching age 62 or in the following instances:

(1) The date on which officially considered twice failed of selection to the next higher permanent warrant officer grade;

(2) The date on which the Secretary of the Navy, the President, or the United States Senate for the second time, removes the individual's name from a promotion list, or the date on which the Secretary of the Navy approves the report of a selection board which does not recommend promotion after the individual has been once removed from a promotion list as indicated above;

(3) The date on which the Secretary of the Navy approved the report of a board which reported the individual as having failed to meet the moral qualifications, or upon reexamination, the professional qualifications prescribed by the Secretary of the Navy for such promotion;

(4) Completion of 20 years active service if previously subject to involuntary separation, but continued by virtue of falling within the safety zone.

3. Status of Temporary Officers Designated for Limited Duty. MCO 1040.14E applies.

4. Administration/Notification of Status. Upon final approval of any promotion board, the Commandant of the Marine Corps (Code MMSR) will identify all officers potentially subject to involuntary retirement, compute their projected mandatory retirement date, and will maintain a pending mandatory retirement file. Should an officer so identified not subsequently be selected for promotion and not request earlier voluntary retirement, the Commandant of the Marine Corps (Code MMSR) will issue a letter advising the officer concerned of the mandatory status 7 months prior to the mandatory date.

2006. LEAVE. Leave in conjunction with retirement is authorized subject to the provisions of paragraph 1010 of this Manual and the current edition of MCO P1050.3.

2007. PHYSICAL EXAMINATIONS

1. All officers should schedule a retirement physical examination not more than 6 months nor less than 3 months prior to the effective date of retirement in order to allow time, if necessary, for any corrective surgery or for disability proceedings to be completed beforehand. The time required for physical disability proceedings varies greatly, depending on the circumstances in each case; however, it may be expected to take 3 to 4 months from the initial physical examination until final action by the Secretary of the Navy.

2. Officers subject to involuntary retirement should be particularly aware of the provisions of the preceding paragraph. In order for a mandatory retirement to be deferred for physical reasons the Marine must be an inpatient at a hospital or have disability proceedings pending.

3. If an officer who is pending retirement is found not physically qualified for retirement, notify the Commandant of the Marine Corps (Code MMSR-2) immediately stating the pertinent details. If subsequently found fit and the initial retirement date has passed, new retirement orders will be issued to be effective the 1st of the following month.

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

2008. RETIREMENT CEREMONY

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

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

2009. RETIRED GRADE

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

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

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

2010. 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.

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

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

2. For the purpose of the calculation in paragraph 2010.1 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 Support Center; and 15 points per year gratuitous credit for Reserve membership.

3. 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 on active duty, the retired pay will be based on the higher applicable basic pay.

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

2011. 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 other than the Navy Relief Society, and allotments in amounts greater than the anticipated amount of retired pay, will be automatically continued when retirement is effected. The current edition of MCO P7220.45 refers.

2012. 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 current check mailing address and current home mailing address where mail and messages 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 requirements and conditions stated in the Marine Corps Retirement Guide, NAVMC 2642, a retired officer may reside abroad.

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 5512.10A
(d) MCO P1080.35D, PRIM, par. 5303
(e) MARCORSEPMAN, par. 2008

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/enlcosures (issued 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 the 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 your retirement in accordance with reference (d).

4. Upon receipt of these orders notify your commanding officer of your desires regarding a retirement ceremony in accordance with reference (e).

5. 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.

6. You have stated that your future address for mailing purposes is: _____ _____.

7. 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.

8. 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).

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

10. 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.

Figure 2-1.--Format for Orders to Release from Active Duty and Transfer to the Retired List.

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. 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.)

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

14. 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

HOME OF SELECTION ENDORSEMENT

I certify that I have selected (city), (state) as my home incident to transfer to the retired list and arrived thereat on (date). I further certify and understand that this selection, once made and travel allowance is received for travel thereto, is irrevocable and no further entitlement to travel allowances shall accrue.

(signature) (date)

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, the Commandant of the Marine Corps (Code MMSR-2) will provide additional documents as necessary.

Figure 2-1.--Format for Orders to Release from Active Duty and Transfer to the Retired List--Continued.

CHAPTER 3

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

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CHAPTER 3

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

3001. DEFINITIONS. Certain terms have special definition with reference to Reserve retirements as outlined below:

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

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

3. Qualifying Service

a. Qualifying service is credited in accordance with 10 U.S.C., section 1332. In essence, this law provides that almost all military service prior to 1 July 1949 is qualifying service. Subsequent to 30 June 1949 a year of qualifying service is one in which the member is credited with a minimum of 50 retirement points (including 15 gratuitous membership points) during the member's anniversary year. (See paragraph 3014 below.)

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

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

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

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

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

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

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

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

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

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

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

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

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

3002. RESIGNATION OF OFFICERS

1. The President, or the Secretary of the Navy acting for the President, may accept the resignation of an officer of the Marine Corps Reserve. Officers will include the reason for resignation in their letter. The provisions of paragraph 5002 of this Manual, pertaining to tendering and accepting of resignations of Regular officers are applicable except those periods of obligated service acquired under law or contractual agreement must be completed before a resignation will be accepted. Exceptions may be made when the separation of an officer is considered to be in the best interests of the service. (See chapter 4 of this Manual for additional provisions concerning separation of Reserve officers.)

2. Letters of resignation will be submitted to the Secretary of the Navy via the Commandant of the Marine Corps (Code MMSR-5). Resignations from officers who are members of the Selected Marine Corps Reserve (SMCR) will be submitted via the Commanding General, 4th Marine Division or Commanding General, 4th Marine Aircraft Wing, as appropriate. Resignations from officers who are submitted via the Director, Marine Corps Reserve Support Center (MCRSC). Endorsements by the custodian of the officer's records will contain a statement that the officer has completed all obligated service.

3. Expungement of Resignation-Related Material

a. Provided the request for withdrawal is approved by the Secretary of the Navy, officers requesting withdrawal of a resignation and officers whose resignations are withdrawn or disapproved may have their resignation letters and related correspondence expunged from their official records upon their written request.

b. Officers who have voluntarily resigned their commissions and who are subsequently placed on the active-duty list may have any reasons submitted by them in connection with their resignation expunged from their official records upon their written request.

c. Requests for removal of resignation letters and related correspondence or reasons for resignation are to be submitted to the Commandant of the Marine Corps (Code MMSR). Fitness reports and separation orders will not be removed from official records under this paragraph.

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

a. "I have been advised fully on the regulations and provisions of law relative to trial by court-martial and actions taken by a Board of Officers, and the applicability of such laws and regulations in my case. I have weighed the benefits which might result from such action and considering I would not suffer greater prejudice as a result of such action; I hereby waive any court-martial action under the Uniform Code of Military Justice, also I further waive any consideration of my case by any Board of Officers and findings and recommendations by any such board of officers. This waiver is made in the interest of expediting ultimate disposition of my case, as I feel that my position in the matter has been made clear, and I have full confidence in the ability and fairness of the officers in higher authority who will act upon my case" or

b. "I request referral of the papers in my case to a Board of Officers for findings and recommendations."

3003. INVOLUNTARY DISCHARGES

1. Reserve commissioned officers may be discharged at the pleasure of the President. Reserve warrant officers, W-1, may be discharged at the pleasure of the Secretary of the Navy. For additional provisions concerning the separation of Reserve officers see chapter 4 of this Manual. Enlisted reservists shall be discharged in accordance with chapter 6 of this Manual.

2. Reserve officers with less than 3 years of commissioned service and Reserve warrant officers with less than 3 years of service as a warrant officer may be separated from the Marine Corps Reserve at any time without the benefit of a hearing or board procedure for any reason discussed in paragraph 4103.1 (Substandard Performance of Duty) or paragraph 4103.5 (Parenthood). The notification procedure contained in paragraph 4202 shall be used.

3. Reserve officers and Reserve warrant officers, regardless of length of commissioned service or service as a warrant officer, may be separated from the Marine Corps Reserve at any time without the requirement of a hearing or board procedure for any reason discussed in paragraph 3003.6 (Lack of Mobilization Potential) or paragraph 3005.2 (Age-In-Grade Restrictions). The notification procedure contained in paragraph 4202 shall be used.

4. Reserve officers with more than 3 years of commissioned service and Reserve warrant officers with more than 3 years of service as a warrant officer may be separated for any reason discussed in paragraph 4103 (Separation for Cause) only upon recommendation of a Board of Inquiry as provided in paragraph 4302.

5. Reserve officers and Reserve warrant officers, regardless of length of commissioned service or service as a warrant officer, being considered for separation for any reason discussed in paragraph 4103.2 (Misconduct, or Moral or Professional Derelection) or paragraph 4103.3 (Retention is not consistent with Interests of National Security) may be separated only upon recommendation of a Board of Inquiry as provided in paragraph 4302.

6. The Secretary of the Navy will, when necessary, convene a board to screen Reserve officers not on active duty and who have completed their obligated service for their potential and availability for mobilization to active duty. Such screening will include, but will not be limited to, officers in the following categories:

a. Officers who have been on the Inactive Status List (Standby Reserve) for at least 3 years.

b. Officers who have been found by the Commander, Naval Medical Command to be not physically qualified for active duty or retention in the Marine Corps Reserve. Such officers shall be afforded an opportunity for full and fair hearing before a Physical Evaluation Board prior to final action on their cases.

c. Officers who have been found by the Commander, Naval Medical Command to be militarily unfit or unsuitable as a result of a medical finding not constituting physical disability. Such officers are not entitled to a hearing before a Physical Evaluation Board.

d. Officers who fail to undergo a physical examination as required by current regulations.

e. Officers who fail to keep the command or activity to which they are attached informed of their current mailing address.

f. Officers who fail to respond to or comply with official correspondence within a reasonable period of time.

g. Officers who decline to accept a permanent appointment to the next higher grade within 6 months of approval of the report of the promotion selection board that recommended them for promotion.

h. Officers who earned less than 27 retirement credit points (including membership points) per anniversary year and for whom no shortage of officers with whose skill exists in a competitive category and grade. However, a Reserve officer may not be separated solely for failure to meet this standard if training during the anniversary year is denied by reason of lack of funds or facilities to provide appropriate training, or circumstances of an unusual nature, as determined by the board or by the Commandant of the Marine Corps on a case-by-case basis, preclude the officer from attaining at least 27 Reserve Retirement Credit Points (including membership points) per anniversary year.

7. Prior to the convening of a board referred to in paragraph 3003.6 each officer considered will be notified in accordance with paragraph 4202. Boards to consider Reserve officers for their mobilization potential may be promotion boards reconvened for that purpose. The Commandant of the Marine Corps (RES), upon recommendation of the Board that an officer should be separated for lack of mobilization potential, shall take the following action:

a. Transfer the officer to the Inactive Status List if the officer is not qualified or does not request transfer to the Retired Reserve; or,

b. Recommend to the Secretary that the officer be transferred to the Retired Reserve if the officer is qualified and requests such transfer; or,

c. Recommend to the Secretary that the officer be Honorably discharged from the Marine Corps Reserve.

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

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

10. A Reserve officer discharged or separated for cause, other than as specified in paragraph 3003.5 above, shall be given an honorable or general discharge under honorable conditions unless:

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

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

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

3004. TRANSFER TO ANOTHER RESERVE COMPONENT OF OFFICERS AND ENLISTED RESERVISTS

1. Reservists not on active duty or extended active duty may, upon their request or with their consent, transfer between Reserve components under the following conditions:

a. The reservist with a remaining military service obligation under law may be transferred when:

(1) The reservist has special experience or professional, educational, or technical skills that are of greater value to the gaining component than they are to the reservist's current component, or is willing to acquire such skills needed by the gaining component; or national defense.

(2) The reservist has skills that exceed the requirements of the current component, and the skills are needed by the gaining component, or

(3) The losing component has no organized paid-drill unit to which the reservist can be usefully assigned that is within commuting distance of the reservist's current or anticipated domicile or place of business; and

(4) When the gaining component approves the transfer and the losing component:

(a) Approves the transfer; or

(b) Disapproves the transfer, and the disapproval is annulled by:

1 The Secretary of the military department concerned or designee, when both Reserve components are in the same military service; or

2 The Deputy Assistant Secretary of Defense (Reserve Affairs), acting for the Secretary of Defense, when the Reserve components are in different military services.

b. The reservist with no military service obligation under law may be transferred when the gaining component approves the transfer because it has been determined that such transfer is in the best interest of military preparedness.

c. When a reservist desires transfer to enroll in an officer candidate program, including College-Level Reserve Officer Training Corps, and the prospective gaining component accepts the member, the losing component shall approve the transfer if the reservist has no remaining service obligation under law. If the reservist has remaining obligation under law, the losing component shall approve the transfer unless loss of the member results in serious degradation of unit readiness that cannot be offset by recruitment of a replacement.

d. Intercomponent transfer shall be accomplished by discharge from the reservist's current Reserve component for immediate enlistment or appointment in the gaining Reserve component. Transfer and discharge are subject to the following conditions:

(1) Discharge and reenlistment, appointment in another Reserve component, or termination of current commission and reappointment in another component shall be accomplished without interrupting the continuity of the reservist's total military service. Members so transferred shall be credited with the total amount of military service accrued as of the date of transfer.

(2) Discharge for the purpose of an intercomponent transfer under this Manual shall not constitute release from or fulfillment of military service obligation established by law. However, additional service performed after such discharge shall be counted towards fulfillment of that obligation.

2. Exceptions to and limitations of the policies contained in paragraphs 3004.1a through 3004.1d above, are as follows:

a. A reservist who has no remaining military service obligation under law, but who has received a reenlistment bonus for the current term of enlistment, must honor the conditions of the bonus agreement in full, unless the losing component concurs in the transfer as being in the best interest of national defense.

b. A reservist who has no remaining military service obligation under law, but who has served on active duty for training for more than 30 consecutive days during the current enlistment or during the current time in grade in the case of an officer, must honor the service obligation incurred by such training in full, unless the losing component concurs in the transfer as being in the best interest of national defense.

c. A member of the Army National Guard or the Air National Guard may be released from the National Guard for transfer to another component only with the consent of the Governor or other appropriate authority of the state or territory, the Commonwealth of Puerto Rico, the Virgin Islands or the District of Columbia.

d. An interservice transfer must constitute movement to a Reserve category of equal or greater mobilization potential. For example, transfer is permissible if the reservist moves from the Selected Marine Corps Reserve to the Selected Reserve of another military service. On the other hand, a transfer from the Standby Reserve of one military service to the Individual Ready Reserve or Standby Reserve of another service is not permitted. As an exception, this requirement may be waived when the Secretary of the military department or Secretaries of the military departments concerned, or their designees, concur in the action as being in the best interest of national defense.

e. An officer may not be transferred from one Reserve component and appointed as a Reserve in another with a higher grade or precedence than the grade or precedence held on the day before transfer.

3. Requests for transfer between Reserve components may be initiated by the reservist or by an appropriate authority in the prospective gaining component with the consent of the individual. In either case, the request shall be processed in 60 days.

a. An enlisted member desiring transfer to another Reserve component shall submit an application to the Commandant of the Marine Corps (Code RES) providing the information contained in the format shown in figure 3-1.

b. An officer desiring transfer to another Reserve component shall submit an application to the Commandant of the Marine Corps (Code MMSR) providing the information contained in the format shown in figure 3-2.

4. Forwarding endorsements for requests for transfer by reservists with a remaining military service obligation must contain:

a. A statement from an appropriate authority in the losing component that concurs in the requested action and affirms that the transfer is in the best interest of national defense and the reservist concerned, or that nonconcurs with a full justification.

b. A statement from an appropriate authority in the gaining component that indicates that the reservist requesting transfer is acceptable and will be assigned to an approved training program, or that nonconcurs with a full justification.

5. Forwarding endorsements for requests for transfer by reservists with no military service obligation under law must contain a statement from an appropriate authority in the gaining component that the reservist requesting transfer is acceptable and will be assigned to an approved training program, or that nonconcurs with a full justification.

6. Request by Authorities of the Gaining Reserve Component

a. An appropriate authority of the gaining Reserve component shall initiate requests for transfer with the consent of the reservist concerned.

b. Requests shall contain the information contained in figure 3-1 for enlisted and figure 3-2 for officers.

7. Requests for transfer, with all documents and endorsements as required will be forwarded through the military channels of the gaining component to the losing component.

8. Upon final approval of a request for transfer, the gaining Reserve component shall furnish a copy of the DD Form 4, "Enlistment or Reenlistment Agreement Armed Forces of the United States", or appointment order, to the losing Reserve component within 15 days to permit timely discharge or termination action.

3005. RETIREMENT OR SEPARATION FOR AGE AND SERVICE

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

a. Reserve officers, other than general officers, and enlisted members of the Reserve, who upon reaching age 60 and are then qualified for retirement with pay, shall be transferred to the Retired Reserve upon the member's request effective on the 1st of the month following the member's 60th birthday. However, if the member fails to request retirement after being afforded the opportunity, the member shall be discharged.

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

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

(1) The 1st of the month following the date on which the officer first completed 20 years qualifying service and becomes qualified for retirement with pay.

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

d. Enlisted members of the Reserve, upon reaching age 60, are qualified for retirement with pay and will be transferred to the Retired Reserve upon their request, effective on the 1st of the month following their 60th birthday. However, if they fail to request retirement after being afforded an opportunity, they shall be discharged by the command concerned for convenience of the Government.

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

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

(2) The 1st of the month following their 62d birthday.

2. Age-In-Grade Restrictions

a. A Reserve officer, except a limited assignment officer, not on active duty and not on a promotion list will be transferred to the Standby Reserve Inactive Status List; upon request, be retained in or transferred to a retired status, if qualified; request resignation if they have completed a period of obligated service required under law or contractual agreement upon attaining the following ages in grade (see paragraph 3110 below, for exceptions):

Second and First Lieutenants	40 years
Captains	46 years
Majors	52 years
Lieutenant Colonels and above	60 years

b. The Commandant of the Marine Corps (Code RES) may grant or deny waivers for age-in-grade restrictions in grades second lieutenant through major for Marine Corps Reserve Officers.

c. Before a waiver is granted, it must be determined that the officer requesting the waiver has skills and experience of particular importance to the Marine Corps, and that it would be in the best interest of the naval service to waive the restriction to prevent an undue hardship on the officer concerned.

d. Requests for waivers will be submitted to the Commandant of the Marine Corps (Code RES) via the appropriate chain of command.

e. Requests for waivers that do not meet the above standards, but which appear to be meritorious, will be forwarded to the Secretary of the Navy via the Commandant of the Marine Corps (Code RES) and the appropriate chain of command.

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

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

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

e. Space available transportation within the continental United States on DoD aircraft upon presentation of a Notification of Eligibility for Retired Pay at age 60 and the DD Form 2MC(RES).

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

a. Retired pay.

b. Medical care on a space available basis.

c. Exchange and commissary privileges.

d. Space available transportation via Military Airlift Command.

3021. STATUS OF FORMER MEMBERS

1. Former members of the Marine Corps Reserve who have resigned or been discharged may apply for retired pay under paragraph 3019 above, if qualified. Such former members may receive retired pay, but are not carried on the retired list and are ineligible for any privileges or rights of the Retired Reserve. They retain their civilian status. However, such former members who are in receipt of retired pay are entitled to certain fringe benefits (i.e., commissary, exchange privileges, and health care benefits as provided by 10 U.S.C. 55, and as otherwise provided by law).

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

3022. CURRENT ADDRESS OF RETIRED RESERVIST. A member who has transferred to the Retired Reserve and who is eligible for retired pay benefits at age 60 shall keep the Commandant of the Marine Corps (Code MMSR-5) informed of the member's current address until retired pay is granted. Thereafter, current address will be maintained by the Marine Corps Finance Center (Code CPR).

3023. DELIVERY OF RETIREMENT PACKAGES AT APPROPRIATE CEREMONY

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

2. The commanding officer of the unit responsible for delivering the retirement package to the retiring Marine will personally interview the Marine and advise the Marine as to what type of ceremony is appropriate and planned, based on the capabilities that exist for that unit. If the Marine finds this undesirable, either because of date or content, the Marine will be offered alternatives. Should the Marine desire no ceremony, the Marine's wishes will be accepted. In all cases, the delivering unit will ensure that an endorsement to the retirement orders is prepared and mailed to CMC (Code MMSR-5) in compliance with SECNAVINST 5216.5B, chap. IV, sect. C, par. 5 (Correspondence Manual). The endorsement will include a statement as to how the package was delivered; i.e., "delivered at a ceremony held on (date), or mailed to you on (date)". If a retirement package can not be delivered, due to the unit's inability to locate or contact the Marine, the package should be endorsed, to include the reason for nondelivery, and the entire package returned directly to the Commandant of the Marine Corps (Code MMSR-5), within 30 days of receipt at the unit.

3. The importance of the event of retirement can not be over emphasized, accordingly, the delivering unit will exhaust every means available in ensuring the timely delivery of the retirement package. In no case should a retirement package be held beyond 30 days without contact with the retiring Marine.

3024. COMPUTATION OF RESERVE RETIREMENT CREDIT

1. The Reserve Retirement Credit Report is designed for recording credits earned towards eligiblity for retirement under the provisions of 10 U.S.C. 1331-1337, commonly referred to as the Reserve Retirement Act.

2. The unit commander is responsible for accomplishing the Reserve Retirement Credit Report and for maintaining records of credits earned to support report entries.

3. The term unit commander as used within this paragraph, refers to the Commanding General, 4th Marine Division; the Commanding General, 4th Marine Aircraft Wing; the Director, Marine Corps Reserve Support Center; or to the commanding officer of the Selected Marine Corps Reserve unit on whose rolls the reservist is carried. It does not refer to any commander of the Regular Marine Corps organization since the Reserve Retirement Credit Report is prepared only by Reserve organizations.

4. Instructions for recording and reporting Reserve retirement credits are given in the paragraphs that follow.

5. The Reserve Retirement Credit Report will be prepared by the unit commander on the following occasions:

a. End of the anniversary year.

(1) Must be prepared promptly and within 30 days of the member's anniversary year. If late, justification must accompany the report.

(2) A Code 1 anniversary report will show a summary of all points earned by the member during the member's anniversary year in each individual column. In addition, the anniversary year summary blocks will show the recapitulation total of the individual column on the report. (See figure 3-5, NAVMC 798.)

b. Detachment of transfer including assignment to EAD (Code 3).

c. Upon unit mobilization (Code 3).

d. Acceptance of resignation or discharge (Code 2). (No report is required upon discharge for immediate reenlistment or appointment in the same Reserve component, since there is no break in service.)

e. Transfer to the Inactive Status List or retirement (Code 2).

f. Upon joining a Reserve unit following a period of extended active duty if one or more anniversary dates elapsed while on active duty. Report will reflect credits earned from date of last anniversary year reported by anniversary year, to end of anniversary year prior to release from active duty. The next scheduled report, transfer, end of anniversary year; etc., will include credits earned from end of last anniversary year to beginning of reporting period.

6. On a report submitted because of resignation, discharge, retirement or transfer to the Inactive Status List, an entry will be made on the Commandant of the Marine Corps' copy immediately following the last entry indicating "Resigned", "Discharged", "Transferred to the Retired Reserve", or "Transferred to the Inactive Status List".

7. On a report submitted because of reassignment or transfer to another unit or command, an entry will be on the Commandant of the Marine Corps' copy immediately following the last entry indicating "Transferred to MCRSC" or "USMC-(O)-RUC _____".

From: Individual or Appropriate Authority
To: Commandant of the Marine Corps (Code MMSR), Headquarters, U.S. Marine Corps, Washington, D.C. 20380
Via: (1) CO of current unit
(2) CG, 4th MarDiv/CG, 4th MAW or Dir, MCRSC as appropriate

Subj: Interservice Transfer; Request for

Ref: (a) MCO P1900.16C, par. 3004

1. In accordance with the reference, it is requested that I be granted an interservice transfer to (name of military service).

2. The following information is provided:

a. Applicant's last, first, and middle name.

b. Social security number.

c. Rank (including pay grade), date of rank, and military specialty.

d. Component.

e. Organization to which assigned.

f. Years, months, and days of Federal commissioned service, active and Reserve.

g. Summary of other intercomponent transfers, if any.

h. Date and place of birth.

i. Citizenship and how acquired.

j. Summary of military duties performed.

k. Brief description of educational credentials and military and civilian professional qualifications.

l. Reason for requesting transfer.

m. Contingent resignation, include the following statement: "I hereby tender my resignation from the (specify component) and request that it be accepted contingent upon final approval of my application for transfer to the (specify component), and be effective as of the day preceding the date of my acceptance of appointment in the (specify component)".

Figure 3-2.--Request for Interservice Transfer for an Officer.

Number of Days in an Active Status		Minimum Points Required	Number of Days in an Active Status		Minimum Points Required	Number of Days in an Active Status		Minimum Points Required
FROM	THRU		FROM	THRU		FROM	THRU	
0	7	1	125	131	18	249	255	35
8	14	2	132	138	19	256	262	36
15	21	3	139	146	20	263	270	37
22	29	4	147	153	21	271	277	38
30	36	5	154	160	22	278	284	39
37	43	6	161	168	23	285	292	40
44	51	7	169	175	24	293	299	41
52	58	8	176	182	25	300	306	42
59	65	9	183	189	26	307	313	43
66	73	10	190	197	27	314	321	44
74	80	11	198	204	28	322	328	45
81	87	12	205	211	29	329	335	46
88	94	13	212	219	30	336	343	47
95	102	14	220	226	31	344	350	48 103 109
15	227	233	32	351	357	49 110	116	
16	234	240	33	358	365/366		50 117	124
17	241	248	34					

Figure 3-3.--Minimum Points Required to Establish a Partial Anniversary Year as Qualifying Service.

FOR LESS THAN A FULL ANNIVERSARY YEAR IN AN ACTIVE STATUS

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

Figure 3-4.--Membership Points (Gratuitous).

CHAPTER 4

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

GENERAL

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CHAPTER 4

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

GENERAL

4001. PURPOSE. To establish policies, standards, and procedures for the administrative separation of officers of the naval service who do not maintain required standards of performance, professional or personal conduct.

4002. APPLICABILITY. This chapter provides for the revocation of commissions, discharge, termination of appointments, release from active duty and dropping from the rolls of Marine Corps officers. The policies, reasons for separation for cause and provisions for characterization of service apply to all officers and warrant officers of the Regular and Reserve components. This chapter does not apply to discharge or retirement for physical disability or discharge or dismissal by reason of a sentence adjudged by court-martial. The separation of Reserve officers on inactive duty is addressed in chapter 3 of this Manual.

4003. GUIDANCE TO COMMANDERS ON SEPARATION PROCESSING

1. If a commanding officer recommends an officer for separation by use of the Notification Procedure (section 2), the case file should be forwarded to the Secretary of the Navy via the Commandant of the Marine Corps (Code MMSR-3) once the necessary administrative procedures have been completed.

2. If a commanding officer determines that an officer's record should be reviewed to determine whether that officer's separation may be warranted by use of the administrative board procedures (section 3), then the reasons for separation should be reported to the Commandant of the Marine Corps (Code JAS) for initiation of processing for separation action (see paragraph 4101). SECNAVINST 1920.6A contains Department of Navy policies regarding the administrative separation of officers for cause. Notwithstanding any provision in this chapter, the policies, standards, and procedures contained in SECNAVINST 1920.6A control.

4004. DEFINITIONS. The following definitions and rules of interpretation shall apply throughout this chapter:

1. Active commissioned service -- service on active duty as a commissioned officer or commissioned warrant officer.

2. Characterization of service -- classification of the quality of military service rendered.

3. Commissioned officer -- officers and warrant officers who hold a grade and office under a commission signed by the President, above warrant officer, W-1.

4. Commissioned service -- all periods of service as a commissioned officer or a warrant officer in the Army, Navy, Air Force or Marine Corps in a grade above warrant officer, W-1, while on active duty or in an active, inactive or retired status.

5. Convening authority -- the Secretary of the Navy or his delegatees authorized to appoint boards under this chapter.

6. Continuous service -- military service, unbroken by any period in excess of 24 hours.

7. Counsel -- a lawyer certified in accordance with Article 27b(1) of the Uniform Code of Military Justice or a nonlawyer, assigned to a respondent for separation processing or a civilian lawyer retained at the officer's expense.

8. Discharge -- the termination of an officer's obligation to render service and complete severance from all military status.

9. Dismissal -- Separation of a commissioned officer, effected by a sentence of a general court-martial, or in a commutation of such a sentence, or, in time of war, by order of the President. Separation of a warrant officer, W-1, who is dismissed by order of the President in time of war.

10. Drop from the rolls -- A complete severance of military status pursuant to specific statutory authority, without characterization of service.

11. Homosexual -- a person, regardless of sex, who engages in, desires to engage in, or intends to engage in homosexual acts.

12. Homosexual act -- Bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires.

13. Legal advisor -- a lawyer certified in accordance with Article 27b(1) of the Uniform Code of Military Justice, appointed to assist boards convened to consider the separation of officers for cause under this notice.

14. Officer -- a member of the naval service serving in a commissioned or warrant officer grade, either temporary or permanent. The term "officer" does not include any midshipman at the Naval Academy; midshipman, U.S. Navy; midshipman, U.S. Naval Reserve; Officer candidate; aviation cadet; or other person in an officer candidate status similar to any one or more of the foregoing.

15. Probationary officers -- Regular commissioned officer (other than commissioned warrant officers or retired officers) with less than 5 years of active commissioned service, and Regular commissioned officers who were on active duty on 14 September 1981 and who have completed less than 3 years continuous service since their dates of appointment as Regular officers.

16. Nonprobationary officers -- Regular commissioned officers (other than commissioned warrant officers or retired officers) with 5 or more years of active commissioned service, and Regular commissioned officers other than commissioned warrant officers who were on active duty on 14 September 1981 and who have completed more than 3 years continuous service since their dates of appointment as Regular officers.

17. Respondent -- an officer who is to be processed for separation for cause either by the notification procedure or the administrative board procedure specified in this chapter.

18. Release from active duty -- the continuation of an individual in an active duty status as a commissioned or warrant officer (of the Regular Marine Corps or the Marine Corps Reserve).

19. Retention on active duty -- the continuation of an individual in an active duty status as a commissioned or warrant officer (of the Regular Marine Corps or the Marine Corps Reserve).

20. Revocation of appointment or revocation of commission or termination of appointment -- a complete termination of the status as an officer.

21. The Secretary -- the Secretary of the Navy. Includes the Under Secretary of the Navy, or an Assistant Secretary of the Navy.

22. Separation -- A general term which includes discharge, dismissal, dropping from the rolls, release from active duty, revocation of an appointment or commission or termination of an appointment.

23. Sexual Perversion -- includes:

a. Lewd and lascivious acts.

b. Sodomy.

c. Indecent exposure.

d. Indecent act(s) with, or assault on, a person below the age of 16.

e. Transvestism or other abnormal sexual behavior.

f. Other indecent act(s) or offense(s).

24. Unlawful drug involvement -- the sale, transfer, use or possession of marijuana, narcotic substances, or other controlled substances or paraphernalia. The term "controlled substance" means a drug or other substance included in schedules I, II, III, IV, or V of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236) as updated and republished under the provisions of that Act.

25. Qualified Resignation -- A resignation which allows for a general characterization of service.

26. Unqualified Resignation -- A resignation which allows for an honorable characterization of service.

27. Resignation for the Good of the Service -- A resignation which allows for an other than honorable characterization of service.

28. Board of Officers -- A board convened pursuant to paragraph 4301 to determine whether a Regular officer other than warrant officers should be required to show cause for retention. This Board of Officers shall not be confused with the Officer Performance Board convened under SECNAVINST 1920.6A to consider the separation of reserve officers and commissioned warrant officers.

29. Board of Inquiry -- A board convened pursuant to paragraph 4302 to receive evidence and make findings and recommendations as to whether an officer who is required under paragraph 4301 to show cause for retention on active duty should be retained on active duty.

30. Board of Review -- A board convened pursuant to paragraph 4303 to review the cases of officers who have failed to establish before boards of inquiry that they should be retained on active duty.

CHAPTER 4

ADMINISTRATIVE SEPARATION OF OFFICER FOR CAUSE

SECTION 1: PROCESSING FOR SEPARATION

4101. INITIATING SEPARATION OF AN OFFICER - NOTIFICATION. Every commanding officer shall report to the Commandant of the Marine Corps (Code JAS) all incidents (including information received through any source; e.g., Naval Investigative Service, Inspector General, etc.) involving any officer whose performance or conduct is such that processing for separation may be appropriate consistent with this chapter.

4102. PROCESSING FOR SEPARATION. The Commandant of the Marine Corps shall initiate processing for separation under the following circumstances:

1. Cases referred under paragraph 4101 when considered appropriate under this chapter.

2. Officers whose performance or conduct is such that processing for separation is considered appropriate under this chapter.

3. Every officer reported to the Secretary of the Navy by a selection board.

4103. REASONS FOR SEPARATION FOR CAUSE. Officers who do not maintain required standards of performance, or professional or personal conduct may be disciplined when appropriate. Additionally, the officer may be processed for separation for cause in accordance with this chapter when there is reason to believe that one or more of the following circumstances exist. Nothing in this chapter is intended to preclude trial by court-martial when appropriate.

1. Substandard Performance of Duty. Inability of an officer to maintain adequate levels of performance or conduct as evidenced by one or more of the following reasons:

a. Failure to demonstrate acceptable qualities of leadership required of an officer in the member's grade.

b. Failure to achieve or maintain acceptable standards of proficiency required of an officer in the member's grade.

c. Failure to properly discharge duties expected of officers of the member's grade and experience.

d. Failure to satisfactorily complete any course of training, instruction or indoctrination which the officer has been ordered to undergo.

e. Record of marginal service over an extended time as reflected in fitness reports covering two or more positions and signed by at least two reporting seniors.

f. Personality (character and behavior) disorders, when such disorders interfere with the officer's performance of duty and have been diagnosed by a physician or clinical psychologist.

g. An officer who has been referred to a program of rehabilitation for personal abuse of drugs may be separated for failure, through inability or refusal, to participate in or successfully complete such a program. Nothing in this provision precludes separation of an officer who has been referred to such a program under any other provision of this chapter in appropriate cases.

h. An officer who has been referred to a program of rehabilitation for alcohol abuse may be separated for failure, through inability or refusal, to participate in or successfully complete such a program. Nothing in this provision precludes separation of an officer who has been referred to such a program under any other provision of this chapter in appropriate cases.

i. Failure to conform to prescribed standards of dress, weight, personal appearance or military deportment.

j. Unsatisfactory performance of a warrant officer, not amounting to misconduct, or moral or professional dereliction.

2. Misconduct, or Moral or Professional Dereliction. Performance or personal or professional conduct (including unfitness on the part of a warrant officer) which is unbecoming an officer as evidenced by one or more of the following reasons:

a. Unlawful drug involvement. Processing for separation is mandatory. An officer shall be separated if an approved finding of unlawful drug involvement is made. Exception to mandatory processing may be made on a case-by-case basis by the Secretary when the officer's involvement is limited to personal use of drugs and the officer is judged to have potential for future useful service as an officer and is entered into a formal program of drug rehabilitation.

b. Homosexuality. The basis for separation may include preservice, prior service, or current service conduct or statements. Processing for separation is mandatory. No officer shall be retained without the approval of the Secretary of the Navy when an approved finding of homosexuality is made. SECNAVINST 1920.6A sets forth those exceptional cases in which an officer may be recommended for retention. An officer shall be separated under this provision if one or more of the following approved findings is made:

(1) The member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there is a further approved finding of the mitigating circumstances mentioned in SECNAVINST 1920.6A; or

(2) The member admits to being a homosexual or bisexual or has married or attempted to marry a person known to be of the same biological sex (as evidenced by the external anatomy of the persons involved), unless there are further findings that the member is not homosexual or bisexual or that the purpose of the claim or the marriage was the avoidance or termination of military service, in which case the officer shall be processed for separation for misconduct by reason of intentional misrepresentation of material fact in official written documents or official oral statements.

c. Sexual perversion.

d. Intentional misrepresentation or omission of material fact in obtaining appointment.

e. Fraudulent entry into an Armed Force or the fraudulent procurement of commission or warrant as an officer in an Armed Force.

f. Intentional misrepresentation or omission of material fact in official written documents or official oral statements.

g. Failure to satisfactorily complete any course of training, instruction, or indoctrination which the officer has been ordered to undergo when such failure is willful or the result of gross indifference.

h. Marginal or unsatisfactory performance of duty over an extended period, as reflected in successive periodic or special fitness reports, when such performance is willful or the result of gross indifference.

i. Intentional mismanagement or discreditable management of personal affairs, including financial affairs.

j. Misconduct or dereliction resulting in loss of professional status, including withdrawal, suspension, or abandonment of license, endorsement or certification necessary to perform military duties in the officer's occupational field.

k. A pattern of discreditable involvement with military or civilian authorities notwithstanding the fact that such misconduct has not resulted in judicial or nonjudicial punishment under the Uniform Code of Military Justice (UCMJ).

l. Commission of a military or civilian offense which, if prosecuted under the UCMJ, could be punished by confinement of 6 months or more, and any other misconduct which, if prosecuted under the UCMJ, would require specific intent for conviction.

m. Conviction by civilian authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty, which, if service connected, would amount to an offense under the UCMJ.

3. Retention is not Consistent with the Interest of National Security. An officer (except a retired officer) may be separated from the naval service when it is determined that the officer's retention is clearly inconsistent with the interests of national security. This provision applies when a determination has been made under the provisions of the current edition of SECNAVINST 5510.30 that administrative separation is appropriate. An officer considered for separation under the provisions of SECNAVINST 5510.30 will be afforded all the rights to which entitled under the terms of this chapter.

4. Multiple Reasons. An officer shall be processed for separation for any applicable number of the aforementioned reasons.

5. Parenthood. An officer may be separated by reason of parenthood if it is determined that the officer is unable to perform duties satisfactorily or is unavailable for worldwide assignment or deployment.

6. Dropping from the Rolls

a. Under sections 1161, 1163, and 6408 of Title 10 U.S.C. the President or the Secretary of the Navy, depending upon the applicable statute, may drop from the rolls of an Armed Force a Regular or Reserve officer who:

(1) Has been absent without authority for at least 3 months; or

(2) Has been sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

b. Action to initiate dropping an officer from the rolls shall normally be undertaken by the Commandant of the Marine Corps, on a case-by-case basis, after a finding that one or both of the above conditions exist and that the return of the officer to military control for processing for separation for cause under this chapter will serve no useful purpose.

(1) Dropping from the rolls of officers of Regular components or Reserve officers of flag rank will be accomplished by action of the President.

(2) Dropping from the rolls of officers of Reserve components, other than officers of flag rank, will usually be accomplished by action of the Secretary.

c. Neither a hearing nor a board is required in order to drop an officer from the rolls. However, the officer so considered shall be notified of such prospective adverse action (or reasonable efforts shall be made to provide such notification if actual notification cannot be made) and provided the opportunity to respond within 30 days of receipt of notification. Upon completion of the dropping from the rolls action, notification will be addressed to the officer concerned. No certificate of discharge is issued upon separation by dropping from the rolls since such service is not characterized. For the purpose of any Federal benefit based upon characterization of service, dropping from the rolls shall be considered as a discharge under other than honorable conditions. Except for members who are absent without authority, members who are entitled to retired pay may not be dropped from the rolls unless they are

ineligible to receive their retired pay under authority of subchapter II, chapter 83, Title 5, U.S.C.

7. Secretarial Plenary Authority. Notwithstanding any limitation on separation authority provided in this chapter, the Secretary of the Navy may direct the separation processing of any officer after determining that such processing is in the best interest of the naval service.

4104. SEPARATION PROCEDURES, REGULAR OFFICERS

1. Probationary Officers

a. A probationary officer being considered for separation for substandard performance for one or more of the reasons contained in paragraph 4103.1 (Substandard Performance) or paragraph 4103.5 (Parenthood) shall be processed for separation in accordance with the Notification Procedure in section 2 of this chapter. Neither a hearing nor a board proceeding is required.

b. A probationary officer being considered for separation for one or more of the reasons contained in paragraph 4103.2 (Misconduct or Moral or Professional Dereliction) or paragraph 4103.3 (Retention is not Consistent with the Interest of National Security) shall be processed for separation in accordance with the Administrative Board Procedure in section 3 of this chapter.

c. In cases where deemed appropriate, a recommendation may be made to the Secretary by the Commandant of the Marine Corps to separate such a probationary officer with an honorable characterization of service in lieu of processing under the Administrative Board Procedure. This is in addition to the authority to either close a case after initial review, or refer it to a Board of Officers. The Secretary may approve the separation and characterization, or reject the recommendation and direct that the case be referred to a Board of Officers.

d. In cases where a Board of Officers concludes that a probationary officer should be required to show cause for retention, and separation with a characterization of honorable or general is appropriate, consistent with paragraph 4107 (Characterization of Service), the Board may refer the case, as provided by paragraph 4301.5c to the Secretary, via the Commandant of the Marine Corps for final decision. The Secretary may approve the separation and approve the recommended characterization or a more favorable characterization or may disapprove the separation and direct that the case be closed. The Secretary may reject the characterization, or separation or both and direct that the case be referred to a Board of Inquiry for processing in accordance with section 3 of this chapter.

e. The Secretary of the Navy may refer any case which considers appropriate to a Board of Inquiry.

2. Nonprobationary Officers. Nonprobationary officers being considered for separation for one or more of the reasons contained in paragraph 4103 (Reasons for Separation for Cause) shall be processed for separation in accordance with the Administrative Board Procedures in section 3 of this chapter.

3. Special Provisions. No officer shall be separated under other than honorable conditions, pursuant to this chapter, without first being afforded the opportunity to have the case heard before a Board of Inquiry.

4105. SEPARATION PROCEDURES, RESERVE, LIMITED DUTY AND WARRANT OFFICERS

1. Reserve Officers

a. Reserve officers with less than 3 years commissioned service and Reserve warrant officers with less than 3 years of service as a warrant officer may be separated from the Marine Corps Reserve at any time without the benefit of a hearing or board procedure for any reason discussed under paragraph 4103.1 (Substandard Performance) or paragraph 4103.5 (Parenthood). The notification procedure contained in paragraph 4202 shall be used.

b. Reserve officers with more than 3 years of commissioned service and Reserve warrant officers with more than 3 years of service as a warrant officer may be separated for any reason discussed under paragraph 4103 (Reasons for Separation for Cause) or paragraph 4103.5 (Parenthood) only upon recommendation of a Board of Inquiry.

c. Reserve officers and Reserve warrant officers, regardless of length of commissioned service or service as a warrant officer, being considered for separation for any reason discussed in paragraph 4103.2 (Misconduct, or Moral or Professional Derelection) or paragraph 4103.3 (Retention is not Consistent with Interests of National Security) may be separated only upon recommendation of a Board of Inquiry.

d. Reserve warrant officers who are not eligible for retirement may apply for enlistment in the highest enlisted grade previously held if honorably discharged because of any reason contained in paragraph 4103.1 (Substandard Performance of Duty).

2. Limited Duty Officers and Warrant Officers with Temporary Promotions of Appointments. The Secretary may at any time terminate the temporary promotion or appointment of a limited duty officer or warrant officer of the naval service without the requirement for a hearing or a board of officers. The notification procedures of paragraph 4202 shall be used. As provided by law an individual whose temporary appointment is terminated reverts to the individual's permanent status as a warrant officer or enlisted member.

3. Permanent Regular Warrant Officers

a. Permanent Regular warrant officers who, from the date when they accepted their original permanent appointments as warrant officers in that component, have not completed 3 years of continuous active service may have their appointments terminated at any time without the requirement of a hearing or board proceedings if the basis for such termination is contained in paragraph 4103.1 (Substandard Performance of Duty) or paragraph 4103.5 (Parenthood). The notification procedure of paragraph 4202 shall be used.

b. Permanent Regular warrant officers who have completed 3 or more years of continuous active service from the date when they accepted their original permanent appointments as warrant officers may have their appointments terminated because of any reason contained in paragraph 4103.1 (Substandard Performance of Duty) or paragraph 4103.5 (Parenthood) only upon recommendation by a Board of Inquiry.

c. Permanent Regular warrant officers who are being considered for termination of appointment because of any reason contained in paragraph 4301.2 (Misconduct, or Moral, or Professional Dereliction) or paragraph 4301.3 (Retention is not consistent with the interests of National Security) may be separated or have their appointments terminated, as appropriate, if recommended for separation or termination by a Board of Inquiry.

4106. VOLUNTARY RETIREMENT OR RESIGNATION. An officer being processed for separation for cause may at any time during proceedings under this chapter submit a qualified or unqualified resignation or if eligible request retirement under chapter 2 of this Manual.

1. Requests for such resignations shall be addressed to the Secretary via the Commandant of the Marine Corps (Code MMSR-3). If the resignation is submitted in lieu of a recommendation for administrative separation, the resignation shall contain the appropriate statement below corresponding to the type of discharge recommended. If the resignation is submitted to escape trial by court-martial, the resignation shall contain the statement in paragraph 4106 above.

a. "I have been informed and understand that if my resignation in lieu of processing for administrative separation for cause is accepted, I shall subsequently receive a certificate of honorable discharge from the naval service."

b. "I have been informed and understand that if my resignation in lieu of processing for administrative separation for cause is accepted, I may subsequently receive a certificate of general discharge from the Marine Corps; that such a

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

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

2. Separation in Lieu of Trial by Court-Martial. An officer may be separated in lieu of trial by court-martial upon the officer's request if charges have been preferred with respect to an offense for which a punitive discharge is authorized. This provision may not be used as a basis for separation when section B of paragraph 127c of Manual for Courts Martial provides the sole basis for a punitive discharge unless the charges have been referred to a court-martial authorized to adjudge a punitive discharge.

a. Characterization of service will normally be under other than honorable conditions unless a higher characterization is warranted under paragraph 4107. Characterization of service as honorable is not authorized unless the respondent's record is otherwise so meritorious that any other characterization would be clearly inappropriate.

b. The following procedures apply for submission of the request to the Secretary via the Commandant of the Marine Corps (Code MMSR-3).

(1) The request for discharge shall be submitted in writing and signed by the officer.

(2) The officer shall be afforded an opportunity to consult with qualified counsel. If the member refuses to do so the commanding officer shall prepare a statement to this effect which shall be attached to the file and the officer shall state that the officer has waived the right to consult with counsel.

(3) Unless the officer has waived the right to counsel, the request shall also be signed by counsel.

(4) In the written request, the officer shall state that the officer understands the following:

(a) The elements of the offense or offenses charged;

(b) That characterization of service under other than honorable conditions is authorized; and

(c) The adverse nature of such a characterization and possible consequences.

(5) The request shall also include:

(a) An acknowledgment of guilt of one or more of the offenses charged or of any lesser included offense, for which a punitive discharge is authorized; and

(b) A summary of the evidence or list of documents (or copies thereof) provided to the officer pertaining to the offenses for which a punitive discharge is authorized.

(6) Statements by the officer or the officer's counsel submitted in connection with a request under this subsection are not admissible against the member in a court-martial except as provided by Military Rule of Evidence 410, Manual for Courts-Martial.

3. The Commandant of the Marine Corps shall, unless the request is denied, submit the request to the Secretary with the case file and a recommendation. The Commandant of the Marine Corps shall normally deny, on behalf of the Secretary, such resignations and requests for retirement while actions against the officer under the UCMJ are pending.

4. Unless the requested characterization of service is consistent with the guidelines contained in this chapter, such resignations will normally be denied.

5. No officer may be retired because of misconduct where trial by court-martial would be appropriate.

6. A request for resignation or retirement has no effect unless accepted or approved by the Secretary of the Navy.

4107. CHARACTERIZATION OF SERVICE

1. General. The following discharges are prescribed for issuance to officers:

Types of Discharge	Character of Separation
Honorable Discharge	Honorable
General Discharge	Under honorable conditions
Under Other than Honorable Conditions	Under conditions other than honorable

2. The foregoing discharges will be issued by the Secretary and forwarded to the Commandant of the Marine Corps. Under no circumstances will any other organization issue a discharge certificate to an officer.

3. A characterization of service or discharge certificate will not be issued to officers separated by one of the following conditions:

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

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

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

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

(2) Using appropriated funds to influence legislation.

(3) Accepting bribes.

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

4. Guidance. Characterization of service incident to separation for cause will be based on the officer's record of performance and conduct including particularly the acts or omissions giving rise to separation for cause.

a. When the separation is solely for reasons constituting substandard performance of duty the characterization must be honorable.

b. The serious nature of misconduct and moral or professional dereliction on the part of a commissioned officer requires that the separation normally be under other than honorable conditions. However, characterization as general may be warranted under the guidelines below. Characterization as honorable is not authorized unless the officer's record is otherwise so meritorious that under the particular circumstances any other characterization would be clearly inappropriate.

c. When separation is for reasons of national security the characterization should be based on the seriousness of the acts or omissions and the guidelines below.

5. Honorable. An officer whose quality of service has generally met the standards of acceptable conduct and performance of duty for officers of the naval service, or is otherwise so meritorious that any other characterization would be clearly inappropriate, shall have service characterized as honorable.

6. General (Under Honorable Conditions). If an officer's service has been honest and faithful, it is appropriate to characterize that service under honorable conditions. Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the officer's conduct or performance of duty outweigh positive aspects of the officer's military record.

7. Other Than Honorable. This characterization is appropriate when the officer's conduct or performance of duty, particularly the acts or omissions that give rise to the reasons for separation, constitute a significant departure from that required of an officer of the naval service. Examples of such conduct or performance include acts or omissions which under military law are punishable by confinement of 6 months or more; abuse of a special position of trust; an act or acts which bring discredit upon the armed services; disregard by a superior of customary superior-subordinate relationships; acts or omissions that adversely affect the ability of the military unit or the organization to maintain discipline, good order and morale or endanger the security of the United States or the health and welfare of other members of the Armed Forces; and deliberate acts or omissions that seriously endanger the capability, security or safety of the military unit or health and safety of other persons.

8. Exceptions

a. Service will be characterized as honorable when the separation is solely for substandard performance of duty under paragraph 4103.1 (Substandard Performance of Duty.)

b. Service will be characterized as honorable when the grounds for separation are based solely on preservice activities.

c. Service will be characterized as honorable when the sole reason for discharge is personal abuse of drugs and the evidence of the unlawful drug involvement is developed as a result of the officer's volunteering for treatment under a self-referral program for treatment of drug abuse.

d. Conduct in the civilian community of a member of a Reserve component who is not on active duty or on active duty for training and was not wearing the military uniform at the time of such conduct giving rise to separation may form the basis for characterization of service as other than honorable only if the conduct directly affects the performance of military duties and the conduct has an adverse impact on the overall effectiveness of the service, including military morale and efficiency.

9. Service will be characterized as honorable or general consistent with the guidance in paragraphs 4107.4 through 4107.6 (Characterization of Service), when the sole basis for separation is homosexuality, unless aggravated acts are included in the findings. A separation under other than honorable conditions may be issued if there is a finding that the officer attempted, solicited, or committed a homosexual act:

a. By using force, coercion, or intimidation;

b. With a person under 16 years of age;

c. With a subordinate in circumstances that violate customary military superior-subordinate relationships;

d. Openly in public view;

e. For compensation;

f. Aboard a military vessel or aircraft; or

g. In another location subject to military control, under aggravating circumstances noted in the findings, that have an adverse impact on discipline, good order or morale comparable to the impact of such activity aboard a vessel or aircraft.

10. Once issued, the Commandant of the Marine Corps does not have the authority to change, modify or correct the character or type of discharge awarded to a former Marine either administratively or by the sentence of a court-martial. Within the Department of the Navy, only the Secretary of the Navy has this authority. Further, two boards, the Navy Discharge Review Board and Board for Correction of Naval Records, have been established by statute to review applications for relief and to make recommendations to the Secretary of the Navy regarding the appropriate corrections or changes if any, that should be made to the petitioner's official records. Specific information about the Navy Discharge Review Board and Board for Correction of Naval Records may be found in paragraph 1101.4e of this Manual. Applications for review and explanatory matter may be obtained by writing the Navy Discharge Review Board, or Board for Correction of Naval Records, as appropriate, Department of the Navy, Washington, D.C. 20370.

4108. LIMITATIONS

1. Subject to paragraph 4108.3, an officer who is processed for separation because of substandard performance of duty or parenthood, (paragraphs 4103.1 and 4103.5) and who is determined to have established that the officer should be retained on active duty may not again be processed for separation for the same reasons within the 1 year period beginning on the date of that determination.

2. Subject to paragraph 4108.3, an officer who is processed for separation for misconduct, moral or professional dereliction or in the interests of national security (paragraphs 4103.2 and 4103.3) and who is determined to have established that the officer should be retained on active duty may again be required to show cause for retention at any time.

3. An officer may not again be processed for separation under paragraph 4108.1 or 4108.2 solely because of conduct which was the subject of previous proceedings, unless the findings and recommendations of the board that considered the case are determined to have been obtained by fraud or collusion.

4. Whenever evidence of preservice misconduct is presented to a board, the board may consider it only for the purpose of deciding whether to recommend separation or retention of the respondent. Such evidence shall not be used in determining the recommendation for characterization of service. The board shall affirmatively state in its report that such evidence was considered only for purposes of determining whether it should recommend retention or separation of the officer.

4109. FINAL DISPOSITION. Final action in any case wherein the commission of an officer is to be terminated or the officer is to be separated pursuant to this chapter shall be taken by the Secretary. In addition to directing retention on active duty the Secretary may take the following actions:

1. Separation. Any Regular officer being processed for separation in accordance with this chapter, not eligible for voluntary retirement under any provision of law on the date of such removal, shall, at the direction of the Secretary, be separated with an appropriate characterization of service under guidelines in paragraph 4107 (Characterization of Service).

2. Retirement. An officer who is being considered for removal from active duty in accordance with this chapter who is eligible for voluntary retirement under any

provision of law on the date of such removal may, upon approval of the Secretary, be retired in the highest grade in which the officer served satisfactorily as determined by the Secretary. Such a retirement is considered voluntary for purposes of determination of the officer's retirement.

4110. RESERVED FOR FUTURE USE

4111. SEPARATION PAY FOR INVOLUNTARY SEPARATIONS FOR CAUSE

1. General. The Department of Defense Military Pay Allowances and Entitlements Manual (DODPM) prescribes the method for computing separation pay and defines those types of separations which entitle personnel to the pay at the full or a reduced amount. The DODPM also defines those conditions under which an officer discharged or separated is not entitled to separation pay. The information contained in this paragraph may be used as a general guide for separation payments relating to administrative separations for cause. SECNAVINST 1900.7E governs entitlement to separation pay for officers who are administratively separated under the provisions of this chapter.

2. Separation Pay

a. The amount of separation pay which may be authorized is 5 percent of the product of (a) the member's years of active service, and (b) 12 times the monthly basic pay to which the member was entitled at the time of discharge or release from active duty or $15,000, whichever is less.

b. For the purpose of determining years of active service to be used in computing the separation payment, a part of a year that is 6 months or more shall be counted as a whole year. A part of a year that is less than 6 months shall be disregarded.

c. A period for which a member has previously received separation pay, severance pay, or readjustment pay, under any other provision of law based on service in the Armed Forces may not be included in determining the years of service that may be counted in computing separation pay. The total amount that a member may receive in separation pay under this instruction and severance pay and readjustment pay under any other provision of law based on service in the Armed Forces may not exceed $30,000.

3. Involuntary Discharges which Entitle Members to Separation Pay

a. Officers involuntarily discharged as follows who have completed 5 or more, but less than 20 years of active service immediately before that discharge or release from active duty are entitled to separation pay in the amount computed under paragraph 4111.2a above not to exceed $15,000.

(1) A Regular officer (other than a warrant officer) or a Reserve officer who is involuntarily discharged for substandard performance of duty, misconduct, moral or professional dereliction, or because the member's retention is not consistent with the interests of national security and whose discharge is characterized as honorable or under honorable conditions.

(2) A Regular officer (other than a warrant officer) who has been notified in writing that a Board of Officers has determined that the member must show cause for retention and who subsequently requests resignation and is discharged under honorable conditions.

(3) A permanent Regular warrant officer separated for unfitness or unsatisfactory performance of duty who is not thereafter enlisted and whose discharge is characterized as honorable or under honorable conditions.

b. Officers discharged or released from active duty under the following conditions shall not be entitled to separation pay.

(1) Discharge or release as a part of the execution of any court-martial sentence that included discharge or dismissal.

(2) Dropped from the rolls.

(3) Discharge characterized as under other than honorable conditions.

(4) Release from active duty for training.

(5) Upon discharge or release from active duty, is immediately eligible for retired or retainer pay based upon that member's military service.

CHAPTER 5

OFFICER'S RESIGNATIONS AND INVOLUNTARY DISCHARGE AS A RESULT OF TWICE-FAILED SELECTION FOR PROMOTION

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CHAPTER 5

OFFICER'S RESIGNATIONS AND INVOLUNTARY DISCHARGE AS A RESULT OF TWICE-FAILED SELECTION FOR PROMOTION

5001. GENERAL

1. This chapter pertains to resignations submitted by officers of the Regular component and involuntary discharges as a result of failure of selection for promotion of officers on active duty. No officer will be discharged without specific authority from the Commandant of the Marine Corps.

2. The Secretary of the Navy determines the characterization of separation for officers. General guidance may be found in paragraph 4107. An honorable discharge is normally issued for unqualified resignations and discharges because of failure of selection for promotion. Discharge certificates will be issued by the Secretary of the Navy and forwarded to the Commandant of the Marine Corps. Under no circumstances will any other unit prepare a discharge certificate on an officer.

3. Resignations submitted in lieu of administrative separations for cause or in lieu of court-martial proceedings should be submitted in accordance with paragraph 4106.

5002. RESIGNATION ELIGIBILITY

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

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

a. Needs of the service.

b. Completion of the period of active commissioned service, chief warrant officer service, or warrant officer service, as specified in the officer's service agreement. Officers augmenting into the Regular Marine Corps retain their original active duty obligation. In some cases, this obligation may be extended as per paragraph 5002.3f. All active service, exclusive of active duty for training in the grade of warrant officer or above, will be counted.

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

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

h. Completion of the period of service specified in the Aviation Officer Continuation Pay (AOCP) agreement.

3. Officer resignations will not be recommended for approval if:

a. Permanent change of station orders (PCSO) have been issued to the officer prior to the date of the officer's request. However, officers who are eligible to resign and have been issued PCSO may request cancellation of the pending assignment provided a request for resignation is submitted at least 120 days prior to the effective date of arrival at the new duty station. The requested effective date of resignation must be no later than the last day of the month of the date of arrival at the new duty station.

b. The officer assigned (joined or attached) to a unit located within the continental United States 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 edition of MCO 1300.8 (for this purpose, Alaska and Hawaii are considered to be overseas locations). Officers who voluntarily extend their overseas tour will not be eligible to resign prior to fulfillment of that extension.

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

e. The officer 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. This 2 year obligation does not apply to officers augmenting upon graduating from The Basic School based on their meritorious performance. However, they must meet all other criteria in order to resign (including completion of their initial active duty obligation).

4. 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 PCSO, and who are eligible may elect one of the following options:

a. Request resignation coincident with rotation tour date.

b. Request resignation coincident with completion of a tour wherein the tour length has been specified in PCSO.

c. Return to CONUS on rotation date and serve a minimum of 1 year at the next duty station before resigning.

d. Accept orders from a specified tour length billet and serve a minimum of 1 year at the next duty station before resigning.

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 paragraph 5002.4c above. Officers resigning in accordance with this paragraph 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.

5. When an officer is requesting a waiver of any of the criteria set forth above, the officer must justify it on the grounds of undue hardship. Such requests must include the information required by paragraph 6407 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.

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 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, the officer will be relieved from active duty.

5003. SUBMISSION OF RESIGNATION REQUESTS

1. Requests for resignation are normally submitted via the unit diary in accordance with MCO P1080.35D (PRIM). The entry must be made not earlier than 14 months nor less than 4 months prior to the requested date of resignation. The minimum leadtime is necessary for the processing of requests and issuance of orders to the officers concerned. In those cases where the resignation is received less than 4 months prior to the requested date, the Commandant of the Marine Corps will reestablish the effective date to allow time for complete processing. Officers requesting resignation are cautioned not to make significant personal commitments (such as buying or selling a house or business, enrolling in graduate school, etc.) based upon mere submission of a request. Problems which may arise from such premature commitments will not be used as a basis for subsequent expeditious or preferential processing of an officer's request.

2. The reporting unit will be advised of receipt of an officer's request for resignation via the UTR. Similarly, the unit will be notified once a request is approved.

3. Letter requests for resignation will be submitted via the chain of command to the Commandant of the Marine Corps, (Code MMSR-3) when:

a. a waiver of the eligibility criteria of paragraph 5002 is required;

b. an officer is not obligated to accept a Reserve commission and does not desire to be considered for one;

c. an officer has requested a Reserve commission but is not recommended for one by the commanding officer;

d. an officer is requesting resignation in lieu of a recommendation or processing for administrative separation for cause or in lieu of trial by court-martial.

4. Upon submission of a request for resignation, the following officer qualification record entry will be made:

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

(Signature of resigning officer and date)

5004. ADDITIONAL INSTRUCTIONS

1. Reserve Commissions

a. All officers are obligated for 6 years or not more than 8 years of commissioned service, as provided in regulations prescribed by the Secretary of Defense, whether in an active or inactive status. Unless otherwise mandated by this Headquarters, separation of an officer with obligated service who has submitted an unqualified resignation will not be effected should the officer decline a Reserve commission.

b. An officer who has completed the initial statutory period of commissioned service will be automatically considered for appointment in the Reserve component unless the officer desires not to be tendered a Reserve commission in accordance with paragraph 5003.3 above.

2. Withdrawal of Resignation Requests. 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 any time prior to 45 days from the effective date of the resignation or commencement of separation leave. If an officer desires to withdraw a resignation, a 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 the forwarding endorsement a specific recommendation concerning the withdrawal of resignation.

3. Expungement of Resignation-Related Material

a. Provided the request for withdrawal is approved by the Secretary of the Navy, officers requesting withdrawal of a resignation and officers whose resignations are withdrawn or disapproved may have their resignation letters and related correspondence expunged from their official records upon their written request.

b. Officers who have voluntarily resigned their commissions and who are subsequently placed on the active-duty list may have any reasons submitted by them in connection with their resignation expunged from their official records upon their written request.

c. Requests for removal of resignation letters and related correspondence or reasons for resignation are to be submitted to the Commandant of the Marine Corps (Code MMSR). Fitness reports and separation orders will not be removed from official records under this paragraph.

4. Separation Leave. Separation leave in conjunction with resignation may be authorized by the commanding officer pursuant to the current edition of MCO 1050.3 and paragraph 1011 of this Manual. Should an officer desire separation leave, the request for resignation is to be submitted in advance of the minimum submission time for at least a period of time proportional to the amount of leave that is anticipated.

5005. SEPARATION ORDERS

1. The Commandant of the Marine Corps (Code MMSR-3) will normally direct by message the separation of officers who resign their commissions or who are discharged for failure of selection. Orders will be locally prepared and issued in the appropriate format as prescribed in figures 5-2, 5-3, and 5-4.

2. The separation orders for officers who are separated for other than the foregoing reasons will be issued by the Commandant of the Marine Corps (MMSR-3).

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

5006. INVOLUNTARY DISCHARGE AS A RESULT OF TWICE FAILING OF SELECTION FOR PROMOTION

1. Each officer on the active duty list serving in the grade of warrant officer, first lieutenant, captain or major, who has twice failed of selection for promotion are discharged from the service unless otherwise selectively continued on active duty, retired or reverted to an underlying status in the case of limited duty officers. Guidance on actions taken in regards to officers incurring a second failure of promotion is contained in SECNAVINST 1920.6A. General guidance is contained in Table 5-1 of this Manual.

2. Approximately 1-2 months after publication of the board results, officers covered under this provision will receive a status letter from the Commandant of the Marine Corps (Code MMSR-3). This letter is designed to inform such officers of their options concerning entitlement to severance or separation pay and the latest date which they may elect to be discharged. Included with this letter is an enclosure which should be completed and returned to the Commandant of the Marine Corps thereby making known the officer's selections.

3. The discharge or retirement of an officer pursuant to this provision shall be considered to be an involuntary discharge for the purpose of any other provision of law.

4. The continued military service of officers who are not sufficiently qualified to be promoted to the grade of first lieutenant is inconsistent with mission requirements and the productivity and efficiency of the Marine Corps. An officer who is found not qualified for promotion to the grade of first lieutenant shall be retained on active duty for a minimum of 6 months after the date of promotion would have occurred. If found qualified for promotion during or at the completion of the 6-month period the officer shall be promoted. If again found not qualified for promotion the officer shall be discharged.

5. Continuation Boards. Twice passed over captains and majors must be discharged as specified in table 5-1. However, twice passed over majors will be automatically considered by continuation boards established by the Secretary of the Navy. These boards will be authorized to select all twice passed over majors, without exception, for continuation to 20 years 6 months active commissioned service on a noncompetitive basis. Unless further continued on active duty, majors will be required to retire not later than the 1st day of the month after the month in which the officer completes 20 years 6 months active commissioned service. Retirement of officers selectively continued will be in accordance with chapter 2.

6. Eligibility for Severance and Separation Pay. Officers who are involuntarily discharged as a result of being twice passed over may be entitled to either severance or separation pay, but not both. The formula yielding the more favorable amount to the officer will be paid if the officer is so entitled. The Department of Defense Military Pay and Allowances Entitlements Manual prescribes actual entitlements and methods of computation, however, the following may be used as a general guide.

a. Severance Pay. Officers on active duty (other than for training) on 14 September 1981 who are involuntarily discharged as a result of twice failed of selection may be paid severance pay computed as follows: the product of (a) 2 month's basic pay to which the officer is entitled at the time of discharge, and (b) the officer's years of active service (but not more than 12), or $15,000, whichever is less.

b. Separation Pay. Officers involuntarily discharged as a result of twice failed of selection who have completed 5 or more, but less than 20 years of active service may be paid separation pay computed as follows: 10 percent of the product of (a) the officer's years of active service, and (b) 12 times the monthly basic pay to which the officer was entitled at the time of discharge or $30,000, whichever is less.

Table 5-1.--Separation and Service Options Available after Twice Failure of Promotion

Component	Rank	Status	Note 1	Note 2	Note 3	Note 4	Note 5	Note 6	Note 7	Note 8
Regular and Reserve	First Lieutenant and Captain	unrestricted	X		X	X	X			
Regular	Major	unrestricted				X		X	X	
Reserve	Major	unrestricted				X		X		X
Regular	First Lieutenant and Captain	Limited Duty Officer				X	X			
Regular and Reserve	WO 1, 2, 3	Permanent		X		X	X			

NOTES:

1 - Unless eligible to retire, an officer will be honorably discharged not later than the 1st day of the 7th month following the month the board results were approved.

2 - Unless eligible to retire, an officer will be honorably discharged not later than 60 days from the day the board results were approved.

3 - Women officers twice failed of selection will be discharged in accordance with the provisions of paragraph 5003. However, a grandfather clause exists for women first lieutenants and captains on active duty on 14 September 1981 twice failing of selection. Instead of being discharged (per paragraph 5003), these officers may elect to remain on active duty until 30 June of the year in which they complete 7 and 13 years of service, respectively. Note, though, that severance or separation pay will only be paid if the officer completes this period of service (i.e. the 7 or 13 years) or elects to be discharged per paragraph 5003. A request for discharge between these periods is considered a voluntary separation and the officer will not be paid severance or separation pay.

4 - If within 2 years of retirement eligibility from the last date an officer would otherwise be discharged, the officer will be continued on active duty until eligible for retirement.

5 - In lieu of discharge an officer may request to be continued in an enlisted status or revert to their underlying permanent grade in the case of LDO's.

6 - Grandfathering provisions to the tenure in DOPMA provide that all majors (including selectees on active duty on 14 Sept 1981) are subject to the discharge laws in effect prior to 15 September 1981 for the grade now held or selected for on the day before the effective date of the act. If selected to major after 14 September 1981, DOPMA applies.

7 - An officer will be automatically selected for continuation until eligible for retirement.

8 - Unless serving on active duty in the Career Reserve or Extended Duty Reservist Program on 15 September 1981, an officer will be released from active duty upon expiration of active service as specified in their current contract and may serve in the Ready Reserve until eligible for retirement.

(LETTERHEAD)

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

Subj: Resignation; Request for

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

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

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

3. My (reason/justification) for submitting my letter of resignation/termination of permanent appointment is _____.
(This paragraph is optional if no waiver of current regulations is involved.)

_____
(Signature)

FIRST ENDORSEMENT

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

1. Forwarded recommending _____*Note 1_____.

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

_____
(Signature)

Figure 5-1.--Request for Resignation.

(LETTERHEAD)

IDENT SYMBOLS

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

Subj: Acceptance of Resignation of Regular Commission in the U.S. Marine Corps

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

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

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

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

4. TravChar appn _____.

_____
(Signature)

HOME OF SELECTION ENDORSEMENT

I certify that I have elected ___(city)___ ___(state)___ as my home incident to separation from active duty and that I arrived thereat on ___(date)___. I further certify and understand that this election, once made and travel allowance is received for travel thereto, is irrevocable and no further entitlement to travel allowances shall accrue.

_____
(Signature) (date)

Figure 5-2.--Acceptance of Resignation of Regular Commission in the U.S. Marine Corps.

(LETTERHEAD)

IDENT SYMBOLS

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

Subj: Discharge from the U.S. Marine Corps

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

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

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

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

4. TravChar appn _____.

_____
(Signature)

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

HOME OF SELECTION ENDORSEMENT

I certify that I have elected ___(city)___ ___(state)___ as my home incident to separation from active duty and that I arrived thereat on ___(date)___. I further certify and understand that this election, once made and travel allowance is received for travel thereto, is irrevocable and no further entitlement to travel allowances shall accrue.

_____
(Signature) (date)

Figure 5-3.--Discharge from U.S. Marine Corps (Less Than 8 Years Continuous Active Duty.).

(LETTERHEAD)

IDENT SYMBOLS

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

Subj: Discharge from the U.S. Marine Corps

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

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

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

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

4. TravChar appn _____.

_____
(Signature)

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

HOME OF SELECTION ENDORSEMENT

I certify that I have elected ___(city)___ ___(state)___ as my home incident to separation from active duty and that I arrived thereat on ___(date)___. I further certify and understand that this election, once made and travel allowance is received for travel thereto, is irrevocable and no further entitlement to travel allowances shall accrue.

_____
(Signature) (date)

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

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CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

6001. GENERAL

1. The procedures and instructions in this chapter pertain to the administrative separation of Marines prior to completion of active or obligated service. Unless specifically authorized by separate order, only the reasons contained in this chapter may form the basis for a Marine's separation, whether voluntary or involuntary.

2. Procedures and instructions for separating Marines at expiration of active service or upon completion of obligated service are contained in chapter 1. Those related to disability processing are in chapter 8.

6002. DEFINITIONS

1. Broken Service. The enlistment of a veteran whose last tour of duty or active duty for training was in any branch of naval or military service of the United States who has been discharged for more than 24 hours and who completed a minimum of 12 consecutive weeks of active duty or active duty for training unless such enlistment results in continuous service, as defined below.

2. Continuous Service. Service in the Regular Marine Corps or Marine Corps Reserve which is continued by reenlistment within 3 months following discharge or release from active duty. A member who is reenlisted in the same day of the month 3 calendar months from date of discharge or release from active duty is reenlisted "within 3 months".

3. Convening Authority. The separation authority or the commanding officer who is empowered to convene a special court-martial.

4. Discharge. Complete severance from all military status gained by the enlistment or induction concerned.

5. Entry Level Status. Upon enlistment, a member qualifies for entry level status during (1) the first 180 days of continuous active military service or (2) the first 180 days of continuous active service after a break of more than 92 days of active service. A member of a Reserve component who is not on active duty or who is serving under a call or order to active duty for 180 days or less begins entry level status upon enlistment in a Reserve component. Entry level status for such a member of a Reserve Component terminates as follows: (a) 180 days after beginning training if the member is ordered to active duty for training for one continuous period of 180 days or more; or (b) 90 days after the beginning of the second period of active duty training if the member is ordered to active duty for training under a program that splits the training into two or more separate periods.

6. General Courts-Marital Convening Authority (GCMCA). Article 22 of the Uniform Code of Military Justice (UCMJ) and paragraph 0103(a) of the Manual of the Judge Advocate General define general courts-martial convening authority.

7. Legal Advisor. A lawyer, uniformed or civilian, under the professional supervision of either the Judge Advocate General or General Counsel of the Navy, certified under, or otherwise meeting the professional requirements, of Article 27(b) of the UCMJ.

8. Member. An enlisted Marine.

9. Military Record. An individual's overall performance while a member of the military service, including personal conduct and performance of duty.

10. Qualified Counsel. Counsel certified in accordance with Article 27(b) of the UCMJ who does not have any direct responsibility for advising the convening authority or separation authority on the proceedings involving the respondent.

11. Release from Active Duty. Termination of active duty status and transfer or reversion to a Reserve component not on active duty, including transfer to the Individual Ready Reserve (IRR).

12. Respondent. The Marine who is the subject of separation action.

13. Separation. A general term which includes discharge, release from active duty, release from custody and control of the Armed Forces, transfer to the IRR, and similar changes in active or Reserve status.

14. Separation Authority. An official authorized to take final action with respect to convene a special court-martial.

15. Serious Offense. An offense is serious if:

a. The Manual for Courts-Martial authorizes a punitive discharge; or

b. It results in a civilian conviction or action taken which is tantamount to a finding of guilty (including similar adjudications in juvenile proceedings) and a punitive discharge could be awarded for the same or a closely related offense under the Manual for Courts-Martial; or

c. It results in a civilian conviction where the sentence includes confinement for 6 months or more without regard to suspension or probation.

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 1: POLICY AND GUIDANCE

6101. POLICY

1. The Marine Corps promotes readiness by maintaining high standards of conduct and performance. In order to maintain these standards, it is necessary to provide, in a variety of circumstances, for the orderly and expeditious administrative separation of Marines to:

a. Ensure that the Marine Corps is served by individuals capable of meeting required standards of duty performance and discipline;

b. Maintain standards of performance and conduct through appropriate separation and characterization of service that emphasizes the traditional concept of honorable military service; and

c. Achieve authorized force levels and grade distributions.

2. The Marine Corps' separation policy strengthens the concept that being a Marine is a calling different from any civilian occupation:

a. Becoming a Marine involves a commitment to the United States, to the Marine Corps, and to one's fellow citizens and fellow Marines that one will complete successfully a period of obligated service. Failure to meet required standards of performance or discipline violates that commitment.

b. Millions of Americans from diverse backgrounds and with a wide variety of aptitudes and attitudes have served succesfully in the Armed Forces. It is the policy of the Marine Corps to provide Marines with the training, motivation, and professional leadership that inspire the dedicated Marine to emulate predecessors and peers in meeting required standards of performance and discipline.

c. The Marine Corps invests substantially in training every person who enters its ranks. Separation prior to completion of a period of obligated service represents a loss of investment while requiring increased accessions. Conversely, retaining individuals in the Marine Corps who will not or cannot conform to required standards of conduct, discipline, and performance creates a high cost in terms of pay, administrative efforts, degradation of morale, and substandard mission performance. Both situations represent an inefficient use of limited resources. Therefore every reasonable effort must be made to:

(1) Identify, in a timely manner, members who exhibit a likelihood for early separation; and either

(2) Improve those members chances of retention through counseling, retraining and rehabilitation; or

(3) Separate promptly those members who do not demonstrate potential for further useful naval service, and recoup prorata, as provided by applicable regulations, monies expended for either paid bonuses and/or education/training funds paid to a member in return for enlisting, reenlisting, or extending a service obligation when that service is administratively terminated prior to successful completion.

d. The standards and procedures established within this chapter for execution of these policies are intended to achieve consistency of application in a system based on command responsibility, accountability and discretion.

6102. PROCESSING TIME GOALS. Once separation action has begun, the best interests of all concerned are served by prompt forwarding, review, and decision in each case. Proceedings are considered to be initiated on the date a command receives a written request for separation from a member or on the date a command delivers to a member a notice of separation proceedings in accordance with section 3 of this chapter. With this in mind, the following time goals are established for the administrative separations authorized by this chapter. The goals are measured from the date of notification or initiation of a voluntary request until the actual date of separation. Failure to complete an action within the prescribed time in no way bars separation or affects characterization. Every effort should be made, however, to meet the established goals.

1. Discharges without Board Action. When board action is not required, or is waived, separation action should be completed in 15 working days. When the initiating command and the separation authority are not located in the same geographical region, the authorized period is 30 working days.

2. Separations with Board Action. Separations which require an administrative board should be completed in 50 working days. When action is required by the Secretary of the Navy, final action should be completed in 55 days.

3. Semiannual Statistical Report. The current edition of SECNAVINST 1910.4 requires the Marine Corps to develop a system for measuring, evaluating, and reporting the effectiveness of the time goals above. In the future, MMS data will form the basis of such a system. In the interim, separation authorities will have to maintain statistical data and submit the report (Report Symbol MC-1900-02) at figure 6-1 by 1 April and 1 October of each year.

6103. PERIODIC EXPLANATION. An explanation shall be given to all enlisted members of the types of characterization of service upon separation, the bases for the characterization, their possible effects upon reenlistment, civilian employment, veterans benefits and related matters, and the effects concerning the denial of certain benefits to members who fail to complete at least 2 years of an original enlistment. Such explanation, with a written fact sheet, shall be given each time the provisions of the Uniform Code of Military Justice (UCMJ) are explained as required by Article 137 of the UCMJ. This requirement is a command responsibility, not a procedural entitlement. Failure on the part of the member to receive or to understand such explanations does not create a bar to separation or characterization of service.

6104. PROVIDING OF INFORMATION DURING SEPARATION PROCESSING. During the separation processing of all members, except when the separation is due to an immediate reenlistment, the purpose and authority of the Navy Discharge Review Board and the Board for Correction of Naval Records shall be explained with a written fact sheet. It shall include an explanation that a discharge under other than honorable conditions, resulting from a period of continuous unauthorized absence of 180 days or more, is a conditional bar to benefits administered by the Veterans Administration notwithstanding any action by the Discharge Review Board. These requirements are a command responsibility and not a procedural entitlement. Failure on the part of a member to receive and to understand the explanation required by this paragraph does not create a bar to separation or characterization. A fact sheet for this purpose is provided in figure 1-2.

6105. COUNSELING AND REHABILITATION

1. There is a substantial investment in the training of Marines. As a general matter, reasonable efforts at rehabilitation should be made prior to initiation of separation proceedings.

2. Unless separation is mandatory, the potential for rehabilitation and further useful military service shall be considered by the separation authority and, where applicable, the administrative board. If separation is warranted despite the potential for rehabilitation, consideration should be given to suspension of the separation, if authorized.

3. Separation processing may not be initiated in some cases until the Marine has been counseled concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling and personnel records. These rehabilitation efforts must include the following and be documented in the Marine's service record:

a. Written notification concerning deficiencies or impairments;

b. Specific recommendations for corrective action, indicating any assistance available;

c. Comprehensive explanation of the consequences of failure to undertake successfully the recommended corrective action; and

d. Reasonable opportunity for the Marine to undertake the recommended corrective action.

The following entry will be made on page 11 of the service record upon completion of the above counseling:

" (Date) . Counseled this date concerning deficiencies (list deficiencies); specific recommendations for corrective action; assistance available; and advised that failure to take corrective action may result in administrative separation or judicial proceedings. I have been afforded the opportunity to make a statement IAW U.S. Navy Regs, Article 1110, and if I make a written statement it will be forwarded to CMC (Code MMRB-20) for inclusion in my Official Military Personnel File. I (do) (do not) desire to make a statement. (Statement (if any) is filed on the document side of the service record.)

(Signature of Marine) (Signature of Commanding Officer)"

6106. LIMITATIONS ON SEPARATION ACTION

1. A member may not be separated on the basis of the following:

a. Conduct that has been the subject of judicial proceedings resulting in an acquittal or action having the effect of an acquittal except in the following circumstances:

(1) When such acquittal or action having the effect of an acquittal is based upon a judicial determination not going to the merits of the issue of factual guilt of the respondent; or

(2) When the judicial proceeding was conducted in a state or foreign court and the separation is in the best interest of the Marine Corps as determined by the Secretary of the Navy on a case-by-case basis.

b. Conduct that has been the subject of a prior administrative board in which the board's finding was approved that the evidence did not sustain the factual allegations concerning the conduct, except when the finding has been determined by the separation authority to have been materially influenced by fraud or collusion on the part of the respondent or some other person acting on the respondent's behalf, and an administrative board, in a rehearing, recommends separation.

c. Conduct that has been the subject of an administrative separation proceeding resulting in a final determination by a separation authority that the member should be retained, except in the following circumstances:

(1) When there is subsequent conduct or performance forming the basis, in whole or in part, for a new proceeding;

(2) When there is new or newly discovered evidence that was not reasonably available at the time of the prior proceeding; or

(3) When the conduct is the subject of a rehearing ordered on the basis of fraud or collusion on the part of the respondent, or by someone on the respondent's behalf.

2. A member being processed for separation by reason of misconduct, homosexuality or security who is Fleet Marine Corps Reserve/retired list eligible will upon request, be allowed to transfer to the Fleet Marine Corps Reserve/retired list.

a. The Commandant of the Marine Corps will determine whether the member should be transferred in the paygrade currently held or first be reduced to the next inferior grade based on unsatisfactory performance in the current grade. If it is determined, that the member's service in the current paygrade was satisfactory, the member will be transferred to the Fleet Marine Crops Reserve/retired list in the current paygrade. If it is determined that the member did not serve satisfactorily in the current paygrade, the member will be reduced to the next inferior paygrade prior to transfer to the Fleet Marine Corps Reserve/retired list. The following criteria will be applied in making this determination:

(1) Nature and severity of the misconduct, and its relationship to and effect upon the performance of military duties.

(2) All performance evaluations and other portions of the service record bearing on performance in the current paygrade, whether the misconduct was known by reporting seniors, and if not what effect, if any, it might have had on the respondents record.

(3) Time in current grade and its relationship to the time of the misconduct.

(4) Other relevant matters presented by the record or the respondent.

b. The member may not be recalled to active duty except with the review and approval of the Commandant of the Marine Corps.

6107. CHARACTERIZATION OF SERVICE. Once a separation authority has approved a separation, the separation authority must determine the appropriate character of service. In this respect it is essential that commanders initiating separation action make specific recommendations based upon the circumstances of the particular case and the guidelines which follow in this paragraph. Similar guidance is found in paragraph 1004.

1. Types of Characterization or Description. The following types of characterization of service or description of separation are authorized:

a. Characterization of service as honorable, general, (under honorable conditions), or under other than honorable conditions.

b. Entry level separation.

c. Order of release from the custody and control of the Marine Corps by reason of void enlistment or induction.

2. Characterization of Service (General Considerations)

a. Most Marines earn honorable discharges. In fairness to the majority who serve honorably and well, commanders and separation authorities should take particular care to ensure undeserving Marines receive no higher characterization than is due.

b. Characterizing service is a way of recognizing the quality of a Marine's performance during a period of enlistment. Commanding officers should not underestimate the importance and value of characterization. It serves both as a service goal and as a meaningful endorsement to potential employers. Characterization of service is based upon a Marine's military behavior and performance of duty, both of which commanders constantly evaluate. Conduct and proficiency markings form the primary basis for determining the character of a Marine's service.

c. Characterization at separation shall be based upon the quality of the member's service, including the reason for separation and subject to the limitations set forth in sections 2 and 4 of this chapter. The quality of service will be determined in accordance with standards of acceptable personal conduct and performance of duty of military personnel. These standards are found in the UCMJ, directives and regulations issued by the Commandant of the Marine Corps and higher authorities, the enlisted performance evaluation system as set forth in the current edition of MCO P1070.12 (Individual Records and Accounting Manual), the Marine Corps Manual, and the time-honored customs and traditions of the Marine Corps and Naval Service.

d. The quality of service of a member on active duty or active duty for training is affected adversely by conduct that is of a nature to bring discredit on the military services or is prejudicial to good order and discipline, regardless of whether the conduct is subject to UCMJ jurisdiction. Characterization may be based on conduct in the civilian community, and the burden is on the respondent to demonstrate that such conduct did not adversely affect the respondent's service.

e. The reason for separation, including the specific circumstances that form the basis for the separation, shall be considered on the issue of characterization. Characterization will generally be based upon a pattern of behavior rather than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(3) Description of Entry Level Separation shall be used when a Marine with broken service is separated while in indoctrination training for failure to satisfactorily complete such training.

(4) Description of Entry Level Separation shall be used when a Marine is separated while in the Delayed Entry Program because of ineligibility for enlistment. Separation is effected in accordance with paragraph 6204 of this Manual.

b. Void Enlistments or Induction. A member whose enlistment or induction is void shall not receive a discharge certificate, characterization of service at separation, or an entry level separation. The separation shall be described as an order of release from custody or control of the service concerned. However, when a constructive enlistment arises, characterization is required in paragraph 6107.3b(3) below.

(1) An enlistment is void in the following circumstances:

(a) If it was effected without the voluntary consent of a person who has the capacity to understand the significance of enlisting in the Marine Corps, including enlistment of a person who is intoxicated or insane at the time of enlistment.

(b) If the person is under 17 years of age.

(c) If the person is a deserter from another military service.

(2) Although an enlistment may be void at its inception, a constructive enlistment arises in the case of a person serving with the Marine Corps who:

(a) Submitted voluntarily to military authority;

(b) Met the mental competency and minimum age qualifications in paragraph 6107.3b(1) above at the time of voluntary submission to military authority;

(c) Received military pay or allowances; and

(d) Performed military duties.

(3) If an enlistment that is void at its inception is followed by a constructive enlistment within the same term of service, characterization of service or description of separation shall be in accordance with paragraph 6107.2 or paragraph 6107.3 as appropriate. However, if the enlistment was void by reason of desertion from another service, the member shall be separated by an order of release from the custody and control of the Marine Corps, regardless of any subsequent constructive enlistment, unless the Secretary of the Navy determines that retention is appropriate.

(4) The occurrence of such a constructive enlistment does not preclude the Commandant of the Marine Corps, in an appropriate case, from either retaining the member or separating of the Marine on the basis for separation provided in this chapter.

6108. RECOUPMENT OF ENLISTMENT/REENLISTMENT BONUSES. Recoupment of unearned portions of enlistment/reenlistment bonuses is directed when an active duty Marine is separated under any reason contained in this chapter with the exception of the following: involuntary separations under paragraphs 6202 (general demobilization) and 6203.2 and 6203.3 (convenience of the government); voluntary separations under paragraphs 6404.2 (immediate reenlistment), 6407 (dependency/hardship), 6415 (transfer to the Navy Hospital Corps), 6417 (transfer to the Navy as a Religious Program Specialist), and 6420 (early release from overseas unit).

From:
To: Commandant of the Marine Corps (Code MMSR)

Subj: Statistics on Administrative Separations (Report Symbol MC-1900-02) (period-note *1)

Ref: (a) MARCORSEPMAN, par. 6102

1. As required by the reference, the following information is provided:

a. Separation actions without board (note *2)

(1) Separations approved _____

(2) Separations approved but suspended _____

(3) Retention approved _____

(4) Total separation actions (sum of 1-3 above) _____

(5) Exceptions to time goals:

REASON FOR SEP (MARCORSEPMAN PAR)	PROCESS TIME	REMARKS/REASON EXCEEDING GOAL
Note *3		

b. Separation actions with board (note *2)

(1) Separations approved _____

(2) Separations approved but suspended _____

(3) Retention approved _____

(4) Total separation actions [sum of b(1) - (3)] _____

(5) Exceptions to time goals:

REASON FOR SEP (MARCORSEPMAN PAR)	PROCESS TIME	REMARKS/REASON EXCEEDING GOAL

c. Separations forwarded to higher authority (note *4)

(1) CMC separation auth

(a) Completed w/30 days of notification _____

(b) Board-completed w/in 50 working days _____

(2) SecNav separation authority-completed w/in 55 days _____

(3) Total forwarded _____

Figure 6-1.--Administrative Separation Report.

Notes

1. Period: 1 Sep - 28 Feb (Due 1 Apr)
1 Mar - 31 Aug (Due 1 Oct)

2. Separation actions for which reporting command is separation authority.

3. May be submitted as enclosure.

4. All actions requiring CMC or SecNav final action.

Figure 6-1.--Administrative Separations Report--Continued.

CONUS Commands and Detachments Reporting to HQMC for Discharge Authority

MARINE BARRACKS:

MarBks Annapolis, MD
MarBks Brunswick, ME
MarBks Charleston, SC
MarBks Earle, NJ
MarBks New London, CT
MarBks Portsmouth, NH
MarBks Yorktown, VA
MarBks Cecil Field, FL
MarBks Alameda, CA
MarBks Concord, CA
MarBks North Island, CA
MarBks Bangor, WA
MarBks Vallejo, CA
MarBks Lemoore, CA

MARINE AVIATION TRAINING SUPPORT GROUPS

MATSG Corpus Christe, TX
MATSG Lakehurst, NJ
MATSG Millington, TN
MATSG Pensacola, FL
MATSG Meridian, MS
MATSG Lemoore, CA

MARINE CORPS ADMINISTRATIVE DETACHMENTS

MarCorAdminDet Ft Gordon, GA
MarCorAdminDet Redstone, AL
MarCorAdminDet Ft Leavenworth, KS
MarCorAdminDet Lackland AFB, TX
MarCorAdminDet Newport, RI
MarCorAdminDet Ft Huachuca, AZ
MarCorAdminDet Ft Leonard Wood MO
MarCorAdminDet Goodfellow AFB, TX
MarCorAdminDet Indian Head, MD
MarCorAdminDet Monterey, CA
MarCorAdminDet Ft Bliss, TX
MarCorAdminDet Patuxent River, MD
MarCorAdminDet Mugu, CA
MarCorAdminDet Lowry AFB, CO
MarCorAdminDet Ft Knox, KY
MarCorAdminDet Ft B Harrison, IN
MarCorAdminDet Ft McCellan, AL
MarCorAdminDet Chanute AFB, IL
LFTCPAC, Coronado, CA
MarCorAdminDet Ft Sill, OK

Separate Commands and Detachments where HQMC has delegated Discharge Authority to other commands

Unit	Discharge Authority Delegated to:
MarBks Seal Beach, CA	CG MCB ELTORO
MarBks Fallbrook, CA	CG MCB CAMPEN
MarBks Norfolk, VA	CG FMFLANT
MarBks Washington, D.C.	CG MCDEC
MarCorAdminDet Aberdeen, MD	CG MCDEC
HQBN, HQMC	CG MCDEC
MSGBN, HQMC	CG MCDEC

Figure 6-1a.--Conus Commands Reporting to HQMC for Discharge Authority.

4. Review Action. A member may be separated if the member is placed on appellate leave pursuant to section 706 of Title 10, United States Code and whose punitive discharge is set aside, suspended, remitted or disapproved during the review process.

5. Disenrolled from Officer Candidate Program. When a member is disenrolled from an officer candidate program under conditions which did not result in a service obligation on the part of the member or did not have enlisted service prior to entering the program (for voluntary disenrollment see paragraph 6411), the member may be separated.

6204. DEFECTIVE ENLISTMENT AND INDUCTION. Marine's may be separated for the specific reasons below.

1. Minority

a. If a Marine is under the age of 17 the enlistment of the Marine is void, and the Marine shall be separated. The notification procedures in paragraph 6303 below shall be used and the Marine shall receive an order of release from the custody and control of the Marine Corps. There is no characterization or description of service. The separation authority is the GCMCA.

b. A Marine who is age 17 shall be separated under the following circumstances except when the Marine is retained for the purpose of trial by court-martial:

(1) There is evidence that the Marine is under 18 years of age;

(2) The Marine enlisted without the written consent of the Marine's parent or guardian; and

(3) An application for the Marine's separation is submitted to the Commandant of the Marine Corps by the parent or guardian within 90 days of the Marine's enlistment.

(4) The Marine will be given an entry level separation.

2. Erroneous Enlistment/Reenlistment. A Marine may be separated on the basis of an erroneous enlistment, induction, or extension of enlistment in the following circumstances, if:

a. The enlistment would not have occurred had the relevant facts been known by the Marine Corps or had appropriate directives been followed;

b. The enlistment was not the result of fraudulent conduct on the part of the Marine; and

c. The defect is unchanged in material respects. Any case coming to a commander's attention which purports to be of this nature shall be investigated and a complete report shall be made promptly to the Commandant of the Marine Corps (Code MMSR or RES for reservists not on active duty.)

d. Service is characterized as honorable, general, or entry level in accordance with table 6-1. Notification procedures in paragraph 6303 shall be initiated prior to separation. The separation authority is the Commandant of the Marine Corps (Code MMSR or RES for reservists not on active duty) or the general court-martial convening authorities of the Marine Corps Recruit Depots for recruits only.

e. For individuals in the Delayed Entry Program being separated because of ineligibility for enlistment, the person shall be notified of the proposed separation and the reasons therefor. The Marine shall be given the opportunity to submit to the separation authority a statement in rebuttal by a specified date (not less than 30 days from the date of delivery). The notice should be delivered personally or sent by certified mail, return receipt requested (or by an equivalent form of notice if such service is not available by the U.S. mail at an address outside the United States). If the person fails to acknowledge receipt of notice, the individual who mails the notification shall prepare a Sworn Affidavit of Service by Mail that shall be inserted in the file along with Postal Service Form 3800. A member is ineligible for enlistment when:

(1) No longer meets dependency criteria;

(2) No longer meets physical or mental qualifications;

(3) Unfavorable ENTNAC/NAC investigation or unfavorable police record completed subsequent entry into DEP;

(4) Adverse security screening occurs;

(5) Identified as a drug abuser.

3. Fraudulent Entry into the Marine Corps

a. The discharge of Marines who procure a fraudulent enlistment, induction, or period of active service may be directed. An enlistment, induction or period of service is fraudulent when deliberate material misrepresentation, including the omissions or concealment of facts which, if known at the time would have reasonably been expected to have precluded, postponed, or otherwise affected the Marine's eligibility for enlistment or induction.

b. The separation authority (GCMCA) may waive the Marine's fraud and authorize retention provided the existing defect could have been waived by the commanding general of a Marine Corps recruit depot, or lower authority, during the initial enlistment processing. If the defect could not have been waived by a commanding general at a Marine Corps recruit depot, the case must be referred to the Commandant of the Marine Corps (Code MRRE) for retention authority. Refer to the current edition of MCO P1100.74, MPPM and paragraph 6303.3c below to identify those cases where only the Commandant of the Marine Corps may authorize retention.

c. Commanding generals of Marine Corps recruit depots may direct retention waivers for recruits with certain types of traffic violations that were unresolved at the time of shipment to recruit training. A recruit will be eligible for a selective exception waiver for traffic violations and misdemeanors that were unresolved at the time of enlistment under the following conditions:

(1) Traffic violation(s) and misdemeanor(s) that:

(a) Would not result in confinement in excess of 12 months under the table of maximum punishment, Manual for Courts-Martial.

(b) Did not involve hit and run.

(c) Did not involve driving while under the influence.

(2) Not convicted of:

(a) Any felonies

(b) Misdemeanors that resulted in confinement, probation or parole.

(3) No drug involvement beyond experimental use of marijuana.

(4) Paid the pending fines and court costs in full and satisfied any other requirements of the court.

Fraudulent enlistment waivers approved under this policy will be effected by the depot discharge authority. An appropriate administrative entry, citing the waiver letter, will be made in block 37 of the DD Form 1966 (Application for Enlistment.) Recruits whose waiver requests are disapproved will be discharged in accordance with this chapter.

C. In all cases, except as otherwise provided, discharge of a member separated under this paragraph shall be by reason of homosexuality and the characterization of that member's discharge shall be honorable, general, or entry level under the rules of table 6-1.

5. For the purpose of interpreting other Marine Corps regulations; for example, to determine whether a reenlistment bonus should be recouped or whether separated for medical reasons should take precedence over separation for homosexuality, all separations under this paragraph shall be treated as having been by reason of misconduct.

6. An enlisted member being considered for separation by reason of homosexuality shall have the right to request an administrative discharge board and shall be so advised in all cases subject to the following provisions:

a. That the board shall follow procedures outlined in part C of section 3 of this Manual, except:

(1) If the board finds that one or more of the circumstances authorizing separation under paragraph 6207.3 of this Manual is supported by the evidence, the board shall recommend separation unless the board finds that retention is warranted under the limited circumstances described in that paragraph.

(2) If the board does find that there is insufficient evidence that one or more of the circumstances authorizing separation under paragraph 6207.3 has occurred, the board shall recommend retention unless the case involves another basis for separation of which the member has been duly notified.

b. Additionally, members being processed for separation by reason of homosexuality will be advised of their rights in accordance with paragraph 6304 of this Manual.

6208. DRUG ABUSE REHABILITATION FAILURE

1. A Marine who has been referred to a formal program of rehabilitation, in accordance with MCO 5355.1 for personal drug abuse may be separated for failure through inability or refusal to participate in, cooperate in, or successfully complete a program when:

a. There is a lack of potential for continued naval service; or

b. Long-term rehabilitation is determined necessary and the member is transferred to a civilian medical facility for rehabilitation.

2. Nothing in this provision precludes separation under any other provision of this Manual, in appropriate cases, of a Marine who has been referred to such a program.

3. Discharge pursuant to this paragraph will be honorable or general as warranted by the member's military record unless entry level separation is required. Evidence obtained from an involuntary urinalysis administered pursuant to a command directed medical examination for the purpose of determining fitness for duty; directed at an individual to determine whether the Marine requires counseling, treatment or rehabilitation; when directed in conjunction with participation in a DoD drug treatment and rehabilitation program; or when directed as a result of involvement in a performance affecting incident may not be used to characterize the discharge under this paragraph.

4. Notification procedures in paragraph 6303 shall be used when processing a Marine for separation under this authority.

5. The separation authority is the GCMCA.

6209. ALCOHOL ABUSE REHABILITATION FAILURE

1. A Marine who has been referred to a formal program of rehabilitation, IAW MCO 5370.6A, for alcohol abuse may be separated for failure through inability or refusal to participate in, cooperate in, or successfully complete such a program in the following circumstances:

a. There is a lack of potential for continued military service; or

b. Long-term rehabilitation is determined to be necessary and the Marine is transferred to a Veterans Administration Center and/or civilian medical facility for such rehabilitation.

2. Nothing in this provision precludes separation of a Marine who has been referred to such a program under any other provision of this chapter in appropriate cases.

3. Notification procedures in paragraph 6303 shall be used when processing a Marine for separation under this authority. Characterization of service will be honorable or general under the rules in table 6-1. The separation authority is the GCMCA.

6210. MISCONDUCT

1. Whenever a Marine is involved in misconduct, as described in the following paragraphs, commanders shall process the Marine for separation unless rehabilitation and retention is warranted under the guidelines in paragraphs 6105 and 6309. Characterization of service normally shall be under other than honorable conditions, but characterization as general (under honorable conditions) may be warranted in some circumstances. For Marines who have completed entry level status, characterization of service as honorable is not authorized unless the Marine's record is otherwise so meritorious that any other characterization clearly would be inappropriate. When characterization of service under other than honorable conditions is not warranted for a Marine in entry level status, the separation shall be as an entry level separation. Separation processing for a series of minor disciplinary infractions or a pattern of misconduct may not be initiated until the member has been counseled in accordance with the guidelines for counseling set out in paragraph 6105. Counseling and rehabilitation are not required if the basis of separation is a serious offense, a civilian conviction or a similar juvenile adjudication, or a serious offense or civilian conviction involving drug abuse. The separation authority for misconduct discharges is the GCMCA.

2. Minor Disciplinary Infractions. A Marine may be separated when there is a documented series of at least three minor disciplinary infractions, during the current enlistment, of a nature which have been or would have been appropriately disciplined under Article 15, UCMJ, commanding officer's nonjudicial punishment. If separation of a member in entry level status is warranted solely by reason of minor disciplinary infractions, the processing should be under Entry Level Performance and Conduct. Separation processing may not be initiated until the Marine has been counseled in accordance with paragraph 6105. The procedures contained in paragraph 6304 shall be used if the Marine is recommended for discharge under other than honorable conditions.

3. A Pattern of Misconduct. A Marine may be separated where there is a pattern of more serious infractions than in paragraph 6210.2 which include two or more discreditable involvements with civil and/or military authorities or two or more instances of conduct prejudicial to good order and discipline within one enlistment. Such a pattern may include both minor and more serious infractions. An established pattern of dishonorable failure to pay just debts and/or to contribute adequate support to dependents or failure to comply with orders, decrees, or judgements of a civil court concerning support of dependents may be processed under this paragraph. Separation processing may not be initiated until the Marine has been counseled in accordance with paragraph 6105. The procedures contained in paragraph 6304 shall be used if the Marine is recommended for discharge under other than honorable conditions.

4. Sexual Perversion. Sexual perversion is not a specific basis for discharge. Marines involved in the commission of lewd and lacivious acts, sodomy, indecent exposure, indecent act(s) with or assault upon a child, or acts for compensation shall be processed under paragraph 6210.6 or 6210.7 as appropriate.

5. Drug Abuse

a. Commanders may process Marines for illegal, wrongful, or improper use, possession, distribution or introduction on a military installation of any narcotic substance, marijuana or other dangerous or illicit drug or the possession, sale or transfer of drug paraphernalia as defined in SECNAVINST 5300.28. Evidence obtained from an involuntary urinalysis administered pursuant to an inspection under Military Rule of Evidence 313, MCM, 1969 (Rev), or from a search and seizure under Military Rules of Evidence 311-317, MCM 1969 (Rev), or incident to an exam conducted for a valid medical reason may be used to characterize a member's discharge as under other than honorable conditions. The procedures contained in paragraph 6304 shall be used when separating a Marine under these provisions, unless a characterization of service more favorable than other than honorable is required. Marines who have three instances of illegal drug involvement must be processed for separation. Retention of the three time offender must be approved by Commandant of the Marine Corps (Code MMSR).

b. Unless a more favorable characterization is required by this Manual, characterization of service for drug related offenses more favorable than under other than honorable conditions may only be approved by the Commandant of the Marine Corps.

6. Commission of a Serious Offense. A Marine may be separated for commission of a serious military or civilian offense under the following circumstances:

a. The specific circumstances of the offense warrant separation; and

b. A punitive discharge would be authorized for the same or a closely related offense under the UCMJ; and

c. The procedures contained in paragraph 6304 shall be used when separating a Marine under this provision.

7. Civilian Conviction. Commanders may process Marines who are convicted by civilian authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty, including similar adjudications in juvenile proceedings, when the specific circumstances of the offense warrant separation, and the following conditions are present:

a. A punitive discharge would be authorized for the same or a closely related offense under the Manual for Courts-Martial; or

b. The sentence by civilian authorities includes confinement for 6 months or more without regard to suspension or probation.

c. Separation processing may be initiated whether or not a Marine has filed an appeal of a civilian conviction or has stated an intention to do so. However, execution of an approved separation should be withheld pending outcome of the appeal or until the time for appeal has passed, unless the Marine has requested separation or the member's separation has been requested by the Commandant of the Marine Corps. Such requests must be approved by the Secretary of the Navy who may direct that the member be separated prior to final action on the appeal.

d. The procedures contained in paragraph 6304 shall be used when separating a Marine under this provision.

6211. RESERVED FOR FUTURE USE

6212. SECURITY. When retention is clearly inconsistent with interests of national security, a Marine may be separated by reason of security and under conditions and procedures established by the Secretary of Defense. Characterization will be honorable, general, other than honorable, or entry level under rules in table 6-1. The separation authority is the Commandant of the Marine Corps (Code MMSR).

6213. UNSATISFACTORY PARTICIPATION IN THE READY RESERVE. A Marine may be separated for unsatisfactory participation in the Ready Reserve under criteria established in the current edition of MCO P1001R.1. The separation authority is the GCMCA. Characterization of service will be in accordance with the rules of table 6-1.

6214. SEPARATION IN THE BEST INTEREST OF THE SERVICE

1. The Secretary of the Navy, by use of secretarial plenary authority, may direct the separation of any Marine prior to the expiration of that Marine's term of service after determining that such separation is in the best interest of the Marine Corps. For example, the Secretary may use secretarial plenary authority to separate a Marine whose personal conduct reflects discredit upon the service, adversely affects the good order and discipline of the unit, or adversely affects the Marine's performance of duty.

2. Requests for separation under this paragraph shall be forwarded to the Secretary of the Navy via the Commandant of the Marine Corps. The Commandant shall review all such requests for appropriate disposition.

3. This method of separation is to be used for unusual cases not covered by any other provisions of this chapter, or when a Marine has been processed for separation under any other basis of this chapter and the separation authority, pursuant to paragraph 6309.2, disagrees with the administrative board's recommendation for retention.

4. Separation under this paragraph will be characterized as honorable or general unless an entry level separation is required. Prior to separation the notification procedures in paragraph 6303 must have been followed. The notification shall state that no other reason for separation under this Manual is considered appropriate, and why; and the notice shall explain why separation of the Marine is in the best interest of the Marine Corps. The procedure for requesting an Administrative Board, including a Marine with 6 or more years of total active and Reserve service, is not applicable.

Table 6-1.--Guide for Characterization of Service.

	HON	GEN	OTH	ENTRY LEVEL
PAR 6202 Change in Service	1,5 X	1,5 X		X
PAR 6203 Convenience of the Government	1,5 X	1,5 X		X
PAR 6204.1a Minor under 17	Order of release from the custody and control of the Marine Corps			
PAR 6204.1b Minor 17 years old				X
PAR 6204.2 Erroneous Enlistment	1,5 X	1,5 X		X
PAR 6204.3 Fraudulent Enlistment	2 X	1,3 X	X	3 X
PAR 6205 Entry Level Performance and Conduct				X
PAR 6206 Unsatisfactory Performance	5 X	5 X		
PAR 6207 Homosexuality	1,5 X	1,5 X	4 X	X
PAR 6208 Drug Abuse Rehab Failure	1,5 X	1,5 X		X
PAR 6209 Alcohol Abuse Rehab Failure	1,5 X	1,5 X		X
PAR 6210 Misconduct	2 X	1,3 X	X	3 X
PAR 6212 Security	1,5 X	1,5 X	X	3 X
PAR 6213 Unsat Part in Ready Reserve	2 X	1,5 X	X	X
PAR 6214 Secretarial Plenary Authority	1,5 X	1,5 X		X

NOTES:

1. Authorized unless Marine is in an Entry Level Status.

2. Not Authorized unless Marines record is otherwise so meritorious that any other characterization clearly would be inappropriate.

3. Authorized only if OTH is not warranted.

4. Authorized only under the limited circumstances described in paragraph 6207.4.

5. Authorized as determined by the Marine's service record.

Table 6-2.--Guide For The Review of Separation Packages

Specific Reason for Separation	Specific Authority	Note 1	Note 2	Note 3	Note 4	Note 5	Note 6	Note 7	Note 8	Note 9	Note 10	Separation Authority
CONVENIENCE OF THE GOVERNMENT												
Parenthood	MARCORSEPMAN Par 6203.1	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
Physical Condition Not a Disability	MARCORSEPMAN Par 6203.2	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
Personality Disorder	MARCORSEPMAN Par 6203.3	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
All other Convenience of the Government	As Specified	Y	Y	Y		Y	Y	X	X	Y		CMC or GCM Authority
DEFECTIVE ENLISTMENT												
Minority	MARCORSEPMAN Par 6204.1	Y	Y	Y		Y	Y			Y		CMC or GCM Authority
Erroneous Enlistment	MARCORSEPMAN Par 6204.2	Y	Y	Y		Y	Y	X	X	Y		CMC
Fraudulent Enlistment	MARCORSEPMAN Par 6204.3	Y	Y	Y		Y	Y	XX	XX	Y		CMC or GCM Authority
ENTRY LEVEL												
Entry Level Performance	MARCORSEPMAN Par 6205	Y	Y	Y	Y	Y	Y			Y		CMC or GCM Authority
UNSATISFACTORY PERFORMANCE												
Failure to Conform to Weight Standards	MARCORSEPMAN Par 6206.1	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
Unsanitary Habits	MARCORSEPMAN Par 6206.2	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
Unsatisfactory Performance of Duties	MARCORSEPMAN Par 6206.3	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
HOMOSEXUALITY												
Homosexuality	MARCORSEPMAN Par 6207	Y	Y	Y		Y	Y	Y	Y	Y	Y	CMC or GCM Authority
DRUG ABUSE												
Drug Abuse Rehabilitation Failure	MARCORSEPMAN Par 6208	Y	Y	Y		Y	Y	X	X	Y		CMC or GCM Authority
ALCOHOL ABUSE												
Alcohol Abuse Rehabilitation Failure	MARCORSEPMAN Par 6209	Y	Y	Y		Y	Y	X	X	Y		CMC or GCM Authority
MISCONDUCT												
Minor Disciplinary Infractions	MARCORSEPMAN Par 6210.2	Y	Y	Y	Y	Y	Y	XX	XX	Y	Y	CMC or GCM Authority
A Pattern of Misconduct	MARCORSEPMAN Par 6210.3	Y	Y	Y	Y	Y	Y	XX	XX	Y	Y	CMC or GCM Authority
Drug Abuse	MARCORSEPMAN Par 6210.5	Y	Y	Y		Y	Y	Y	Y	Y	Y	CMC or GCM Authority
Commission of a Serious Offense	MARCORSEPMAN Par 6210.6	Y	Y	Y		Y	Y	Y	Y	Y	Y	CMC or GCM Authority
Civilian Conviction	MARCORSEPMAN Par 6210.7	Y	Y	Y		Y	Y	Y	Y	Y	Y	CMC or GCM Authority
UNSATISFACTORY PARTICIPATION IN THE READY RESERVE												
Unsatisfactory Participation in the Ready Reserve	MARCORSEPMAN Par 6213	Y	Y	Y		Y	Y	XX	XX	Y	Y	CMC or GCM Authority

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 3: ADMINISTRATIVE PROCEDURES

PART A: INITIATING COMMAND ACTION

6301. GENERAL: This section establishes the administrative procedures for separations under this chapter and provides detailed procedures for administrative discharge boards.

6302. INITIATION OF SEPARATION PROCESSING. When a Marine's performance or conduct falls within any of the reasons within section 2 and all command attempts at leadership and rehabilitation of the Marine have been without success, the commanding officer should initiate separation processing, subject to the specific requirements found in this chapter. At the command level, the process involves identification of a particular case, notification to the Marine, and preparation of a recommendation to the separation authority with evidence supporting the recommendation.

6303. NOTIFICATION PROCEDURES

1. The procedures in this part are applicable under any specific reason for separation contained in section 2 and are subject to the requirements set forth in that section with respect to specific reasons for separation.

2. When a member is processed on the basis of multiple reasons for separation, the following guidelines apply to procedural requirements (including procedural limitations on characterization of service or description of separations):

a. The requirements for each reason will be applied to the extent practicable.

b. If a reason for separation, set forth in the notice of proposed action, requires processing under the Administrative Board procedure, the entire matter shall be processed in accordance with paragraph 6304 below.

c. If more than one reason for separation is approved, the guidance on characterization that provides the greatest latitude may be applied.

d. When there is any conflict between a specific requirement applicable to one reason and a general requirement applicable to another reason, the specific requirement shall be applied.

e. If a conflict in procedures cannot be resolved on the basis of the foregoing principles, the procedures most favorable to the respondent shall be used.

3. Notification Requirements

a. Notice. A commanding officer must provide written notice to any Marine being recommended for separation. Sample letters of notification and acknowledgement form are provided in figure 6-2. Commands may develop their own procedures, however, such written notice shall include the following:

(1) Each of the specific reasons for separation in section 2 which form the basis of the proposed separation, including the circumstances upon which each action is based for each and a reference to the applicable provisions of this chapter;

(2) Whether the proposed separation could result in discharge, release from active duty to a Reserve component, transfer from the Selected Reserve to the IRR, transfer to the Fleet Marine Corps Reserve or retired list if requested, release from custody or control of the naval services, or other form of separation;

(3) The least favorable characterization of service or description of separation authorized for the proposed separation, and the characterization recommended by the commanding officer;

(4) For eligible members whether the proposed separation could result in a reduction in pay grade prior to transfer to the Fleet Marine Corps Reserve/retired list;

(5) A statement of the Marine's right to obtain copies of documents that will be forwarded to the separation authority supporting the basis of the proposed separation. Classified documents shall be summarized;

(6) A statement of the Marine's right to submit statements;

(7) A statement of the Marine's right to consult with counsel in accordance with paragraph 6303.3b below, and a statement that it is in the Marine's best interest to consult with counsel prior to waiving any rights;

(8) A statement of the right to request an administrative board if the Marine has 6 or more years of total active and Reserve naval service;

(9) A statement of the right to waive the rights afforded in paragraphs 6303.3a (4) and (8) above, after being afforded a reasonable opportunity to consult with counsel, and that failure to respond shall constitute a waiver of these rights;

(10) If the respondent is in civil confinement, absent without authority, or in a Reserve component not on active duty or upon transfer to the IRR, the relevant notification procedures in paragraph 6303.4 below apply; and

(11) The notification requirements set forth in this paragraph do not apply when the Marine is processed for separation by reason of the convenience of the Government for disability and the character of service is based upon average conduct and proficiency markings.

b. Counsel

(1) A respondent has the right to consult with qualified counsel when the notification procedure is initiated, except when all of the following conditions are met:

(a) The Marine is attached to a vessel or unit deployed outside the continental United States; and,

(b) No qualified counsel is assigned and present at the vessel, or activity; and,

(c) The commanding officer does not anticipate having access to qualified counsel from another vessel, unit, or activity, for at least the next 5 days (if qualified counsel is assigned and present at another naval vessel, unit, or activity located in the same geographic area where the Marine's vessel, unit, or activity is located, or will be located within the next 5 days, it is considered that, for purposes of this instruction, the commanding officer has access to qualified counsel unless that counsel is currently absent from duty station, i.e., leave, or TAD, outside the immediate geographic area); and,

(d) The commanding officer determines that the requirements or needs of the Marine Corps warrant processing before qualified counsel will be available.

(2) Nonlawyer counsel shall be appointed whenever qualified counsel is not available. An appointed nonlawyer counsel shall be a commissioned officer with no prior involvement in the circumstances leading to the basis of the proposed

separation, and no involvement in the separation process itself. The nonlawyer counsel shall be encouraged to consult telephonically or otherwise with any available judge advocate regarding any legal issues relevant to the case. When a nonlawyer counsel is appointed, the appointing letter shall contain an explanation by the commanding officer setting out in detail why qualified counsel is unavailable and why the requirements or needs of the Marine Corps warrant processing before qualified counsel will be available. A copy of the appointing letter will be attached to each copy of the written notice of separation processing.

(3) The Marine may also consult with a civilian counsel retained at the respondent's own expense. The fact that a respondent indicates to the commanding officer that the respondent will be consulting, or has consulted, a civilian counsel does not relieve the obligation of the commanding officer to furnish military counsel.

c. Response. The respondent shall be provided a reasonable period of time, not less than 2 working days, to respond to the notice. An extension may be granted upon a timely showing of good cause by the respondent. The respondent's selection as to each of the rights set forth in paragraph 6303 above, shall be recorded and signed by the respondent and respondent's counsel if counsel is not waived, subject to the following limitations:

(1) If notice by mail is authorized and the respondent fails to acknowledge receipt or submit a timely reply, that fact shall constitute a waiver of rights and an appropriate notation shall be recorded on a retained copy of the appropriate form.

(2) If the respondent declines to respond as to the selection of rights, such declination shall constitute a waiver of rights and an appropriate notation will be made on the form provided for respondent's reply. If the respondent indicates that one or more of the rights will be exercised, but declines to sign the appropriate form, the selection of rights will be noted and an appropriate notation as to the failure to sign will be made.

(3) The respondent's commanding officer shall forward a copy of the notice and the respondent's reply to the separation authority. Where appropriate, the commanding officer should also make recommendations to the separation authority, pursuant to paragraph 6106.2, as to the pay grade in which a respondent eligible for transfer to the Fleet Marine Corps Reserve/retired list should be allowed to transfer.

4. Additional Notification Requirements

a. Marine Confined by Civil Authorities

(1) If separation proceedings under section 2 have been initiated against a respondent confined by civil authorities, the case may be processed in the absence of the respondent. When a board is appropriate or required, there is no requirement that the respondent be present at the board hearing. Rights of the respondent before the board can be exercised by counsel on behalf of the respondent.

(2) The following additional requirements apply:

(a) The notice shall contain the matter set forth in paragraph 6303 or 6304 of this part, as appropriate. The notice shall be delivered personally to the respondent or sent by certified mail, return receipt requested (or by an equivalent form of notice if such service is not available for delivery by U.S. mail at an address outside the United States). If the member refused to acknowledge receipt of notice, the individual who mails the notification shall prepare a Sworn Affidavit of Service by Mail which will be inserted in the member's service record together with PS Form 3800.

(b) If delivered personally, receipt shall be acknowledged in writing by the respondent. If the respondent does not acknowledge receipt, the notice shall be sent by mail as provided above.

(c) The notice shall state that the action has been suspended until a specific date (not less than 30 days from the date of delivery) in order to give the respondent the opportunity to exercise the rights set forth in the notice. If the respondent does not reply by such date, the separation authority shall treat the failure to respond as a waiver of rights and take appropriate action.

(d) The name and address of the military counsel appointed for consultation shall be specified in the notice.

(e) If the case involves entitlement to an administrative board, the respondent shall be notified that the board will proceed in the respondent's absence and that the case may be presented on respondent's behalf by counsel for the respondent.

b. Certain Members of Reserve Components

(1) Members of Reserve components not on active duty

(a) If separation proceedings under section 2 have been initiated against a member of a Reserve component not on active duty, the case may be processed in the absence of the member in the following circumstances:

1 At the request of the member;

2 If the member does not respond to the notice of proceedings on or before the suspense date provided therein; or

3 If the member fails to appear at a hearing without good cause.

(b) The notice shall contain the matter set forth in paragraph 6303 or 6304 of this part, as appropriate.

(c) If the action involves a transfer to the Individual Ready Reserve (IRR), the member will be notified that the characterization of service upon transfer to the IRR also will constitute the characterization of service upon discharge at the completion of the military service obligation unless the following conditions are met:

1 The member takes affirmative action to affiliate with a drilling unit of the Selected Reserve, and

2 The member satisfactorily participates as a drilling member of the Selected Reserve for a period of time which, when added to any prior satisfactory service during this period of obligated service, equals the period of obligated service.

(2) The following requirements apply to the notice required in paragraphs 6303.4b(1) and 6311.3a:

(a) Reasonable effort should be made to furnish copies of the notice to the member through personal contact by a representative of the command. In such a case, a written acknowledgment of the notice shall be obtained.

(b) If the member cannot be contacted or refuses to acknowledge receipt of the notice, the notice shall be sent by certified mail, return receipt requested (or by an equivalent form of notice if such service by U.S. Mail is not available for delivery at an address outside the United States) to the most recent address furnished by the member as an address for receipt or forwarding of official mail. The individual who mails the notification shall prepare a Sworn Affidavit of Service by Mail which will be inserted in the member's service record together with PS Form 3800.

6304. ADMINISTRATIVE BOARD PROCEDURES

1. Notice. If an administrative board is required, the member shall be notified in writing along the lines of the example in figure 6-3 by the member's commanding officer of the following matters:

a. The basis of the proposed separation, including the circumstances upon which the action is based and reference to the applicable reason for separation.

b. Whether the proposed separation could result in discharge release from active duty to a Reserve component, transfer from the Selected Reserve to the IRR, transfer to the Fleet Marine Corps Reserve or retired list if requested, release from the custody or control of the Marine Corps, or other form of separation.

c. The least favorable characterization of service or description of separation authorized for the proposed separation.

d. The respondent's right to consult with counsel in accordance with paragraph 6304.3 below, and that it is in the Marine's best interest to consult with counsel prior to waiving any rights.

e. The right to obtain copies of documents that will be forwarded to the separation authority supporting the basis of the proposed separation. Classified documents may be summarized.

f. The respondent's right to request a hearing before an administrative board.

g. The respondent's right to present written statements to the separation authority in lieu of a hearing.

h. The respondent's right to representation at the administrative board by counsel as set forth in paragraph 6304.3 below.

i. The right to representation at the administrative board by civilian counsel at the respondent's own expense.

j. The right to appear in person before such board.

k. The right to make sworn or unsworn statement before the board.

l. The right to challenge voting members of the board for cause.

m. The right to examine evidence presented by the board, cross-examine witnesses appearing before the board, to submit evidence before the board and to make final argument before the board.

n. The right to waive the rights in paragraphs 6304.1d through 6304.1m above.

o. That failure to respond after being afforded a reasonable opportunity to consult with counsel constitutes a waiver of the rights in paragraphs 6304.1d through 6304.1m, above, and

p. Failure to appear without good cause at a hearing constitutes waiver of the right to be present at the hearing.

q. If the respondent is eligible for transfer to the Fleet Marine Corps Reserve/retired list and is being processed for misconduct, security, or homosexuality, the respondent has the right to request transfer to the Fleet Marine Corps Reserve/retired list within 30 days of the date separation would otherwise be directed and may be reduced to the next inferior grade to that in which the respondent is currently serving before such transfer. The respondent shall notify the Commandant of the Marine Corps (Code MMSR) regarding transfer to the Fleet Marine Corps Reserve/retired list within 5 working days of notification that separation has been directed.

2. Additional Notice Requirements

a. If separation processing is initiated on the basis of more than one reason in section 2, the requirements of paragraph 6304.1a apply to all proposed reasons for separation.

b. If the respondent is in civil confinement, absent without authority, or in a Reserve component not on active duty or upon transfer to the IRR, the relevant notification procedures in paragraphs 6303.4, 6311.3a, and 6312 apply.

c. The notification requirements set forth in paragraph 6303 above shall be used when characterization of service as general is authorized and the member is processed for separation by reason of convenience of the Government or disability and the characterization is not based on proficiency and conduct markings.

3. Counsel

a. A respondent has the right to consult with counsel as prescribed in paragraph 6303.3b above, prior to electing or waiving any rights under paragraphs 6304.1d through 6304.1m.

b. If a hearing is requested, the respondent shall be represented by qualified counsel appointed by the convening authority, or by individual counsel of the respondent's own choice if that counsel is determined to be reasonably available. The determination as to whether individual counsel is reasonably available shall be made in accordance with the procedures set forth in section 0110A of the Manual of the Judge Advocate General for determining the availability of individual military counsel for courts-martial. If individual counsel is made available for the hearing, the respondent must elect between representation by appointed counsel and representation by individual counsel. A respondent may be represented in these proceedings by both appointed counsel and individual counsel only if the convening authority, in the CA's sole discretion, approves a written request from the respondent for representation by both counsel. Such request must be in writing and must set forth in detail why representation by both counsel is essential to ensure a fair hearing. The convening authorities may, on their own initiative or at the request of the respondent, appoint assistant counsel, either qualified or nonlawyer, to assist in the representation of the respondent.

c. The respondent shall have the right to consult with civilian counsel of the respondent's own choice and may be represented at the hearing by that or any other civilian counsel, all at the respondent's own expense. Exercise by the respondent of this right shall not waive any of the respondent's other rights to counsel. Consultation with civilian counsel shall not unduly delay administrative discharge board proceedings. If undue delay appears likely, the convening authority may require the respondent to proceed without the desired civilian counsel. In this event the convening authority will set forth the full circumstances thereof in the record and will appoint available military counsel for the respondent or will permit the respondent to be represented by reasonably available military counsel of the respondent's choice.

4. Response. The respondent shall be provided a reasonable period of time, but not less than 2 working days, to respond to the notice. An extension may be granted upon a timely showing of good cause. The selection of the respondent as to each of the rights set forth in paragraphs 6304.1d through 6304.1m above, and applicable provisions referenced in paragraph 6304.2 above, shall be recorded and signed by the respondent and respondent's counsel, subject to the following limitations:

a. If notice by mail is authorized and the respondent fails to acknowledge receipt or submit a timely reply, that fact shall constitute a waiver of rights and a notation shall be recorded on a retained copy of the appropriate form.

b. If the respondent declines to respond as to the selection of rights, such refusal shall constitute a waiver of rights and an appropriate notation will be made on the form provided for respondent's reply. If the respondent indicates that one or more of the rights will be exercised, but declines to sign the appropriate form, a notation as to the failure to sign will be made.

5. Waiver. A respondent entitled to an administrative board may request a conditional waiver after a reasonable opportunity to consult with counsel in accordance with paragraph 6304.3a. A conditional waiver is a statement initiated by a respondent waiving the right to a hearing contingent upon receiving a favorable characterization of service or description of separation higher than the least favorable characterization or description authorized for the basis of separation set forth in the notice to the respondent, but normally no higher than general. Conditional waivers may be granted on a case-by-case basis by the separation authority pursuant to paragraph 6308.1(b). The separation authority may delegate authority to disapprove requests for conditional waivers to the convening authority. For units identified in figure 6-1a who report to HQMC for discharge authority this authority is delegated to the convening authority.

6305. COMMAND RECOMMENDATION

1. Once the notification requirement contained in paragraphs 6303 and 6304 have been met, the commanding officer must forward the recommendation complete with copies of the appropriate notification, the Marine's acknowledgment and necessary supporting documentation to the separation authority. Great weight is attached to the commanding officer's recommendation provided the requirements of this chapter and separate Marine Corps directives when applicable, have been observed. Such recommendations must include a specific recommendation both regarding discharge or retention and as to character of service/type discharge recommended. In the case of Marines eligible for transfer to the Fleet Marine Corps Reserve/retired list, the commanding officer will make a recommendation, consistent with the guidelines of paragraph 6106.2, regarding the pay grade in which the transfer should be effected. The commanding officer need not restate what is evident within enclosed documentation, but should strive to present a concise "snapshot" of the case amplifying unique aspects when necessary. Though such recommendations oftentimes will lend themselves to a general format, commanding officers must ensure that the specific content accurately reflects the circumstances of the case being considered.

2. Supporting documentation may take the form of existing official records or written statements from personnel familiar with some aspect of the case. This includes, but is not limited to:

a. SRB Pages. Pages 3, 23, 11, 12, 13 often are valuable supporting documents, but should be submitted only if germane. However, when administratively more practical, data within the SRB can be incorporated into the commanding officer's recommendation. For example, average proficiency and conduct marks may be submitted vice page 23 or Record of Service.

b. Training Records/Related Documents. Separations which relate to performance or remedial programs such as weight control or personal appearance by their own implementing directive require specific actions and administrative procedures. Documentation in this regard must demonstrate substantial compliance with the intent of any such program.

c. Supporting Statements. In most cases prior to initiation of separation processing, Marines, other than the commanding officer, have been involved in leading, counseling, and assisting the Marine concerned. Statements from these NCO's, SNCO's and officers are, in many cases, extremely helpful to the separation authority in deciding a Marine's case.

d. Information Directly Supporting Reason for Separation. Investigation reports, police reports or any other documentation directly relating to the primary reason for separation must be forwarded as part of any recommendation. If a recommendation includes a report of investigation by the Naval Investigative Service and the Commandant of the Marine Corps is the separation authority, do not include the report as an enclosure. Identification of the report as a reference to the commanding officer's letter recommending separation will suffice.

CHAPTER 6

ENLISTED ADMINISTRAIVE SEPARATIONS

SECTION 3: ADMINISTRATIVE PROCEDURES

PART B: SEPARATION AUTHORITY ACTION

6306. GENERAL. To properly examine the case of a Marine being recommended for discharge, the separation authority has several basic concerns. First, the proceedings must be thoroughly reviewed to ensure procedural and legal completeness with paramount concern directed towards ensuring that the Marine has been afforded the opportunity to exercise all rights due a respondent. Along the same line, the discharge package should be processed expeditiously in accordance with the time processing goals. Next, the separation authority will review the circumstances involved in the proposed discharge to determine whether the facts meet the criteria for discharge contained within this chapter. Should separation be warranted, the separation authority will ascertain the appropriate characterization of service in accordance with the facts and other guidance provided in this chapter.

6307. SEPARATION AUTHORITIES

1. The separation authority for any reason for separation in this chapter is the Marine officer exercising general court-martial authority or that officer's temporary successor in command, except:

a. When the authority is specifically limited in section 2 to the Commandant of the Marine Corps or the Secretary of the Navy; or

b. When a specific provision of this chapter or separate Marine Corps order or directive authorizes another separation authority; or

c. When the member is being involuntarily separated and has 18 years or more service, the separation authority is the Commandant of the Marine Corps; or

d. When the member is in the Reserve component and within 2 years of eligibility for retired or retainer pay, the separation authority is the Secretary of the Navy ; or

e. When a separation authority specifically delegates authority for certain separations, subject to the limitations set forth in paragraph 6307.2 below. Tables 6-2 and 6-3 identify the separation authorities for involuntary and voluntary separation respectively.

2. Commanding generals may, at their discretion, delegate to any general officer within their command the authority to take action subject to guidance in this Manual, on any recommendation or request submitted under this chapter in which retention, separation under honorable conditions, or entry level separation is recommended. The commanding general at either Marine Corps recruit depot may further extend their delegation to the Commanding Officer, Recruit Training Regiment, for recruits only. Commanding generals electing to exercise subordinate separation authority under this paragraph will appoint such authority by letter and include therein the extent and limitation to authority being delegated and any additional guidelines relative to such delegation.

3. The Commanding Generals, Fleet Marine Force, Pacific and Fleet Marine Force, Atlantic, are separation authorities for any matter under this chapter involving Marines of Marine Corps Security Forces, Pacific Ocean Area, and the Marine Corps Security Forces, Atlantic Ocean Areas, respectively, for any case normally acted upon by an officer exercising general court-martial authority, except for requests for separation in lieu of court-martial. Requests for separation in lieu of court-martial by members of the Marine Corps security forces shall be acted upon by the officer exercising general court-martial convening authority over the Marine's court-martial.

4. When an administrative board recommends retention and the convening authority (who is the normal separation authority) does not agree, the sole separation authority is the Secretary of the Navy. Paragraph 6309.2 below provides more specific guidance.

6308. SEPARATION AUTHORITY REVIEW

1. Initial review of any recommendation or request for separation under this chapter is normally conducted by specified personnel on the separation authority's staff. It is essential that personnel assigned such responsibilities be well-versed on all separation procedures. Upon receipt of any case, it must be screened as follows:

a. Compliance with Prescribed Directives. This review should ensure that the package is physically (i.e., all enclosures, etc., are attached) and administratively (all specific requirements of this chapter) complete. If not, initiate immediate corrective action. Table 6-2 is provided to assist in reviewing involuntary separations. For specific requirements, refer to the appropriate paragraph in section 2. If neither an administrative board nor judge advocate's review is required as indicated below, refer the case to the separation authority for decision.

b. Administrative Board Required. Upon completion of the screening for completeness in paragraph 6308.1a above and when a board is required, follow the detailed procedures in part C of this section. When a Marine conditionally waives the right to a board subject to receipt of no less than general discharge (paragraph 6304.5 refers), the separation authority is not bound to approve the request. If the circumstances of the case are such that the least favorable characterization authorized is clearly not warranted, it should be accepted. If not, the request should be disapproved, the case referred to a board, and the Marine given the opportunity to exercise rights under paragraph 6304. The conditional waiver in this regard is intended as an administratively expeditious procedure for the former case. It is not to be used as a plea bargaining device used by certain Marines to obtain a characterization of service higher than truly deserved.

c. Judge Advocate Review

(1) The separation authority shall refer the record of proceedings to a judge advocate for review prior to final action in the following cases:

(a) In any case in which the Marine has been recommended for discharge for misconduct, homosexuality, security, or for the good of the service.

(b) In any case in which an administrative discharge board is convened.

(2) The separation authority may refer any other administrative discharge matter to a judge advocate review.

(3) The original or a signed copy of the judge advocate's review will be attached as a permanent part of the record of proceedings. The form and content of the review will be as required by the separation authority. Normally a typed, stamped or printed statement that the proceedings have been reviewed and found sufficient in law and fact will constitute an adequate judge advocate's review. If the respondent raises specific legal, factual or procedural issued, the review will comment on the merits of the issued raised. If the judge advocate does not find the administrative discharge proceedings to be correct in law and fact, the review should set forth the facts and reasoning leading to such determination and recommend corrective action, if appropriate.

2. Upon completion of the appropriate review, the recommendation should be forwarded to the separation authority for decision.

6309. SEPARATION AUTHORITY FINAL ACTION

1. Without Administrative Board

a. The separation authority shall determine whether the allegations set forth in the notification of the basis for separation are substantiated by a preponderance of the evidence. If not, the Marine will be retained.

b. If the separation authority determines that there is sufficient factual basis for separation, the separation authority may direct:

(1) Retention;

(2) Separation for a specific reason in section 2; or

(3) Suspended separation in accordance with the guidance in paragraph 6310 below.

(4) If a respondent eligible for transfer to the Fleet Marine Corps Reserve/retired list and being processed for misconduct, security or homosexuality, waived the right to appear before a Board, the Commandant of the Marine Corps shall make a determination, consistent with the guidelines in paragraph 6319.4e as to whether the respondent should, if transfer to the Fleet Marine Corps Reserve/retired list is requested, be allowed to transfer in the grade currently held or in the next inferior paygrade.

c. The following factors may be considered on the issue of retention or separation, depending on the circumstances of this case:

(1) The seriousness of the circumstances forming the basis for initiation of separation proceedings, and the effect of the member's continued retention on military discipline, good order, and morale.

(2) The likelihood of continuation or recurrence of the circumstances forming the basis for initiation of separation proceedings.

(3) The likelihood that the member will be a disruptive or undesirable influence in present or future duty assignments.

(4) The ability of the member to perform duties effectively in the present and in the future, including potential for advancement or leadership.

(5) The Marine's rehabilitative potential.

(6) The Marine's entire military record, including:

(a) Past contributions to the Marine Corps, assignments, awards and decorations, evaluation ratings, and letters of commendation;

(b) Letters of reprimand or admonition, counseling records, records of nonjudicial punishment, records of conviction by court-martial and records of involvement with civilian authorities; and

(c) Any other matter deemed relevant based upon the specialized training, duties, and experience of persons entrusted by this chapter with recommendations and decisions on the issue of separation or retention.

d. Adverse matter from a prior enlistment or period of military service, such as records of nonjudicial punishment and convictions by court-martial, may be considered only when such records have a direct and strong probative value in determining whether separation is appropriate. The use of such records shall normally be limited to those cases involving patterns of conduct manifested over a period of time. Isolated incidents and events that are remote in time normally have little value in determining whether administrative separation is appropriate.

(1) Adverse matter from a prior enlistment or period of military service shall not be used to characterize the service of a Marine who is administratively separated.

(2) If adverse matter from a prior enlistment or period of military service is considered on the issue of retention or separation, the record shall include a statement that such matter was not considered by either the board or the separation authority on the issue of characterization.

2. With Administrative Board. Upon completion of the judge advocate's written review and consideration of the factors contained in paragraph 6309.1c above, the separation authority may take one of the following actions:

a. If the board recommends retention, the separation authority may:

(1) Approve the recommendation.

(2) Forward the matter to the Secretary of the Navy with a recommendation for separation based on one of the reasons for which originally processed or for another reason based upon the circumstances of the case complying with the requirements of paragraph 6214 of this Manual. In such a case, the Secretary may direct retention or separation with or without suspension. If the Secretary approves separation, the characterization of service or description of separation shall be honorable, general, or an entry level separation. Requests should only be made to the Secretary of the Navy in those unusual cases where such action is essential in the interest of justice, discipline and proper administration in the naval service. Should the separation 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 shows that the further retention of the individual is not in the best interests of justice, discipline and proper administration within the naval service. Additionally, in the case of a respondent eligible for transfer to the Fleet Marine Corps Reserve/retired list, the Commandant of the Marine Corps shall include a recommended paygrade consistent with paragraph 6319.4e of this Manual.

b. If the board recommends separation, the separation authority may:

(1) Approve the board's recommendation;

(2) Approve the board's recommendations, but modify the recommendation by one or more of the following actions when appropriate:

(a) Approve the separation but suspend execution as provided in paragraph 6310.

(b) Change the characterization of service and/or description of separation to a more favorable characterization of service and/or more appropriate description of separation.

(c) Change the board's recommendation concerning transfer to the IRR. No Marine may be retained in the IRR whose discharge is under other than honorable conditions, or on the basis of homosexuality or void enlistment.

(3) If the board recommends separation of a respondent eligible for transfer to the Fleet Marine Corps Reserve/retired list:

(a) Approve the board's recommendation, and

(b) If the respondent elects transfer within 30 days of when separation would otherwise normally be effected:

1 Approve the board's recommendation to retain the respondent's current paygrade;

2 Disapprove the board's recommendation to retain the respondent's current paygrade and reduce the respondent to the next inferior grade prior to transfer;

3 Approve the board's recommendation to reduce the respondent to the next inferior paygrade, and reduce the respondent to that paygrade prior to transfer;

4 Disapprove the board's recommendation to reduce the respondent to the next inferior grade, or

(c) Disapprove the board's recommendation and retain the respondent

(4) If the board recommends retention of a respondent eligible for transfer to the Fleet Marine Corps Reserve/retired list,

(a) Approve the board's recommendation;

(b) Forward the matter to the Secretary of the Navy with a recommendation that the respondent be either discharged or, at election, transferred to the Fleet Marine Corps Reserve/retired list. Pursuant to paragraph 6106.2 of this Manual, in appropriate cases the separation authority shall also recommend whether the respondent should retain the pay grade currently held or be reduced to the next inferior pay grade. Recommendations as to the appropriate pay grade shall be made pursuant to the guidance in paragraph 6319.4e of this Manual. The Secretary may direct retention, discharge, or, at the respondent's election, transfer to the Marine Corps Reserve/retired list. If applicable, the Secretary will also specify if the respondent is to be transferred in the current pay grade or the next inferior pay grade.

(5) Disapprove the board's recommendation and retain the respondent.

(6) Refer the case to a new board pursuant to paragraph 6321 if the separation authority finds legal prejudice to a substantial right of the respondent or determines that the findings of the board were obtained by fraud or collusion in the previous board attributable to the respondent or to an individual acting on the respondent's behalf.

6310. SUSPENSION OF SEPARATION

1. Suspension

a. Except for discharge by reason of fraudulent enlistment, homosexuality or when characterization is under other than honorable conditions a separation may be suspended for a specified period of not more than 12 months by the separation authority or higher authority if the circumstances of the case indicate a reasonable likelihood of rehabilitation. Only the separation authority who directs discharge in a case (or a higher authority) may suspend an approved separation. The following general guidance shall pertain to suspension of separation:

(1) Retaining individuals in the Marine Corps who will not or cannot conform to acceptable standards of conduct, discipline, and performance creates a high cost in terms of pay, administrative efforts, degradation of morale, and substandard mission performance.

(2) Unless separation is mandatory, the potential for rehabilitation and further useful service shall be considered by the separation authority and, where applicable, the administrative board. If separation is warranted despite the potential for rehabilitation, consideration should be given to suspension of the separation, if authorized under the provisions of this Manual.

(3) Counseling and rehabilitation efforts are a prerequisite to initiation of separation proceedings only insofar as expressly set forth under specific requirements for separation. In cases where counseling and rehabilitation are an inadequacy of previous counseling and/or rehabilitative efforts is not a bar to separation.

(4) Prior court-martial conviction for a serious offense is not a bar to administrative separation actions based on that offense.

b. During the period of suspension, the member shall be afforded an opportunity to meet appropriate standards of conduct and duty performance.

c. Unless sooner vacated or remitted, execution of the approved separation shall be remitted upon completion of the probationary period, upon termination of the

member's enlistment or period of obligated service, or upon decision of the separation authority that the goal of rehabilitation has been achieved.

2. During the period of suspension if further grounds for separation under the chapter arise or the Marine fails to meet appropriate standards of conduct and performance, one or more of the following actions may be taken:

a. Disciplinary action;

b. New administrative action; or

c. Vacation of the suspension and execution of the separation.

3. Prior to vacation of a suspension, the Marine shall be notified in writing of the basis for the action and shall be afforded the opportunity to consult with counsel and to submit a statement in writing to the separation authority. The respondent shall be provided a reasonable period of time, but not less than 2 working days, to act on the notice. If the respondent identifies specific legal issues for consideration by the separation authority, the matter shall be reviewed by a judge advocate or civilian lawyer employed by the government prior to final action by the separation authority.

6311. ADMINISTRATIVE ACTION AFTER DECISION

1. If the separation authority directs separation or suspended separation on the basis of more than one reason, the separation authority shall designate the most appropriate basis as the primary reason for reporting purposes.

2. If separation or suspension is directed, the separation authority shall assign a characterization or description of service in accordance with the guidance in section 1 and under the specific reason for separation in section 2.

3. The separation authority shall make a determination as to whether the respondent should be retained in the IRR as a mobilization asset to fulfill the respondent's total military obligation, except when characterization under other than honorable conditions is directed or the Marine is separated on the basis of homosexuality, misconduct, drug trafficking, defective enlistment, or when there are medical reasons why the respondent would not be available to meet mobilization requirements. This determination applies in cases involving separation from active duty or from the Selected Reserve. The following is applicable when the separation authority determines that a respondent should be retained in the IRR:

a. Upon transfer to the IRR, the member will be notified of the following:

(1) The characterization of service upon transfer from active duty or the Selected Reserve to the IRR, and that the characterization of service upon completion of the military service obligation in the IRR will be the same.

(2) The date upon which the military service obligation will expire.

(3) The date by which the member must submit evidence of satisfactory completion of the conditions set forth in paragraph 6303.4b(1)(c) above.

b. If the Marine submits evidence of completion of the specified conditions but the separation authority proposes to discharge the Marine with a characterization of service other than honorable, the notification procedures in paragraph 6303 shall be used. An administrative board is not required at this point notwithstanding the Marine's years of service.

c. If the member does not submit such information on or before the date specified in the notice, no further proceedings are required. The characterization of service is the same as the characterization of service upon transfer from active duty or the Selected Reserve to the IRR.

4. If a respondent eligible for transfer to the Fleet Marine Corps Reserve/retired list and being processed for misconduct, security or homosexuality, waived the right to appear before a Board, the Commandant of the Marine Corps shall make a determination,

consistent with the guidelines in paragraph 6319.4e as to whether the respondent should, if transfer to the Fleet Marine Corps Reserve/retired list is requested, be allowed to transfer in the grade currently held or in the next inferior pay grade. The Commandant of the Marine Corps may transfer a respondent to the Fleet Marine Corps Reserve/retired list, when eligible, if such respondent waives the right to appear before a Board.

5. Commanders who approve recommendations for separation should, whenever possible, designate a specific date for separation and direct the separating unit to immediately report the separation date as a new ECC via unit diary entry.

6. The final action of the separation authority must be recorded. After final action in cases where a Marine receives an approved unsuspended separation, all papers shall be forwarded to the Commandant of the Marine Corps (Code MMRB) for inclusion in the official records. In cases where an approved separation is suspended, all papers must be forwarded to CMC (Code MMRB) if the suspension is later vacated. There is no requirement to forward papers in cases where the separation in lieu of trail by court-martial is disapproved.

6312. SEPARATION OF MARINES BEYOND MILITARY CONTROL BY REASON OF UNAUTHORIZED ABSENCE

1. Determination of Applicability. If the general court-martial convening authority or higher authority determines that separation is otherwise appropriate under this chapter, a member may be separated without return to military control in one or more of the following circumstances:

a. Absent without authority after receiving notice of initiation of separation processing;

b. When prosecution of a member who is absent without authority appears to be barred by the Statute of Limitations, article 43, UCMJ and the statute has not been told by any of the conditions set out in article 43(d), UCMJ;

c. When a member who is an alien is absent without leave and appears to have gone to a foreign country where the United States has no authority to apprehend the member under a treaty or other agreement.

2. Notice. Prior to execution of the separation under paragraph 6312.1b or 6312.1c the Marine will be notified of the imminent action by certified mail, return receipt requested (or by an equivalent form of notice if such service by U.S. Mail is not available for delivery at an address outside the United States) to the member's last known address or to the next of kin under regulations prescribed by the Department of the Navy. The notice shall contain the matter set forth in paragraph 6303 or 6304, as appropriate, and shall specify that the action has been suspended until a specific date (not less than 30 days from the date of mailing) in order to give the respondent the opportunity to return to military control. If the respondent does not return to military control by such date, the separation authority shall treat the failure to respond as a waiver of rights and take appropriate action.

3. Members of Reserve Component. See 10 U.S.C. 1163, Reserve Components: Members; Limitations on Separation; with respect to limitations on separation of members of Reserve components.

6313. SEPARATION OF MARINES PENDING CONCURRENT DISCIPLINARY/ADMINISTRATIVE AND DISABILITY PROCEEDINGS. See paragraph 8508 of this Manual.

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 3: ADMINISTRATIVE PROCEDURES

PART C: ADMINISTRATIVE DISCHARGE BOARD

6314. CONVENING AUTHORITIES. An administrative discharge board as required by this chapter shall be convened in writing by any Marine Commander exercising special court-martial convening authority when specifically authorized to do so by a superior authority who is a Marine commander exercising general court-martial jurisdiction. When a board is convened under delegated authority, the order appointing the board will contain specific reference to the source of such delegated authority.

6315. COMPOSITION

1. Members

a. The convening authority shall appoint to the administrative board at least three commissioned, warrant or noncommissioned officers well qualified by reason of grade, leadership experience, and judicious temperament. Enlisted personnel appointed to the board shall be in grade E-7 or above, and shall be an officer serving in grade of O-4 or higher, and a majority shall be commissioned and/or warrant officers. When the respondent is an active duty member, the senior member must be on the active duty list of the service. When the respondent is a member of a Reserve component, all members of the board must be commissioned officers if characterization of service as other than honorable is warranted.

b. If the respondent is an enlisted member of a Reserve component or holds an appointment as a Reserve commissioned or warrant officer, the board shall include at least one Reserve commissioned officer as a voting member. Voting members shall be senior to the respondent's Reserve grade. If the respondent is a member of a Reserve component and an other than honorable discharge is authorized by this Manual, all board members shall be commissioned officers.

c. The convening authority shall ensure that the opportunity to serve on administrative boards is given to women and minorities. The mere appointment or failure to appoint a member of such a group to the board, however, does not provide a basis for challenging the proceeding.

d. Unless at least three voting members of the board are present, no business other than declaring a recess or adjournment shall be transacted by the board. If it appears that a voting member will be absent for more than a short period of time and the member's absence reduces the voting membership present to fewer than three members, the convening authority will be advised and appoint an additional member(s) to ensure that at least three voting members of the board are present during the conduct of all business by the board.

e. The board, in the absence of a voting member, may proceed if at least three voting members are present and the senior member present is of the grade of O-4 or higher. Where a new member of the board has been appointed (i.e., following a successful challenge against a former member), or where a member of the board who has been temporarily absent returns, that part of the proceedings conducted may be orally summarized in open session by the recorder, or the summarized record of that part of the proceedings conducted in absence shall be examined by that member and that examination noted in the record. The appointment of a new member, or the temporary absence of a member, does not preclude that member's full participation in the deliberations of the board relating to its findings of fact, opinions and recommendations.

f. The attendance at the proceedings of an administrative discharge board becomes the primary duty of a member. No member shall fail to attend at the appointed time unless prevented by illness, ordered away, or excused by covening authority.

g. If any of the above prescribed mandatory requirements for the composition of a board cannot be met in a particular case from the officer personnel locally available, the convening authority will notify the Commandant of the Marine Corps (Code MMSR-3) and request appropriate instructions.

2. Presiding Officer

a. The president shall preserve order and decide upon matters relating to the routine business of the board. The president may grant a continuance and recess and may adjourn the board to meet at a time and a place most convenient and proper. The president shall preside and rule finally on all matters of procedure, evidence and challenges, but the rulings of the president may be overruled by a majority of the board. If a legal advisor is appointed, the legal officer shall rule finally on such matters pursuant to paragraph 6315.4. The president's rulings are subject to objection by any voting member of the board. Should a voting member object to the president's ruling on any matter, a vote shall be taken in closed session and the question shall be decided by a majority vote.

b. Motions or objections pertaining to any matter other than to continuances, recesses or adjournments do not require ruling by the president of the board. Such motions or objections should be heard and merely noted in the record for resolution thereof by the separation authority.

3. Recorder. A nonvoting recorder will be appointed by the convening authority to each administrative discharge board. An assistant recorder may be appointed. The assistant recorder, at the direction of the recorder, may perform any duty or function which the recorder is required or empowered to perform. The recorder's primary responsibility is to exploit all practical sources of information and to bring out all the facts in a manner in order to permit the board to make fully informed findings, and recommendations concerning the respondent. The recorder and assistant recorder should be experienced officers and may be warrant officers or commissioned officers. The recorder and or the assistant recorder may be a lawyer within the meaning of UCMJ, article 27b(1). Where the respondent is represented by counsel, neither the recorder nor the assistant recorder will possess any greater legal qualifications than those possessed by the respondent's counsel. The recorder is responsible for ensuring that the board is presented only such materials and documents which may properly be considered by it. The recorder is also responsible for ensuring that the board is presented all testimony, materials, and documents which are necessary for it to arrive at such findings, opinions, and recommendations, as will permit the discharge authority to make a proper disposition of the case. The recorder will conduct a preliminary review of all available evidence, screen out improper matter and obtain such additional evidence as appears necessary. The recorder will arrange for the time, date, and place of the hearing after consulting with the president of the board and the counsel for the respondent. The recorder will also arrange for the attendance of all material witnesses authorized to appear at the hearing pursuant to paragraph 6317, except those witnesses whose attendance is arranged by the respondent. At the hearing, the recorder will conduct the direct examination of all witnesses, except those requested or called by the respondent. The recorder will not participate in the closed sessions of the board or in the determination of the board findings, opinions (if any), and recommendations. Under the direction of the president of the board, the recorder will prepare or cause to be prepared a record of the board's proceedings. The convening authority of the board may appoint a reporter or provide other clerical assistance for the purpose of assisting the recorder in preparing the record.

from testifying regarding matters related to an offense of which they are accused, suspected, or charged, the witness may be questioned on other matters. The question of whether a witness is suspected of an offense is one for decision by the board and will depend upon the nature of the matter being considered by the board, the reasonable probability that an offense has been committed, and the reasonable probability that the witness committed the offense. The board shall resolve all reasonable doubt in favor of the witness. Each witness appearing before the board should be advised of the subject matter of the board inquiry.

c. Unless otherwise authorized by the President all witnesses, other than the respondent, shall be excluded from the room where the board is meeting except when they are testifying.

d. The board at its discretion may direct a witness not to discuss their testimony with other witnesses or persons who have no official interest in the matter until the board's proceedings are completed. This warning is given to ensure that the matter before the board can be fairly heard and to eliminate the possibility that disclosures of the substance of the witness' testimony may influence testimony of a witness still to be heard.

6318. OATHS. The oath or affirmation to be given pursuant to this chapter will be in accordance with JAG Manual, section 0415, and will be administered by the recorder.

6319. FINDINGS AND RECOMMENDATIONS

1. The board shall determine its findings and recommendations in closed session. Only voting members of the board shall be present during these sessions.

2. The board shall determine whether each allegation set forth in the notice of proposed separation is supported by a preponderance of the evidence.

3. If the board determines that the allegations are supported by the evidence, it shall then determine whether the findings warrant separation with respect to the reason for separation set forth in the notice. If more than one reason was contained in the notice, there shall be a separate determination for each reason.

4. The board shall make recommendations on the following:

a. Retention or Separation. The board shall recommend retention or separation.

b. Suspension of Separation. If the board recommends separation, it may recommend that the separation be suspended in accordance with paragraph 6310.

c. Characterization of Service or Description of Separation. If separation or suspended separation is recommended, the board shall recommend a characterization of service or description of separation as authorized in accordance with the guidance in paragraph 6107.

d. Transfer to the Individual Ready Reserve. The board shall make a recommendation as to whether the respondent should be retained in the Individual Ready Reserve as a mobilization asset to fulfill the respondent's total service obligation except when the board has recommended separation on the basis of homosexuality, misconduct, drug trafficking, defective enlistment or induction, when there are medical reasons why the respondent would not be available to meet mobilization requirements, or where the board has recommended characterization of service under other than honorable conditions. In making a recommendation for retention in the Individual Ready Reserve, the board should consider how the respondent's performance, training and availability effects the respondent's potential for useful service under conditions of full mobilization. The option of transfer to the Individual Ready Reserve applies to cases involving separation from active duty or from the Selected Reserve.

e. Transfer to the Fleet Marine Corps Reserve/Retired List. When the respondent is eligible for transfer to the Fleet Marine Corps Reserve/retired list and the Board recommends separation, the Board shall make a further recommendation as to whether the

member be transferred in the pay grade currently held or in the next inferior pay grade. In making its recommendation, the Board will consider the following factors:

(1) Nature and severity of the misconduct, and its relationship to and effect upon the performance of military duties.

(2) All performance evaluations and other portions of the service record bearing on performance in the current pay grade, whether the misconduct was known by reporting seniors, and if not what effect, if any, it might have had on the respondents record.

(3) Time in current grade and its relationship to the time of the misconduct.

(4) Other relevant matters presented by the record or the respondent.

6320. RECORD OF PROCEEDINGS AND REPORT OF THE BOARD. The record of the proceedings shall be kept in summarized form, however, the convening authorities, upon their own initiative, upon the request of the respondent or counsel, may authorize a verbatim record. In all cases the findings and recommendations of the board shall be in verbatim form. The record of proceedings shall otherwise be prepared as directed by the convening authority and shall be authenticated by the signatures of the President and the recorder or, in the absence, either or both, by a member in lieu of the president or by a member in lieu of the recorder. However, as a minimum, the record of proceedings shall contain:

1. A authenticated copy of the appointing order and any other communication from the convening authority.

2. A summary of the testimony of all witnesses, including the respondent, appearing in person before the board.

3. A summary of the sworn or unsworn statements of all absent witnesses considered by the board.

4. Acknowledgement that the respondent was advised of and fully understands all of the rights of the respondent before the board.

5. The identity of the counsel for the respondent and the nonvoting recorder, and their respective legal qualifications.

6. Copies of the letter of notification to the respondent, advisement of rights, and acknowledgement of rights.

7. If a discharge is recommended a complete statement of the facts and circumstances, accompanied by appropriate supporting documents, upon which the recommendation is based.

8. A summary of any unsworn statements submitted by the respondent or their counsel.

6321. SUBSEQUENT ADMINISTRATIVE DISCHARGE BOARD PROCEEDINGS

1. No Marine will be subjected to administrative discharge board action based upon conduct which has previously been the subject of administrative discharge board proceedings when the evidence before the subsequent board would be the same as the evidence before the previous board, except in those cases where the findings of the previous board favorable to the respondent are determined by the discharge authority to have been obtained by fraud, collusion, or where the discharge authority finds legal prejudice to the substantial rights of the respondent. Evidence before a subsequent board is not the same as evidence before a previous board where it includes acts or omissions on the part of the Marine which have not been considered by the previous board, or where it includes administrative or judicial determinations made with regard to the member which have not been considered by the previous board and which are,

pursuant to the provisions of this paragraph, competent for the subsequent board to consider.

2. Conduct is considered to have previously been the subject of administrative discharge board proceedings when the previous board has submitted the record of its proceedings to the discharge authority and when the board records include one of the recommendations prescribed in paragraph 6319.

3. When a subsequent board is convened, no voting Marine of the subsequent board shall have served on a previous board as a voting member or have been the recorder or assistant recorder of a previous board which considered the same matter. However, the recorder and/or the assistant recorder of the previous board may serve as the recorder and/or assistant recorder of the subsequent board.

4. The record of the proceedings of the previous board may be furnished the subsequent board. However, the subsequent board will not be furnished the findings, opinions, or recommendations of the previous board, nor the matter contained in the previous board which was considered by the discharge authority to have been prejudicial to the substantial rights of the respondent, to have been obtained by fraud authority concerning the previous board. Such excluded matter, however, should be furnished the recorder of the subsequent board in order that the member may ensure that such matter is not permitted to be injected into the subsequent proceedings. While the subsequent board may consider the report of the previous board, it shall not be bound in any manner to return any finding, opinion, or recommendation consistent with any finding, opinion, or recommendation rendered by the previous board. The subsequent board shall submit its findings, opinions and recommendations, de novo. The subsequent board, in an appropriate case, may base its findings of fact, opinions and recommendations solely upon the evidence properly considered by the previous board.

5. When a separation authority sets aside the findings and recommendations of a previous board and appoints a subsequent board to hear the respondent's case, no further action is required prior to the subsequent board's hearing of the respondent's case other than the appointment of the subsequent board. The respondent and their counsel shall be notified of the findings and recommendations of the previous board and timely notice of the time and place of the subsequent board hearing, the witnesses to be heard, and the evidence to be considered before the subsequent board.

(Letterhead)

From: Commanding Officer
To: The Individual Marine

Subj: Separation Proceedings; Notification of

Ref: (a) MCO 1900.16C (MARCORSEPMAN)

Encl: (1) Purpose and Scope of the NDRB and BCNR
(2) Acknowledgement of Respondent's Rights

1. Your are hereby notified that I intend to recommend to the (Separation Authority, e.g. Commanding General) that you be discharged/released from active duty to a Reserve component from the USMC in accordance with paragraph_____ of the reference by reason of (state the reason contained in the reference).

2. The basis (bases if multiple reasons) for this recommendation is (describe the circumstances supporting the CO's recommendation. Be specific because both the respondent and the Separation Authority need to know precisely why this Marine is being recommended for separation).

3. The least favorable characterization which you may receive is General (under honorable conditions). Although the (Separation Authority) will make the determination of characterization if you are separated, I am recommending you receive a(n) Honorable/General characterization of service.

4. As a result of these separation proceedings, you have the following rights:

a. You have the right to consult with qualified counsel. It is in your best interests to do so prior to waiving any of your rights.

b. You have the right to submit written statements to the (Separation Authority) in rebuttal to this proposed separation.

c. You have the right to obtain copies of documents that will be forwarded to the (Separation Authority) supporting the basis of this proposed separation. Classified documents shall be summarized.

d. You may waive any of these rights after being afforded a reasonable opportunity to consult with counsel and that failure to respond shall constitute a waiver of these rights.

5. Information on the Purpose and Scope of the NDRB and the BCNR is provided to you as enclosure (1).

6. You are directed to respond in writing to this notice not later than (time and date)(e.g., 0900, 4Jun82. Must allow at least 2 complete working days) by completing and returning enclosure (2). Failure to respond by the prescribed time constitutes a waiver of your rights.

Figure 6-2.--Sample Notification for Use of Notification Without Board.

5. Characterization and Separation Authority. The separation will be honorable unless an entry level separation or an order of release from the custody and control is required. The separation authority for all separations under this paragraph Commandant of the Marine Corps (Code MMSR-3).

6403. CHANGES IN SERVICE OBLIGATION FOR RESERVISTS ON INACTIVE DUTY

1. Discharge for Enlistment or Appointment in the Regular Marine Corps or for Appointment in the Marine Corps Reserve. The enlistment of a reservist is deemed to be automatically terminated upon enlistment in the Regular Marine Corps or upon acceptance of appointment as an officer in the Marine Corps Reserve. Upon receipt of official notification of such enlistment or appointment, commanders will close out the service record of the reservist concerned showing the date of discharge as of the day prior to enlistment in the Regular Marine Corps or of acceptance of appointment. The discharge certificate will be prepared and forwarded to the Marine.

2. Discharge for Enlistment in the Regular Army, Navy, Air Force, Coast Guard. Upon receipt of official notification of the enlistment of a reservist in the Regular Army, Navy, Air Force, or Coast Guard, commanders will effect the discharge of the reservist as of the day prior to such enlistment, and forward the discharge certificate to the member's new organization, if known, otherwise to the Commandant of the Marine Corps (Code MMRB-10) with a statement as to the reason for nondelivery.

3. Discharge for Enlistment in Another Reserve Component of the Armed Forces. Reservists not on active duty and having a military obligation under law who desire to enlist or accept appointment in another Reserve component of the Armed Forces may be discharged subject to the following:

a. The reservist requests the transfer or consents to the transfer after applying to the gaining armed force.

b. The reservist's commander ensures:

(1) The gaining armed force unit has a specific vacancy within a reasonable distance of the reservist's home or place of business and there is no Selected Marine Corps Reserve unit similarly available; or

(2) The gaining armed force unit has a specific vacancy within a reasonable distance of the reservist's home or place of business and the reservist has special experience of a professional, educational, or technical background which is clearly of greater use to the gaining armed force and outweighs the value of the reservist's previous training in the Marine Corps; or

(3) The reservist will be enrolled in an officer training program of the gaining armed force. Where membership in the officer training program does not confer military status, discharge from the Marine Corps Reserve will be for the purpose of immediate enlistment in a Reserve component of the gaining armed force.

c. When a request is approved, the commander will furnish a conditional release to the requestor which shall contain the following elements: applicant's last, first, and middle name; social security number; rank (including pay grade), date of rank, and military specialty; component; organization to which assigned; years, months, and days of total service; summary of other intercomponent transfer (if any); date and place of birth; citizenship and how acquired; summary of military duties performed; brief statement of reason for requesting transfer; statement by member that, in the event of approval, the member will accept assignment to and participate in the accredited training program of the component to which transferred.

d. Upon receipt by the approving authority of evidence that the applicant has been enlisted or has accepted appointment in the gaining armed force, discharge will be effected as of the day prior to the date of such enlistment or acceptance of appointment. The discharge certificate will be forwarded to the gaining armed force for delivery to the reservist.

4. Discharge of reservists who do not have a military obligation to enlist or accept appointment in a Reserve component of another armed force will be in accordance with the criteria and procedures stated in paragraph 6403.3, above, unless the reservist is eligible for discharge upon request. The conditional release in such cases will state that the reservist has no obligated service under law.

6404. CHANGES IN SERVICE OBLIGATION FOR ACTIVE DUTY MARINES

1. To Accept a Commission or Appointment. An active duty Marine may be separated for acceptance of an active duty commission, appointment, or acceptance into a program leading to such a commission or appointment in any branch of the Armed Forces. Applications for commission in a service other than the naval service must be submitted via the Commandant of the Marine Corps (Code MMSR) and include a statement acknowledging that, should the Marine be accepted in the applied for program, the Marine agrees to separation from the Marine Corps. Separation may only be effected when directed by the Commandant of the Marine Corps after receipt of certification from the gaining service that the Marine has been accepted for a commission or an appointment, or acceptance into a program leading to such.

2. An active duty Marine may be separated by the Marine's commander for immediate reenlistment when the Marine has more than 3 months remaining to serve on the enlistment (see MCO P1040.31, paragraph 3001).

3. A reservist who is "set-back" in training at a recruit depot and cannot meet the last date for entrance to college may be separated (MCO 1001.54B refers). The commanding generals of the recruit depots may effect this separation.

4. Active duty Marines may be separated under the provisions of an announced early release program authorized by the Commandant of the Marine Corps.

5. An active duty Marine may be separated by the general court-martial convening authority if the Marine is in a temporary duty under full treatment status or has been found physically qualified to resume full duty, regardless of duty status, with 3 months or less active obligated service remaining and who does not desire reenlistment.

6. An active duty Marine assigned to sea duty who is within 90 days of the date of expiration of active obligated service may be separated by the general court-martial convening authority under the following conditions:

a. When the member's ship is about to deploy with the possibility of not returning to the United States before the expiration of the member's active obligated service, the member may be separated within 5 days of the deployment date, when there would be insufficient time to complete separation processing prior to member's expiration of active obligated service if the member returned to the continental United States from the first overseas port-of-call.

b. When the home port of a member's ship or command changes, the member may be separated within 5 days of the ship's/command departure for the new home port when there would be insufficient time to return the member to the old home port for separation processing, or to complete separation processing at the new home port prior to member's expiration of active obligated service.

6405 EARLY RELEASE TO FURTHER EDUCATION

1. General. The Commandant of the Marine Corps may authorize particularly deserving enlisted Marines to be released from active duty prior to expiration of active service for the purpose of pursuing their education via college or a vocational/technical school. This program is applicable to all enlisted personnel except:

a. Six-month trainees.

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

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

d. Marines who have acquired additional obligated service due to advanced training.

2. Criteria. The following criteria applies:

a. The Marine must be eligible for an honorable discharge;

b. The Marine's services must not be essential to the command's mission.

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

d. The latest acceptable registration and class convening dates of the school term for which the Marine seeks release must fall within the last 3 months of the Marine's remaining service.

e. Applications will normally be denied if the Marine has:

(1) Received fully funded education, or education for which the Marine incurred obligated service; or

(2) Completed advance technical training; or

(3) Received special compensation during the current enlistment (e.g., reenlistment bonus); or

(4) A military occupational speciality which due to military exigencies requires retention.

3. Application

a. In their applications, all Marines must:

(1) Clearly establish why the specific school term for which release is sought is academically the most opportune time to begin or resume education and why delay of enrollment until normal expiration of service would cause undue hardship;

(2) State in the application, "I understand I am subject to possible recall to active duty and/or prosecution for fraudulent separation if I do not attend the school for which I am granted early release; and

(3) Provide evidence that full tuition for the first school term has been paid or will be paid.

b. In addition to the requirements in 6405.3a above, Marines applying for separation to attend college must present documentary evidence which establishes:

(1) That the Marine has been accepted without qualification to a recognized institution of higher learning.

(2) The school's accreditation status.

(3) That the Marine will be in a full-time resident course of instruction leading to an associate, baccalaureate or higher degree; and,

(4) The latest date of registration and the class starting date for the specified school term and the next succeeding term.

c. In addition to the requirements in 6405.3a above, Marines applying for separation to attend a vocational/technical school must present documentary evidence which establishes:

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

(2) That the Marine has been accepted without qualification to a full-time resident course of instruction lasting 3 months or more; and

(3) The latest date of registration and the class starting date for the specified school term and the next succeeding term.

d. The term "acceptance without qualification" means that the Marine must be accepted for admission without being subject to any further approval prior to entrance. A statement that the Marine is admissible subject to a review of the Marine's records, or subject to passing an entrance exam, qualifies the acceptance accepted on probation does meet the requirements for early release.

e. The term "full-time resident course of instruction" means the Marine must take the minimum number of credit hours for the semester, quarter or term considered by the school to be full-time (excluding night school).

4. Commander's Action. Marines who meet the criteria above and who have obtained the required substantiating documentation may submit an application via the chain of command to the Commandant of the Marine Corps (Code MMSR-3).

The Marine must acknowledge in the request that all unearned portions of any reenlistment bonuses will be recouped.

2. Approval or disapproval of the request will be based on the needs of the service.

3. A Marine discharged under this provision will be assigned an RE-3C reenlistment code.

4. Requests will normally be denied if the Marine has:

a. Received fully funded education, or education for which the Marine incurred obligated service; or

b. Completed advanced technical training; or

c. Received special compensation during the current enlistment (e.g., reenlistment bonus); or

d. A military occupational speciality which due to military exigencies requires retention.

6414. RESERVIST BECOMES A MINISTER

1. A Reserve Marine not on active duty who has become a regular or duly ordained minister of religion or who desires to take final vows in a religious order may submit a request for discharge via the chain of command to the Commandant of the Marine Corps (Code RES). The following definitions apply:

a. "Regular minister of religion," is a person whose customary vocation is teaching and preaching the religious principles of the person's church or religious organization without having been formally ordained as a minister of religion but who is recognized by such church, sect or organization as a regular minister.

b. "Duly ordained minister of religion," is a person who has been ordained in accordance with the ceremonial ritual or discipline of a church, religious sect, or religious organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship, and who as a regular and customary vocation preaches and teaches the principles of religion and adminsters the ordinances of public worship as embodied in the creed of principles of such church, sect, or organization.

c. The above definitions do not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or religious organization even though the person may have been duly ordained a minister in accordance with the ceremonial ritual or discipline of a religious group.

2. If the reservist is a regular or duly ordained minister of religion as defined above, the request for discharge must be accompanied by a statement or certificate from an appropriate official of the religious order attesting to that fact.

3. If the reservist desires to take final vows in a religious order, the request for discharge must be accompanied by a statement or certificate from an appropriate official of the religious order showing that in order to proceed further with the reservist's acceptance into the religious order, it is required that the reservist be discharged from the Marine Corps.

6415. TRANSFER TO THE NAVY HOSPITAL CORPS. A Marine may submit a request for transfer in an active dkuty status to the Navy Hospital Corps. A copy of the Marine's Armed Service Vocational Aptitude Battery (ASVAB) will accompany the request. Approval or disapproval will be based on the needs of the service. Requests will normally be denied if the Marine has:

1. Received fully funded education, or education for which the Marine incurred obligated service; or

2. Completed advanced technical training; or

3. Received special compensation during the current enlistment (e.g., reenlistment bonus); or

4. A military occupational speciality which due to military exigencies requires retention.

6416. MARINES MARRIED TO OTHER SERVICE MEMBERS

1. A Marine may submit a request for separation provided all of the following conditions are met:

a. Not stationed near enough to the spouse to permit the maintenance of a joint residence;

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

c. The spouse's separation has exceeded 18 months or, if one is serving overseas, the shortest "all others" tour as specified in MCO 1300.8;

d. The Marine is not serving on an extension of service entered into after the marriage; and

e. The Marine has completed 24 months service following completion of a service school if the length of the course was in excess of 20 weeks.

2. Requests will normally be denied if the Marine has:

a. Received fully funded education, or education for which the Marine incurred obligated service; or

b. Completed advanced technical training; or

c. Received special compensation during the current enlistment (e.g., reenlistment bonus); or

d. A military occupational speciality which due to military exigencies requires retention.

6417. TRANSFER TO THE NAVY AS A RELIGIOUS PROGRAM SPECIALIST

1. General. A Marine may request transfer to serve on active duty in the U.S. Navy as a Religious Program Specialist for the purpose of supporting the chaplains serving with either the Navy or the Marine Corps. The request will be submitted via the chain of command to the Commandant of the Marine Corps (Code MMSR-3).

c. The Marine's ability to perform such duties as:

(1) Custodian of chapel funds;

(2) Maintaining records of chapel funds, appropriated funds and property accounts in support of religious programs,

(3) Training personnel involved in support of religious programs;

(4) Maintaining liaison with ecclesiastical and community agencies; and

(5) Performing administrative, clerical and secretarial duties.

5. Commander's Action. The Marine's immediate commanding officer will:

a. Ensure that the Marine is interviewed by a Navy Chaplain and that the chaplain's formal written recommendation is submitted with the Marine's request.

b. Certify in the forwarding endorsement, that the Marine meets all the criteria for transfer.

c. Forward a copy of the Marine's proficiency/conduct marks if the Marine is a corporal or below or has been a sergeant for less than 18 months.

d. Forward a copy of the Marine's Armed Forces Services Vocational Aptitude Battery (ASVAB). Marines who have not taken the ASVAB will do so prior to submission.

e. Forward a copy of page 8A of the Marine's service record.

f. Counsel the Marine that approval or disapproval of the request is based upon the needs of the Marine Corps. Submission of a request is no assurance that the transfer will be authorized.

6418. RESERVED FOR FUTURE USE

6419. SEPARATION IN LIEU OF TRIAL BY COURT-MARTIAL

1. A Marine may be separated upon request in lieu of trial by special or general courts-martial if charges have been preferred with respect to an offense for which a punitive discharge is authorized and it is determined that the Marine is unqualified for further military service. The escalator clause in section B of paragraph 127C of the Manual for Courts-Martial, 1969 (Rev Ed) may be used to determine if a punitive discharge is authorized if the charges have been referred to a court-martial authorized to adjudge a punitive discharge.

2. Characterization of service normally shall be under other than honorable conditions, but characterization as general (under honorable conditions) may be warranted in some circumstances. Characterization as honorable is not authorized for Marines who have completed entry level status unless the Marine's record is otherwise so meritorious that any other characterization clearly would be inappropriate. When characterization of service under other than honorable conditions is not warranted for a Marine in entry level status the separation shall be described as an entry level separation.

3. Procedure

a. The request for discharge shall be submitted in writing and signed by the Marine.

b. The Marine shall be afforded an opportunity to consult with qualified counsel. If the member refuses to do so, the commanding officer shall prepare a statement to this effect which shall be attached to the file, and the member shall state that the member has waived the right to consult with counsel.

c. Unless the Marine has waived the right to counsel, the request shall also be signed by counsel.

d. In the written request, the Marine shall state that the member understands the following:

(1) The elements of the offense or offenses charged;

(2) That characterization of service under other than honorable conditions is authorized; and

(3) The adverse nature of such a characterization and possible consequences.

e. The request shall also include:

(1) An acknowledgment of guilt of one or more of the offenses charged, or of any lessor included offense, for which a punitive discharge is authorized; and

(2) A summary of the evidence or list of documents (or copies thereof) provided to the Marine pertaining to the offenses for which a punitive discharge is authorized.

(3) As a condition precedent to approval of the request, the Marine, if serving in the grade of corporal or above, must also request administrative reduction to lance corporal.

f. The separation authority is the GCMCA.

g. Statements by the Marine or the Marine's counsel submitted in connection with a request under this subsection are not admissible against the member in a court-martial except as provided by Military Rule of Evidence 410.

6420. EARLY RELEASE FROM OVERSEAS UNITS. Marines scheduled to return from permanent overseas duty stations who are within 90 days of completing their active service obligation may request separation upon their return to CONUS or request separation overseas pursuant to guidelines set forth in paragraph 1006.2.

b. Marines who are qualified and who will be transferring to the FMCR within 30 days of their RTD will return to the continental United States (MCC W95) pending transfer to the FMCR. See paragraph 1006.2b of this Manual for duty stations a Marine may request when transferring to the FMCR upon RTD. Duty stations must be requested at time of submission of FMCR request via unit diary.

c. For all Marines (not serving a dependents-restricted tour) assigned to an overseas location not indicated by a double asterick in the current edition of MCO 1300.8, the following applies:

(1) If, at normal RTD, the Marine is within 6 months of transfer to the FMCR, the Marine's tour will be involuntarily extended to transfer to the FMCR.

(2) Tour lengths will not be involuntarily extended if the Marine extends/reenlists for a period of time sufficient to enable the Marine to serve 12 months or more upon arrival at a new duty station.

3. Favorable consideration will not normally be given to requests from noncommissioned officers of any grade for transfer to the FMCR when the request is made on or after the date of issuance of permanent change of station orders to, from, or within CONUS except as listed below:

a. Marines who are eligible for transfer to the FMCR who have been issued orders and who do not desire such tour are required to request transfer to the FMCR effective on the last day of the month they would otherwise have arrived at their next assignment. A Marine who is within 12 months of obtaining eligibility for transfer to the FMCR will not be required to accept orders, but will not be granted additional service beyond initial eligibility once refusing such orders and requesting transfer to the FMCR. Marines having more than 12 months active service remaining prior to attaining transfer eligibility, who have submitted requests, and who subsequently receive orders will be required to serve an unaccompanied overseas tour and will then be returned to CONUS not later than 10 days prior to the requested date of transfer to the FMCR. When the application of the above results in a cancellation/nonissuance of orders, a subsequent request to withdraw the application to transfer to the FMCR will not normally be given favorable consideration.

b. If a Marine serving at an overseas duty station desires to transfer to the FMCR and is fully eligible for such transfer to RTD or within 30 days after RTD, the Marine will be required to transfer the last day of the month following either case. If not fully eligible for transfer to the FMCR within 30 days after RTD, the Marine will be required to serve at least 1 year at the new CONUS duty station.

4. Marines who are assigned to a CONUS unit (joined or attached) which is scheduled to deploy outside CONUS for a period in excess of 90 days may make application for transfer to the FMCR; however, their request will not be approved unless the scheduled deployment date is more than 6 months from the date they were assigned to such unit. To be eligible, personnel making such application must have completed 1 year on station with or in the same geographical location as the unit scheduled to deploy outside CONUS. For purposes of definition as pertains to transfers to the FMCR, scheduled unit rotation to CONUS and the applicant's RTD will be considered the same. Requests for transfer to the FMCR must be submitted not later than 4 months prior to the deployment date. In cases of assignment to or in direct support of a carrier deployment, requests must be submitted 9 months prior to deployment.

5. Marines in the grade of gunnery sergeant or above, except those who have served satisfactorily as an officer, must serve 2 years in their current grade prior to transfer to the FMCR. Waiver of this requirement will be approved only in instances of humanitarian or hardship situations. Approval of such requests for transfer to the FMCR will be based on the needs of the Marine Corps.

6. Marines must complete 1 year at the CONUS geographical duty station at which serving prior to transfer to the FMCR regardless of EAS.

7. Marines who have attended a military or civilian course of a duration of 20 weeks or more will not normally be approved for transfer to the FMCR prior to the completion of 24 months active duty following completion of the prescribed course of instruction or termination therefrom if attendance was in compliance with official orders. Additionally, Marines who have successfully completed a military or civilian course of a duration of 19 weeks or less will not normally be approved for transfer to the FMCR prior to the completion of 12 months active duty following completion of the course.

8. Exceptions to the above management policies will be made only when one of the following conditions exists:

a. A substantial hardship of a compassionate or unusual financial nature exists which can be alleviated only by separation from active duty. A request for exception to policy based upon the above will be documented in accordance with the current edition of MCO P1000.6, paragraph 1101 or paragraph 6407 of this Manual.

b. The Marine has limited assignability by reason of health or national security.

c. It has been determined by the Commandant of the Marine Corps that continued active service by the Marine is inconsistent with the best interests of the Marine Corps.

9. Waivers of the eligibility requirements to transfer to the FMCR will not be granted based solely upon a Marine's unsatisfactory or substandard performance or conduct. To do so would be unfair to other Marines who maintain acceptable standards and are required to meet fully the established eligibility requirements for transfer to the FMCR. Only after all efforts to correct such a problem through administrative and/or disciplinary action have failed is it considered appropriate to request early transfer to the FMCR as a solution. To do otherwise would not be in the best interest of the Marine Corps since, in effect, it would be rewarding poor performance or conduct. Accordingly, requests for transfer to the FMCR submitted under the provisions of this policy requiring waiver of the eligibility requirements for transfer to the FMCR shall include a full report of the particulars and the action taken by the commanding officer to rectify the situation.

10. A request for transfer to the FMCR to an effective date later than that requested may be specified when, in the best interest of the Marine Corps, a delay is necessary in order to provide time for an orderly relief or, in some cases, completion of the current tour or ordered tour of duty.

11. A Marine must be serving on a valid contract of enlistment or extension thereof to be eligible for transfer to the FMCR. There is no existing authority for automatic retention beyond the expiration date of an enlistment contract solely for transfer to the FMCR. If retained beyond the expiration of enlistment for medical reasons and returned to duty status as fit for duty, the Marine must immediately extend or reenlist. In this connection, should a Marine pending transfer to the FMCR or retirement be found fit as a result of an examination by a medical officer or a properly convened medical board subsequent to the expiration of enlistment the Marine's enlistment may be extended on the date found fit for a period not to exceed 1 month. The Marine's commanding officer after effecting the extension of enlistment will notify the Commandant of the Marine Corps (Code MMSR) by message including the following information:

a. The Marine is physically qualified.

b. The Marine has been extended on the date found physically fit and the length of the extension.

c. The date on which the Marine desires transfer to the FMCR must be the last day of the month or the date the enlistment expires.

7005. PHYSICAL EXAMINATIONS

1. Marines contemplating retirement or transfer to the FMCR should complete a physical examination not more than 6 months and not less than 4 months prior to the effective date of retirement or transfer. This physical examination should be accomplished far enough in advance of the prospective retirement or transfer date to permit correction of any minor physical defects, or if major defects are found, to permit completion of physical retirement proceedings prior to the scheduled retirement date. The time required for physical disability proceedings varies greatly, depending on the circumstances in each case. However, it may be expected that from 3 to 4 months will be required from the date of initial physical examination to the date of final action by the Secretary of the Navy. Longer periods may be required in exceptional cases (see chapter 8 of this Manual).

2. If a Marine has submitted a request for retirement or transfer to the FMCR and disease or injury requiring medical treatment or hospitalization intervenes, immediately notify the Commandant of the Marine Corps (Code MMSR) by message and if circumstances indicate treatment will extend beyond the effective date of separation, return orders and related documents. In the latter instance, upon the Marine being found fit, ensure the Marine is on a valid enlistment/extension as provided for in paragraph 7004.11 above, and then immediately notify the Commandant of the Marine Corps (Code MMSR-2) concerning both fitness for duty and nature of contract in effect. Marines in this category will be transferred to the FMCR on the last day of the month found fit, EAS if earlier, or the first of the following month if retiring.

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

7006. APPLICATION FOR RETIREMENT OR TRANSFER TO THE FLEET MARINE CORPS RESERVE (FMCR)

1. Requests for retirement and transfer to the FMCR will be submitted by the reporting command via the unit diary in accordance with MCO P1080.35D, paragraph 8095. In addition to the unit diary entry the Marine requesting retirement/transfer to the FMCR will be required to sign the following entry on the administrative remarks page of the service record book (SRB). "I request (retirement) (transfer to the FMCR) effective date," (retirement must be the 1st day of the month). (Effective date of transfer to the FMCR may be the Marine's expiration of active service (EAS) or the last day of the month). Requests for retirement and transfer to the FMCR will be submitted not more than 14 months and not less than 4 months prior to the requested date. Requests submitted beyond the time frame will not be accepted in the MMS and therefore must be submitted, with justification, by separate correspondence/message to the Commandant of the Marine Corps (Code MMSR-2). Marines returning to CONUS may elect separation at one of the duty stations identified in paragraph 1006.2b of this Manual. Prior to exercising this option, the Marine should understand the conditions specified in paragraph 1006.2d of this Manual. Marines requesting transfer to the FMCR/retirement are cautioned not to make significant personal commitments (such as buying or selling a house or business) based upon mere submission of a request. Problems which may arise from such premature commitments will not be used as a basis for subsequent expedited or preferential processing of a Marine's request.

2. Upon signing the retirement and transfer to the FMCR entry in the SRB, the Marine requesting retirement/transfer to the FMCR is also certifying having been informed of and understanding the provisions of the current edition of SECNAVINST 1850.4, which states that in order to qualify for physical disability retirement benefits outlined in Chapter 61, 10 U.S.C., a member must be on active duty at the time the Secretary of the Navy approves any proceedings of a Physical Evaluation Board.

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

a. Ensure the request is submitted within the timeframe established in paragraph 7006.1 above.

b. Counsel applicant concerning the Survivor Benefit Plan (SBP). An election not to participate in SBP, election for coverage of spouse only, children only, or election for coverage on a reduced base amount must be submitted to the Marine Corps Finance Center (Code CPR), Kansas City, Missouri 64197, 30 days prior to effective date of retirement. Such elections should be made on DD Form 1883. (See MCO 1741.11 for details.)

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

a. Promotion;

b. The Marine is found to be not physically qualified. (See paragraph 7005 above.) Notify the Commandant of the Marine Corps (Code MMSR-2) when disease or injury requiring medical treatments or hospitalization intervenes;

c. Death;

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

e. The Marine becomes the subject of disciplinary action;

f. The Marine acquires lost time (include number of days and reason).

5. Modification/Cancellation of Requests

a. Requests for modification/cancellation of prior requests for transfer to the FMCR or retirement must be submitted to the Commandant of the Marine Corps (Code MMSR) no later than 45 days prior to the effective date of transfer to the FMCR/retirement via letter or naval message. They cannot be submitted by unit diary. Approval of such requests will be based on the needs of the Marine Corps.

b. Short term modifications up to 6 months may be authorized upon request when based upon valid military requirements and provided the initial request did not result in cancellation/nonissuance of PCSO and the new effective date of retirement/transfer FMCR is still within the 14 month time period from the date of the original request. Only one such modification, if approved will be given per individual.

c. Requests for cancellation are without condition and must include in the text of the request the Marine's agreement not to submit a request for transfer to the FMCR for a period of 2 years from the date of cancellation except for reasons of hardship. If approved, and if the Marine's EAS is prior to the expiration of the 2 year period, the Marine will be required to execute an agreement to extend the Marine's enlistment for the period needed to complete 2 years. A copy of any agreement must be forwarded to the Commandant of the Marine Corps (Code MMEA) upon execution.

d. Modifications or cancellations requested after a Marine has commenced terminal leave or after replacement action by this Headquarters has been initiated will be favorably considered only in the event of bona fide humanitarian or hardship circumstances.

7020. ENLISTED MARINES ON THE RETIRED LIST

1. A Marine on the Retired List may be ordered to active duty in time of war or national emergency. A retired Marine serving on active duty shall receive full pay and allowances of the respective grade.

2. A retired Marine serving on active duty in the time of war or national emergency will be released from active duty only in accordance with such instructions as may be issued by the Commandant of the Marine Corps.

3. Retired enlisted Marines not on active duty shall receive such retired pay as may be provided by law and shall be paid monthly by the Marine Corps Finance Center (Code CPR), Kansas City, Missouri.

4. Retired enlisted Marines not on active duty are entitled to medical treatment and hospitalization. When hospitalized in a naval hospital, they are entitled to a daily ration.

IDENT SYMBOLS

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

Subj: Transfer to the Fleet Marine Corps Reserve

Ref: (a) AOWP Orig by RUC 54808 dtd _____
(b) MCO P1900.16C, MARCORSEPMAN, par. 7008
(c) MCO P1900.16C, MARCORSEPMAN, par. 7011
(d) JTR, pars. M4158, M7010 an M8260

Encl: (1) Retired Pay Data Form
(2) FMCR Certificate
(3) FMCR Button
(4) Identification Card (DD Form 2 MC (Ret.))
(5) Application for 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 I(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. Upon receipt of these orders, notify your commanding officer of your desires regarding a retirement ceremony in accordance with reference (c).

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

6. You (are) (are not) entitled to extraordinary heroism pay.

7. Your service records will be forwarded to and maintained by the Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, Kansas 66211

8. You must indicate a home of selection to receive travel allowance for the travel performed thereto, from this command, provided that the travel is completed within 1 year from the date of your release from active duty. The conditions under which you may be paid travel allowance for travel completed to your home of selection after that date are stated in reference (d). Advance payment of travel allowance to your home of selection is not authorized. The home of selection endorsement must be completed prior to submission of these orders for settlement of travel.

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

Name	Relationship	Date of Birth	Date Approved

Figure 7-1.--Format for Orders to Transfer to the Fleet Marine Corps Reserve (FMCR).

10. Your entitlement to travel allowances for your travel and that of your dependents and to storage and shipment of household goods, is stated in reference (d). It is recommended that you read the provisions of that reference prior to your detachment from this command.

11. 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), 1500 E. 95th Street, Kansas City, Missouri 64197. Payment of your retainer pay will not commence until enclosure (1) is received at the Finance Center.

12. Enclosures (2) through (4) are provided for your retention. Enclosure (5) is an application for identification cards for your eligible dependents. Enclosures (6) and (7) are provided for your use in claiming travel allowances for yourself and your dependents. Following performance of travel to your home of selection, these enclosures should be completed and submitted to the nearest Marine Corps or Navy Disbursing Officer together with the original of these orders and two copies thereof for each claim.

13. 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.

14. 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 Support Center, of any change in your health that might prevent service at sea or in the field in time of war.

15. You have given your future address as _____. Report changes of addresses to the Marine Corps Finance Center (Code CPR), 1500 E. 95th Street, Kansas City, Missouri 64197 and the Director, Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, Kansas 66211. The request must be submitted over your signature and should contain your social security number (SSN) for identification purposes.

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

17. 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.

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

19. Your retirement from the Fleet Marine Corps Reserve will be effective without request on ("can retire" date from CMC authority) 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)).

Figure 7-1.--Format for Orders to Transfer to the Fleet Marine Corps Reserve--Continued.

21. Your presence will be missed by your fellow Marines. On behalf of the Commandant of the Marine Corps and those with whom you have served, I express sincere appreciation for your service and wish you health, happiness, and every success in the future.

By direction

Copy to:
DISBO
MCFC (Code CPR), KSC
MCRFAC, KSC
CMC (Code MMEA)
(Code MMSR-2)
(Code MMRB-10)

UD SRB File (Other as required)

HOME OF SELECTION ENDORSEMENT

I certify that I have selected (city), (state) as my home incident to transfer to the retired list and arrived thereat on (date). I further certify and understand that this selection, once made and travel allowance is received for travel thereto, is irrevocable and no further entitlement to travel allowances shall accrue.

(signature) (date)

NOTE 1. 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 the 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."

NOTE 2. When a Marine has been recalled to active duty for the purpose of transfer to the FMCR, delete enclosure (7), paragraphs 3, 4, 7, 8, 9, 11, 12, 17, 20 and the home of selection endorsement. Add new enclosure (7), Encl: (7) Survivor Benefit Plan Election Certificate (DD Form 1883) in triplicate. Renumber paragraphs 5, 6, and 10, as 3, 4, and 5. Add the following as paragraph 6:

"Enclosures (2) through (4) are provided for your retention. Enclosure (5) is an application for identification cards for your dependents. Enclosure (6) is provided for your use in claiming travel allowances for yourself under the orders issued by the Commandant of the Marine Corps incident to your current active duty. Your claim for travel, and basic pay and allowances should be submitted promptly to the Marine Corps Finance Center (Code SEC), Kansas City, Missouri 64197. Enclosure (7) is provided for your use in making an election under the Survivor Benefit Plan. Prior to making an election, you should read the current edition of MCO 1741.11. Enclosure (7) should be completed promptly and the original will be forwarded with enclosure (1)."

Renumber paragraphs 13, 14, 15, 16, 18, 19, and 21, as 7, 8, 9, 10, 11, 12, and 13. Substitute enclosure (4) for the present figure 7-2.

Figure 7-1.--Format for Orders to Transfer to the Fleet Marine Corps Reserve--Continued.

IDENT SYMBOLS

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

Subj: Release from Active Duty and Transfer to the Retired List

Ref: (a) AWOP Orig. by RUC 54808 dtd_____
(b) 10 U.S.C.
(c) JTR, pars. M4158, M7010 and M8260
(d) MCO P5512.10A
(e) MCO P1900.16C, MARCORSEPMAN, par. 7011

Encl: (1) Retired Pay Data Form
(2) Retirement Button
(3) Certificate of Retirement
(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. 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 (day before retirement). 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. Upon receipt of these orders notify your commanding officer of your desires regarding a retirement ceremony in accordance with reference (e).

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

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

7. You have given your future address as _____. Report changes of address to the Marine Corps Finance Center (Code CPR), Kansas City, Missouri 64197. The request must be submitted over your signature and should contain your social security number (SSN) for identification purposes.

8. 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). The home of selection endorsement must be completed prior to submission of these orders for settlement of travel. 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.

Figure 7-2.--Format for Orders to Release from Active Duty and Transfer to the Retired List.

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

Name	Relationship	Date of Birth	Date approved

10. Your entitlement to travel allowances for your travel and that of your dependents, and to storage and shipment of household goods, is stated in reference (c). It is recommended that you read the provisions of that reference prior to your detachment from this command.

11. Enclosure (1) should be completed and promptly forwarded to the Marine Corps Finance Center (Code CPR), 1500 E. 95th Street, 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.

12. Enclosures (2) through (4) are provided for your retention. Enclosure (5) is an application for issuance of ID cards to your eligible dependents. Enclosures (6) and (7) are provided for your use in claiming travel allowances for yourself and your dependents. Following performance of travel to your home of selection, these enclosures should be completed and submitted to the nearest Marine Corps or Navy disbursing officer, together with the original of these orders and two copies thereof for each claim.

13. 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.

14. 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.

15. Expenditures under these orders are chargeable to _____.

16. Through the years your performance of duty has always been in keeping with the traditions we so highly revere. 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
MCRSC, KSC
CMC (Code MMEA)
(Code MMSR-2)
(Code MMRB-10)

Figure 7-2.--Format for Orders to Release from Active Duty and Transfer to the Retired List--Continued.

CHAPTER 8

SEPARATION/RETIREMENT FOR PHYSICAL DISABILITY

SECTION 1: PHYSICAL DISABILITY EVALUATION SYSTEM

8101. GENERAL

1. The naval physical disability evaluation system is composed of Central Physical Evaluation Board (CPEB), three formal Physical Evaluation Boards (PEB), the Physical Review Council (PRC) and the Director, Naval Council of Personnel Boards. Purpose, composition, responsibilities, policies and procedures pertinent to these agencies are described in the succeeding paragraphs. Medical boards, although not an element of the physical disability evaluation system, play an important part within the system in that an approved medical board report is generally the basis for entry of a Marine into the physical disability evaluation system.

2. A Marine found unfit to perform the duties of office, grade, rank or military occupational specialty because of physical disability is processed through the disability evaluation system. Disposition of cases so processed is as follows:

a. For determination of eligibility for processing see Table 8-1, Eligibility Index Table.

b. For disposition of physically unfit Regular Marines and Marine Reservists ordered to active duty for more than 30 days refer to Table 8-2, Eligibility Index Table for Regulars and Reservists on Active Duty for More Than 30 Days.

c. For disposition of physically unfit Marine Reservists on active duty for 30 days or less see Table 8-3, Eligibility Index Table for Reservists on Active Duty for 30 days or Less; Inactive Duty Training or Compulsory 45-Day Active Duty Involuntary Training.

8102. MEDICAL BOARDS

1. GENERAL. Manual of the Medical Department, chapter 18 section III and Disability Evaluation Manual, part V, contain full instructions relevent to medical boards. The following paragraphs contain only that information applicable to medical boards and pertaining to the disability evaluation system with which the commanding officer should be conversant.

a. Issuing permanent change of station orders to the Marine's home for the purpose of awaiting final disposition of a medical board is not authorized. A Marine may be ordered home to await final dispositon only in accordance with paragraph 8107 below (See paragraph 8103 below, for PEB.)

b. Provided the medical board so recommends and the convening authority of the medical board concurs, commanding generals and commanding officers, to include inspector instructors, of Marine Corps activities within the United States (less Hawaii and Alaska), are authorized to discharge Marines on active duty including active duty for training by reason of physical disability for a condition which existed prior to entry into active service (EPTE). (See paragraph 8404 below.)

c. Provided the medical board so recommends and the convening authority of the medical board concurs, commanding generals and commanding officers, to include inspector instructors, of Marine Corps activities within the United States (less Hawaii and Alaska), are authorized to discharge Marines for character and behavior disorders of intelligence (See paragraph 8405 below.)

2. Purpose. A medical board is convened to report upon a Marine when doubt exists concerning the Marine's state of health. A medical board reports a diagnostic summary of the Marine's physical condition and will recommend one of the following dispositions to the convening authority:

a. Return to duty.

b. Return to limited duty pending further examination at a later date.

c. Discharge by reason of physical disability upon determination that such disability existed prior to entry and was not service aggravated.

d. Discharge by reason of unsuitability, erroneous enlistment or convenience of the Government (See current edition BUMEDINST 1910.2.)

e. Referral of the case to the CPEB when the member's ability to meet the requirements of active service is questionable.

3. Convening Authority. A medical board may be ordered (or convened) by the Commandant of the Marine Corps, or the commanding officer of the naval hospital at which the Marine is a patient.

4. Composition. A medical board, whenever practicable, consists of medical officers of the Navy. However, the board may consist in whole or in part of medical officers of the Army, Navy, Air Force, or of the Public Health Service (See current edition of BUMEDINST 6100.6.)

5. Procedure. The board considers and reports upon the case of a Marine who is referred to it by competent authority. There are no specific statutes or administrative holdings prescribing the procedure to be followed by medical boards. Hence, meetings and proceedings may be conducted informally and it is not required that the information upon which the findings of the board are based meet standards of admissibility, as evidence in a judicial proceeding.

6. Rebuttals. Unless it is considered that the information, findings, opinions the Marine's physical or mental health the member will be:

a. Allowed to read the board report or be furnished a copy thereof.

b. Afforded an opportunity to submit a statement in rebuttal to any portions of the board report.

c. Furnished a NAVMED Form 6100/2 concerning the findings and recommendations of the board for signature, which must be witnessed.

7. Action by the Convening Authority

a. If the indicated disposition is for the medical board to be referred to the CPEB and the convening authority concurs and is the commanding officer of a NRMC/naval hospital the medical board report will be endorsed and forwarded to the CPEB.

b. When the convening authority of the medical board is other than the above and appearance before the CPEB is the indicated disposition, the board report should be forwarded to the Commandant of the Marine Corps (Code MMSR-4) via the Chief, Bureau of Medicine and Surgery (BUMED (Code 2612)) for appropriate action.

c. When the indicated disposition is appearance before the CPEB and the convening authority of the medical board does not concur, the Marine concerned will

CHAPTER 8

SEPARATION/RETIREMENT FOR PHYSICAL DISABILITY

SECTION 5: GENERAL ADMINISTRATIVE PROCEDURES AND POLICIES

8501. GENERAL

1. This section contains general administrative procedures and policies to be applied in processing Marines through the disability evaluation system.

8502. MARINES WHO HAVE REQUESTED VOLUNTARY RETIREMENT. The commanding officer of a Marine who has requested voluntary retirement or who is to be retired under other provisions of law, shall immediately notify the Commandant of the Marine Corps (Code MMSR) in event a physical condition is discovered which may result in that Marine entering the disability evaluation system. If the physical defect results in an approved finding of unfit the Marine will be retired in accordance with the provisions of this chapter.

1. An officer whose retirement has been approved by the Secretary of the Navy, who enters the disability evaluation system and is subsequently found to be fit for duty, will be retired on the first day of the month following the month in which the officer is found fit for duty.

2. A request for retirement or transfer to the FMCR in the case of an enlisted Marine will be held in abeyance until the disability evaluation is complete. If the Marine is found fit for duty and the original retirement/FMCR date has passed the Marine will be retired on the first day of the following month or transferred to the FMCR on the last day of the month in which found fit.

8503. PHYSICAL EXAMINATION FOR SEPARATION FROM ACTIVE DUTY. Article 15-56 of the manual of the Medical Department, U.S. Navy, requires that a member being separated from active duty (e.g., voluntary or statutory retirement, discharge, expiration of enlistment, transfer to the Fleet Marine Corps Reserve, etc.) shall be given a thorough physical examination. However, a member who has been evaluated by a medical board incident to separation need not undergo further physical examination at the time of separation.

8504. DISPOSITION OF PERSONNEL AWAITING FINAL DETERMINATION OF PHYSICAL DISABILITY

1. A Marine on active duty whom a PEB finds unfit for duty and that continued treatment is not warranted may, subject to the member's consent, be ordered home to await final disposition of PEB proceedings. Commanders should utilize the services of any Marine who does not desire to be ordered home to await disposition consistant with the member's physical capabilities.

2. Commanders may issue permanent change of station orders directing an enlisted Marine to proceed home to await final disposition of PEB proceedings, provided:

a. The Marine consents.

b. A PEB (not medical board) has recommended that the Marine be found unfit for duty and the member has signed a statement accepting the prima facie findings and does not demand a full and fair hearing or has already appeared in person at a full and fair hearing. A Marine being held for convenience of the Government may be ordered home irrespective of the PEB findings. If the recommended findings are fit for duty, and the Marine has retirement eligibility under other provisions of law, or has indicated an intent to reenlist, the Marine will not be ordered home.

c. The commanding officer of the naval hospital at which the board is held considers that further hospitalization and treatment are not required.

d. The Marine so ordered home agrees to liquidation of accrued leave while awaiting final disposition.

3. Orders for officers desiring to be ordered home to await final action will be requested by message from the Commandant of the Marine Corps (Code MMOA).

4. Enlisted Marines will be issued orders in accordance with the format contained in figure 8-2 of this Manual and the provisions of the current edition of MCO P1000.6, Assignment, Classification and Travel Systems Manual. This paragraph will be used as the authority. Orders involving travel in Alaska, Hawaii, or outside the United States will be requested by message from the Commandant of the Marine Corps (Code MMSR-4).

5. Enlisted Marines ordered home or to a point of selection to await final disposition shall be entitled to payment of basic allowance for subsistence for the period following the date and hour of arrival home to include the date of separation from active duty. Marines with dependents will continue to be entitled to basic allowance for quarters as prescribed by current regulations to include the date of separation from active duty. The date of arrival home for the purpose of crediting subsistence and quarters allowances will be determined by the disbursing officer on the basis of the Marine's itinerary or constructive travel via the shortest usually traveled route, utilizing the one which requires the least traveltime. For more comprehensive information consult the DoD Military Pay and Allowances Entitlements Manual.

6. The unused leave balance of a Marine's record will be reduced for time spent at home awaiting final disposition, commencing the day after the date of actual arrival home or the date following the constructive rail travel via the shortest usually traveled route, utilizing the one which requires the least traveltime. For more comprehensive information consult the DoD Military Pay and Allowances Entitlements Manual.

7. Transportation of dependents and household effects is authorized under change of station orders issued pursuant to the authority provided by this paragraph for a distance not to exceed that from the old station to the home of record. Marines must be advised that since entitlements to transportation of dependents and household effects will not accrue unless and until the Marine is retired either permanently or temporarily or otherwise separated, that transportation allowance for dependents and cost of the shipment of household effects may be at the expense of the member should the Secretary of the Navy ultimately find the member fit for duty. Mileage and other transportation allowances, including transportation of dependents and household effects are settled or adjusted in accordance with the provisions of Joint Travel Regulations and the current edition of MCO P4650.37 upon actual separation or retirement, permanent or temporary.

8. A claim for reimbursement for travel performed by dependents incident to change of station orders issued under this authority will be submitted to the disbursing officer maintaining the Marine's pay record. A claim for reimbursement for travel performed by dependents incident to the Marine's retirement, permanent or temporary, or separation will be submitted to the Commanding Officer, Marine Corps Finance Center (Code SET), Kansas City, Missouri 64197 and will be supported by the original and two certified copies of the change of station orders, plus the original and two certified copies of:

a. The retirement orders, and

From:
To: Marine Concerned

Subj: Retirement by Reason of Permanent Physical Disability

Ref: (a) 10 U.S.C.
(b) CMC msg _____
(c) MCO 5512.10A
(d) JTR pars. M4158, M7010 and M8260

1. The Secretary of the Navy has determined that you are physically unfit to perform the duties of your grade and has directed that you be permanently retired by reason of physical disability under the provisions of references (a) and (b). You are released from all active duty at 2400 on _____*_____, and transferred to the Retired List by reason of permanent physical disability effective _____*_____. Your active duty pay accounts will be settled to include, _____*_____. Your pay entry base date is _____. On (last day of active duty) you will have completed _____ years, _____ months and _____ days of active service.

2. Your disability is rated at _____ percentum in accordance with the Schedule for Rating Disabilities in current use by Veterans' Administration, VA Code (S) _____ _____*_____.

3. Your home of record is: _____ and the address you have furnished for the purpose of receiving your retired pay is: _____.

4. Please keep the Commanding Officer (Code CPR), Marine Corps Finance Center, Kansas City, Missouri 64197 informed of any change in your mailing address so that you will be able to receive your retired pay. The change of address must be submitted over the Marine's signature and should contain the social security number (SSN) for identification purposes. Detailed information based on provisions of law which are applicable in your case will be forwarded to your home address by the Commandant of the Marine Corps (Code MMSR-4).

5. An identification card has been issued in accordance with reference (c).

6. You may select a home and receive travel allowance for the travel performed thereto from this command, provided that the travel is completed within 1 year from the date of your release from active duty. The conditions under which you may be paid travel allowance for travel completed to your home of selection after that date are stated in reference (d). The home of selection endorsement must be completed prior to submission of these orders for settlement of travel.

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

Name	Relationship	Date of birth	Date approved

8. Two copies of these orders will be furnished to the disbursing officer maintaining your active duty pay account. Your records indicate unused (excess) leave in the amount of _____ days on date of separation.

9. You are advised to keep your Record of Emergency Data (NAVMC 10526) up to date. This can be accomplished by contacting the nearest Marine Corps activity in your area or by writing to the Commandant of the Marine Corps (Code MPH-81).

Figure 8-4.--Format for Orders Transferring Personnel to the Retired List, and Home of Selection Endorsement.

10. Expenditures under these orders are changeable to appropriation _____*_____.

Copy to:
MCFC (Code CPR) KSC
DISBO (2)

HOME OF SELECTION ENDORSEMENT

I certify that I have selected (city), (state) as my home incident to transfer to the retired list and arrived thereat on (date). I further certify and understand that this selection, once made and travel allowance is received for travel thereto, is irrevocable and no further entitlement to travel allowances shall accrue.

(signature) (date)

*NOTE: All items indicated by an asterisk are contained in reference (b).

Figure 8-4.--Format for Orders Transferring Personnel to the Retired List, and Home of Selection Endorsement.--Continued.

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2 2 APR 1982

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

MCO P1900.16C Ch 1
MMSR-1-brm
6 Apr 1983

MARINE CORPS ORDER P1900.16C Ch 1

From: Commandant of the Marine Corps
To: Distribution List

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

Encl: (1) New page inserts to MCO P1900.16C
(2) List of Effective Pages

1. Purpose. To transmit new page inserts to the basic Manual.

2. Action

a. Insert enclosure (1).

b. Upon insertion of this Change, the pages listed in enclosure (2) are in effect. Remove and destroy pages not listed.

3. Summary of Changes. The major revisions incorporated in this Change are:

a. Changes to the characterization of separations from the Delayed Entry Program;

b. Inclusion of additional guidance concerning discharges for misconduct by reason of minor disciplinary infractions, pattern of misconduct and drug abuse;

c. Addition of investment limitations on voluntary separations;

d. Deletion of "Writ of Habeas Corpus" and "Financial Irresponsibility" as specific bases for separation;

e. Inclusion of CMC authorized early release program and 90-day early release program for Marines returning from overseas commands.

4. Change Notation. Significant changes contained in the revised pages for this Change are denoted by an arrow (▶) symbol.

5. Filing Instructions. This Change transmittal will be filed immediately following the signature page of the basic Manual.

6. Certification. Reviewed and approved this date.

D'Wayne Gray
D'WAYNE GRAY
By direction

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PCN 102 027300 01

CMC CENTRAL FILES
HQ SUPPORT DIVISION

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 P5600.31E.

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(2) Characterizing service is a form of recognizing a Marine's performance during a period of enlistment. Marines in general and commanding officers in particular should not underestimate the importance and value of characterization. For Marines, it serves both as a service goal and as a meaningful endorsement to potential employers. For commanders, it serves as a tool, all too often unused, in performance counseling and awarding of proficency and conduct markings. Characterization of service is based upon Marine's military behavior and performance of duty, both of which commanders constantly evaluate. So, conduct and proficiency markings and fitness reports, whichever apply, form the primary basis for determining the character of a Marine's service.

(3) Characterization at separation shall be based upon the quality of the member's service, including the reason for separation. The quality of service will be determined in accordance with standards of acceptable personal conduct and performance of duty for military personnel. These standards are found in the UCMJ, directives and regulations issued by the Commandant of the Marine Corps and higher authorities, the enlisted performance evaluation system as set forth in the current editions of MCO P1610.7 (Performance Evaluation System) and MCO P1070.12 (Individual Records and Accounting Manual) respectively, the Marine Corps Manual, and the time-honored customs and traditions of the Marine Corps and naval service.

(4) Only the Commandant of the Marine Corps (Codes MMSR and RES) or general court-martial convening authorities may waive the rules in table 1-1 and approve characterizations based on other than military record alone. When there is doubt as to appropriate characterization or a commanding officer believes a characterization other than table 1-1 allows is more appropriate, forward a letter describing the particular circumstances, the commander's observations and specific recommendation to the separation authority. Final action on any such case must occur prior to the separation date. If not complete the Marine receives the higher of the characterizations in question. In any case where a Marine's record supports honorable characterization and the commanding officer recommends a lesser, notify the Marine in accordance with paragraph 6303 of this Manual.

b. Types of Characterization

(1) Honorable. The honorable characterization is appropriate when the quality of the member's service generally has met the standards of acceptable conduct and performance of duty for military personnel, or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(2) General (under Honorable Conditions). If a member's service has been honest and faithful, it is appropriate to characterize that service under honorable conditions. Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the member's conduct or performance of duty outweigh positive aspects of the member's military record. This characterization may be issued when a Marine's average proficiency and conduct marks are below 3.0 and 4.0 respectively.

(3) Under Other Than Honorable Conditons

(a) This characterization may be issued in the following circumstances:

1 When the reason for separation is based upon a pattern of behavior that constitutes a significant departure from the conduct expected of Marines.

2 When the reason for separation is based upon one or more acts or omissions that constitute a significant departure from the conduct expected of Marines. Examples of factors that may be considered include the use of force or violence to produce serious bodily injury or death, abuse of a special position of trust, disregard by a superior of customary superior-subordinate relationships,

acts or omissions that endanger the security of the Marine Corps, deliberate acts or omissions that seriously endanger the health and safety of other persons, drug abuse and drug trafficking.

(b) This characterization is authorized only if the member has been afforded the opportunity to request an administrative board, except in cases of separation in lieu of trial by courts-martial (paragraph 6211).

c. Limitations on Characterization. Except as otherwise provided in this paragraph, characterization will be determined solely by the member's military record during the current enlistment or period of service to which the separation pertains, plus any extensions prescribed by law or regulation or effected with the consent of the member.

(1) Prior service activities, including records of conviction by courts-martial, records of absence without leave, or omissions of other offenses for which punishment was not imposed shall not be considered on the issue of characterization. To the extent that such matters are considered on the issue of retention or separation, the record of proceedings may reflect express direction that such information shall not be considered on the issue of characterization.

(2) Preservice activities may not be considered on the issue of characterization except as follows: in proceedings concerning fraudulent entry into the Marine Corps, evidence of preservice misrepresentations about matters that would have precluded, postponed or otherwise affected the member's eligibility for enlistment or induction may be considered on the issue of characterization.

(3) When the sole basis for separation is a serious offense which resulted in a conviction by a special or general court-martial that did not impose a punitive discharge, the member's service may not be characterized under other than honorable conditions unless approved by the Secretary of the Navy.

(4) The limitations in paragraph 6105 on matters that may be considered on the issue of separation are also applicable to characterization of service.

(5) Conduct in the civilian community of a member of a Reserve component who is not on active duty or active duty for training may form the basis for characterization under other than honorable conditions only if such conduct affects directly the performance of military duties. Such conduct may form the basis of characterization as general (under honorable conditions) only if such conduct has an adverse impact on the overall effectiveness of the Marine Corps including military morale and efficiency.

(6) A member's voluntary submission to a DoD treatment and rehabilitation program for personal use of drugs and evidence provided voluntarily by the member concerning personal use of drugs as part of initial entry into such a program may not be used against the member on the issue of characterization. This limitation does not preclude the following actions:

(a) The introduction of evidence for impeachment or rebuttal purposes in any proceedings in which the evidence of drug abuse (or lack thereof) has been first introduced by the member; and

(b) Taking action based on independently derived evidence, including evidence of drug abuse after initial entry into the treatment and rehabilitation program. However, this does not authorize the use of urinalysis conducted solely as a result of a member's voluntary self-referral; in order for urinalysis results to be used on the issue of characterization, they must not have been obtained as part of a treatment and rehabilitation program.

(7) The results of mandatory urinalysis may be considered on the issue of characterization when the evidence was gathered during an inspection under

CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

1001. GENERAL

1. This Manual sets forth the procedures for separating Marines in the following instances:

a. Upon fulfillment of service obligation/requirement by reason of: expiration of active service (EAS), expiration of obligated service (EOS), transfer to the Fleet Marine Corps Reserve, transfer to the Retired Reserve, retirement, or officer resignation.

b. Prior to completion of service obligation by reason of: disability; administrative separation, both voluntary and involuntary; convenience of the Government; minority; homosexuality; misconduct; good of the service; security; or failure of selection for promotion or resignation for cause in the case of certain officers.

2. The remainder of this chapter provides information and prescribes the procedures and policies which are in essence applicable to all Marines unless otherwise specifically noted.

1002. DEFINITIONS

1. 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 the Secretary of the Navy, but specifically excluding punitive separation by the sentence of a general or special court-martial.

2. Discharge. Complete severance from all military status gained by the enlistment or induction concerned.

3. Military Record. An individual's overall performance while a member of the military service, including personal conduct and performance of duty.

4. 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.

5. Release from Active Duty. Termination of active duty status and transfer or reversion to a Reserve component not on active duty, including transfer to the Individual Ready Reserve (IRR).

6. Separation. A general term which includes discharge, release from active duty, release from custody and control of the armed forces, transfer to the IRR, and similar changes in active or Reserve status.

1003. TYPES OF SEPARATIONS. There are seven types of separations which are listed below. The first five are administrative and may be awarded in accordance with the provisions of this Manual. The last two are punitive and may only be awarded as a result of an approved sentence of the appropriate level court-martial. Note that in certain cases service upon separation may be uncharacterized.

Types of Separation	Character of Separation	Given by
Honorable discharge	Honorable	Administrative action
General discharge	Under honorable conditions	-do-
Discharge under other than honorable conditions	Under other than honorable conditions	-do-
Entry level separation	Uncharacterized	Admin action entry level status
Order of release from custody or control of the Marine Corps	-do-	Admin action required
Bad conduct discharge	Under other than honorable conditions	General or special court-martial
Dishonorable discharge	Dishonorable	General court-martial

1004. CHARACTERIZATION OF SERVICE

1. Types of Characterization or Description. The following types of characterization of service or description of separation are authorized:

a. Characterization of service as honorable, general (under honorable conditions), or under other than honorable conditions.

b. Entry level separation.

c. Order of release from the custody and control of the Marine Corps by reason of void enlistment or induction.

2. Characterization of Service

a. General Considerations

(1) Most Marines earn honorable discharges. A few, for a variety of reasons, do not measure up. In fairness to the majority who serve honorably and well, commanders and separation authorities should take particular care to ensure undeserving Marines receive no higher characterization than is due. Table 1-1 contains the rules for determining character of service.

military Rule of Evidence 313, MCM, or from a search and seizure under Military Rules of Evidence 311-317, MCM, or incident to an examination conducted for a valid medical purpose under military Rule of Evidence 312(F).

3. Uncharacterized Separation

a. Entry Level Separation

(1) A separation initiated while a member is in entry level status (see definition in paragraph 6002.9) will be described as entry level separation except in the following circumstances:

(a) When characterization under other than honorable conditions is authorized under a reason for separation (chapter 6) and is warranted by the circumstances of the case; or

(b) When characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of military duty and is approved on a case-by-case basis by the Secretary of the Navy. Honorable characterization will be considered when the member is separated, by reason of selected changes in service obligation, convenience of the Government, disability, or secretarial plenary authority.

(2) With respect to administrative matters outside this Manual that require a characterization as honorable or general, an entry level separation shall be treated as the required characterization.

b. Void Enlistments or Inductions. A member whose enlistment or induction is void shall not receive a discharge certificate, characterization of service at separation, or an entry level separation. The separation shall be described as an order of release from custody or control of the service concerned. However, when a constructive enlistment arises, characterization is required in paragraph 1104.3b(3) below.

(1) An enlistment is void in the following circumstances:

(a) If it was effected without the voluntary consent of a person who has the capacity to understand the significance of enlisting in the Marine Corps including enlistment of a person who is intoxicated or insane at the time of enlistment.

(b) If the Marine is under 17 years of age.

(c) If the person is a deserter from another military service.

(2) Although an enlistment may be void at its inception, a constructive enlistment arises in the case of a person serving with the Marine Corps who:

(a) Submitted voluntarily to military authority;

(b) Met the mental competency and minimum age qualifications in paragraph 1104.3b(1) above at the time of voluntary submission to military authority;

(c) Received military pay or allowances; and

(d) Performed military duties.

(3) If an enlistment that is void at its inception is followed by a constructive enlistment within the same term of service, characterization of service

or description of separation shall be in accordance with paragraph 1104.2 or paragraph 1104.3a, as appropriate. However, if the enlistment was void by reason of desertion from another service, the member shall be separated by an order of release from the custody and control of the separating service concerned, regardless of any subsequent constructive enlistment, unless the Secretary of the Navy determines that retention is appropriate.

(4) The occurrence of such a constructive enlistment does not preclude the Commandant of the Marine Corps in an appropriate case, from either retaining the member or separating the Marine on the basis of the circumstances that occasioned the original void enlistment or upon any other basis for separation provided in this chapter.

1005. DISCHARGE FOR EXPIRATION OF ENLISTMENT OR FULFILLMENT OF SERVICE OBLIGATION

1. Commanders are authorized to discharge enlisted Marines upon normal date of expiration of enlistment, extension of enlistment, or period of induction. The normal date of expiration of enlistment for any enlistment is the date of the month immediately preceding the appropriate anniversary of the date of enlistment as adjusted for the purpose of making up any time lost from the enlistment, extension of enlistment or period of induction. Refer to paragraph 1007.7c for additional guidance regarding the date of separation should this date fall on a Saturday, Sunday or holiday.

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

3. Except for reenlistment or when discharge is otherwise directed by competent authority, enlisted Marines who have not completed obligated service under law will not be discharged upon expiration of enlistment. They will be transferred to the Individual Ready Reserve. Marines separated prior to their expiration of enlistment will be transfered to the Individual Ready Reserve subject to the guidance in paragraphs 6311.3 and 6401.5 of this Manual.

1006. TIME AND PLACE OF SEPARATION

1. Commanding officers separate Marines under their command when due or directed except:

a. When the unit is located outside the continental United States.

b. When the Commandant of the Marine Corps (Code MMSR) directs transfer for separation elsewhere based upon humanitarian or hardship circumstances.

c. When the Marine is a resident of Puerto Rico. Unless the Marine submits a written request to the contrary, commanders must transfer Marines who both are resident of and entered the Marine Corps in Puerto Rico to that commonwealth for separation at Marine Barracks Roosevelt Roads.

d. When the Marine is in unauthorized absence status on the effective date of separation.

e. When a Marine pending administrative discharge goes U.A. prior to the separation authority's decision in the case.

2. Marines are normally separated in the United States. Commanding officers of units overseas must transfer Marines pending separation to the nearest Marine Corps' activity in the continental United States which has government messing, quarters, medical, and Marine Corps disbursing facilities in time to ensure arrival at the separation location as close to but not later than 10 days prior to the effective date of discharge. Marines returning from permanent overseas duty stations who are within 90 days of completing their active service obligation may request separation upon return. Upon the Marine's completing the administrative requirements below, voluntary separation may be processed pursuant to paragraphs 6401 and 6420.

a. Criteria

(1) Marine's enlistment (including any extension thereof) or period of extended active duty will expire 90 days or less after the date of arrival in CONUS.

(2) Marine consents in writing as outlined in subparagraph 1006.2d, below.

(3) Marine is not indebted to the Government.

(4) Marine does not intend to reenlist.

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

b. Military Obligation. Separation should be consistent with the military obligation of the Marine. In this connection enlisted Marines whose total

obligated service as defined in MCO P1001R.1E, MCRAMM, paragraph 3000.1, will expire within a 60-day period may be discharged rather than released to inactive duty and their obligation shall be considered fulfilled. Marines desiring to reenlist immediately will not be separated under this authority.

c. Separation Prior to Arrival in CONUS. A Marine who is entitled to and elects transportation to an area outside CONUS may be separated overseas provided the Marine meets the criteria of paragraph 1006.2a and;

(1) The Marine would be eligible for release from active duty or discharge under the provisions of paragraph 1006.2, based on scheduled date of arrival in CONUS and consents to such separation in writing as outlined in paragraph 1006.2d, below and;

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

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

"I hereby consent to be (discharged)(released) in lieu of my normal or established date of discharge or release on (date). I understand that entitlement to pay and allowances and credit for active Federal service ceases on the actual date of my separation from active service."

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

(2) Refer to paragraph 1007.6 for information concerning the effective date of separation of reservists assigned to active duty.

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

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

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

2. When discharged or released from active duty, the Marine will be furnished the necessary forms and instructions to enable the Marine to file timely claims for personal and/or dependent's travel, as applicable, upon completion of the travel.

3. A Marine, entitled to elect mileage to home of record or place from which ordered to active duty in accordance with the Joint Travel Regulations, paragraph M4157, will be informed as to the amount of the mileage allowance which has been paid to the Marine in advance and advised that no further travel payment will accrue for travel. A Marine will be paid a mileage allowance in accordance with the provisions of the Joint Travel Regulations, paragraph M4159-6 at the time of separation or release from active duty, if the Marine so elects at that time, and if travel outside the United States is involved, as prescribed by the Joint Travel Regulations, paragraph 4157-1b. However, if the Marine prefers to perform the foregoing travel prior to submitting a claim for the mileage allowance, payment will be made in accordance with the Joint Travel Regulations, paragraphs M4159-1 through M4159-4, as applicable. In the latter case, the member will be:

a. Furnished a DD Form 1351-2 in triplicate,

b. Advised where to submit the claim after the travel is completed,

c. Informed of the time limitation for completion of transoceanic travel as provided in the Joint Travel Regulations, paragraph M4157-4.

If entitled to dependent's transportation, the Marine will be furnished the following:

(1) A Voucher or Claim for Dependent Travel and Dislocation or Trailer Allowance (DD Form 13510-4) in triplicate.

(2) A certificate, in triplicate, prescribed by figure 1-1, if the Marine is discharged without orders (viewed by the disbursing officer to ensure that the entries thereon are correct). This certificate may be issued by the commanding officer up to a maximum of 45 days in advance of the effective date of the Marine's discharge/release from active duty. If the Marine elects to take leave awaiting separation, the certificate may be issued 45 days plus the number of days leave authorized in advance of the effective date of separation.

(3) Marines who are entitled to select their home and receive mileage allowances thereto from their last duty station in accordance with the Joint Travel Regulations, paragraphs M4158 and M7010 will be:

(a) Informed of the time limitation covering completion of travel;

(b) Informed that once a home is selected and travel allowances are received for travel to such home, such selection is irrevocable;

(c) Furnished an information and instruction sheet similar to the illustration in this part but modified, as necessary, to cover travel to home of selection.

A Marine who is returned from an overseas permanent duty station for separation in the continental United States at an activity elected in accordance with paragraph 1006.3 above, will be informed of entitlement to mileage allowance as specified in paragraph 1009.3 above.

1010. ACCRUED LEAVE

1. Leave in conjunction with separation may be authorized in accordance with the provisions of the current edition of MCO P1050.3. The provisions which apply to the granting of annual leave apply equally to leave in conjunction with separation. Consequently, the commander authorized to grant leave is not bound to grant leave to a Marine who is separating, retiring, or transferring to the Fleet Marine Corps Reserve.

2. The following policy will apply in granting/requesting leave in conjunction with separation:

a. Leave will continue to be granted by the commander authorized to grant leave.

b. No replacement will be provided for a Marine in a separation leave status until otherwise normally due.

c. Up to 90 days leave may be authorized.

d. If leave is in conjunction with a request for resignation, retirement, or transfer to the FMCR, the appropriate separation request must be submitted at least 120 days plus the amount of leave to be taken prior to the effective date of separation.

3. Separation leave for a Marine who has accepted employment with the Federal Government or the District of Columbia is subject to the above criteria, command concurrence and approval of the Commandant of the Marine Corps (Code MMSR). Any such requests must include proof of acceptance of employment.

4. Marines returning from overseas may be authorized leave in conjunction with separation upon return to the continental United States. In these instances, the commanding officer at the separation location may authorize leave, not to exceed 60 days, upon completion of all required separation processing.

5. Marines who desire cash settlement for accrued leave may find information concerning entitlements to lump-sum payment in the Department of Defense Military Pay and Allowances Entitlements Manual (DODPM), part 4, section A.

1011. PHYSICAL EXAMINATION, TREATMENT AND PROCEEDINGS

1. A complete examination shall be given to all Marines prior to retirement, discharge, transfer to the Fleet Marine Corps Reserve, or release from active duty. Examinations in the cases of Marines being discharged or retired upon the approved report of a medical board, or a physical evaluation board are not required in accordance with the Manual of the Medical Department.

2. Discharge or release from active duty normally will not be effected when any of the following actions are being taken or contemplated (for further instructions see chapter 8 of this Manual):

a. Physical evaluation board processing. Such processing is not considered completed until the Secretary of the Navy has taken final action on the board proceedings and the Commandant of the Marine Corps has promulgated such action;

b. Medical board hearing; or

3. National Service Life Insurance and Insurance under the Insurance Act of 1951

a. In case a Marine held National Service Life Insurance, the Marine should receive the fourth copy of the notification of discontinuance of allotment for National Service Life Insurance, Form VA 29-1546.

b. Each Marine carrying National Service Life Insurance should receive explicit notice that the Marine may pay premiums direct to the Veterans Administration, District Office, P. O. Box 7787, Philadelphia, Pennsylvania 19101, if the Marine wishes to continue this insurance.

c. Each Marine covered by the Insurance Act of 1951 should be carefully counseled regarding the postservice insurance available. The time limitation on applying for this insurance should be emphasized (38 U.S.C. 701-724, 781-784).

4. Counseling/Advice Prior to Separation

a. Career Advisory Interviews

(1) Prior to discharge each Marine will be interviewed by the career planning personnel, who will, if the Marine is considered desirable for reenlistment, point out the benefits of continued service in the Marine Corps. If the Marine has definitely decided not to reenlist, interest should be aroused in the Marine Corps Reserve by pointing out the benefits to be derived.

(2) Marines should also be instructed to apply to the nearest recruiting officer, should they desire to reenlist at some subsequent date. Recruiting officers have all the necessary information and can answer questions in much less time than if inquiry is made direct to the Commandant of the Marine Corps. Recruiting officers may refer individual cases to the Commandant of the Marine Corps (Code MRRE) in accordance with the current edition of MCO 1130.58, when necessary.

b. Address of Director, Marine Corps Reserve Support Center. Each Marine discharged and not reenlisted in the Regular Marine Corps will be informed that the Director, Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, Kansas 66211 may be consulted on questions relative to Marine Corps Reserve service. In this regard, attention is directed to the current edition of MCO 1001.39.

c. Warning to Marines not Eligible for Reenlistment

(1) Every Marine discharged who is not eligible for reenlistment will be informed that:

(a) Fraudulent enlistment in any branch of the service will undoubtedly be detected by fingerprints, and

(b) If concealment of Marine's previous service and discharge results in the Marine's reenlistment, the Marine will be subject to disciplinary action.

(2) Marines who are not eligible or recommended for reenlistment will be so informed by their commanding officer. Any Marine assigned a reenlistment code of RE-3 or RE-4 will sign the following page 11 SRB entry:

"(Grade and Name of Marine) has been interviewed by the undersigned and is not recommended or recommended but not eligible for reenlistment because (state reason) and has been assigned a reenlistment code of RE-4 or RE-3. The Marine has been informed by me of this action.

_____ _____
(Signature of Marine) (Signature of Commanding Officer)"

d. VA Dental Treatment Eligibilty. Public Law 97-35, the Omnibus Budget Reconciliation Act of 1982, limits the eligibility for outpatient dental treatment of service members being discharged or released from active duty to that provided by the Veterans Administration. The law further requires that a written explanation of the new eligibility criteria be provided to service members discharged or released from active duty. The following provisions apply.

(1) The veteran must have served not less than 180 days of active duty to be eligible for dental treatment provided by VA.

(2) Application for VA dental treatment must be made within 90 days of discharge or release from active duty.

(3) The veteran will not be eligible for dental treatment if the Certificate of Release or Discharge From Active Duty (DD Form 214) contains a statement that the veteran was provided a complete dental examination and all appropriate dental services and treatment within 90 days prior to discharge or release from active duty.

(4) All service members who have completed at least 180 days of service at the time of separation must be provided a written explanation of eligibility requirements. This statement will be signed by the member acknowledging receipt, and filed on the document side of the OQR/SRB. If the member refuses to sign the statement, a certification from the commanding officer that the member was provided an explanation will be filed on the document side of the OQR/SRB. Sample entry follows:

> "I Marine's Name, have been counseled concerning the VA dental treatment eligibility requirements. I understand that application for VA dental outpatient treatment must be made within 90 days of discharge/separation from active duty. I further understand that if a complete dental examination and all appropriate dental services and treatment were completed within 90 days of discharge/separation from active duty, I will not be eligible for VA dental outpatient treatment.
>
> _____
> Marine's Signature"

(5) The statement pertaining to member's dental examination and treatment within 90 days prior to discharge or release from active duty will be made in item 18 (Remarks Section) of the DD Form 214 as prescribed in section 2 of this chapter.

e. BCNR/NDRB Advice. During the separation processing of all members, except when the separation is due to an immediate reenlistment, the purpose and authority of the Navy Discharge Review Board and the Board for Correction of Naval Records shall be explained with a written fact sheet. It shall include an explanation that a discharge under other than honorable conditions, resulting from a period of continuous unauthorized absence of 180 days or more, is a conditional bar to benefits administered by the Veterans Administration notwithstanding any action by the Discharge Review Board. These requirements are a command responsibility and not a procedural entitlement. Failure on the part of a member to receive and to understand the explanation required by this paragraph does not create a bar for separation or characterization. A fact sheet for this purpose is provided at figure 1-2.

f. Unemployment Compensation for Ex-Service Members (UCX Program). Marines who have completed their first term of service and are separated from active duty to be counseled that they may be eligible for up to 13 weeks of unemployment compensation. Additionally, Marines having served in excess of 179 days and separated because of medical disqualification, pregnancy, parenthood, hardship, service incurred disabilities or for the Convenience of the Government may also be eligible. Entitlement to benefits is based upon the circumstances of separation. Final determination on applications rest with the state.

(6) Copy No. 6. If the Marine has "Xed" the yes block in item 20 and indicated the appropriate state, then this copy will be forwarded to the Director of Veterans Affairs for the state stipulated. Mailing addresses for the Veterans Affairs offices are provided in table 1-3. If this copy is not utilized for the above purpose it should be destroyed.

(7) Copy No. 7

(a) For a Marine discharged while in an appellate leave status, forward this copy to the Marine Corps Finance Center (Code CPJ-1), Kansas City, Missouri 64197.

(b) In all other cases, forward this copy to the Director, Marine Corps Reserve Support Center (RSC-4F), 10950 El Monte, Overland Park, Kansas 66211.

(8) Copy No. 8

(a) Marines being transferred to inactive duty whose records will be forwarded to Marine Corps Reserve Support Center (MCRSC), Overland Park, Kansas. Insert this copy as a document in the SRB or OQR for concurrent forwarding.

(b) In all other cases, this copy is not utilized and will be destroyed.

1203. PREPARATION INSTRUCTION FOR DD FORM 215, CORRECTION TO DD FORM 214, CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY. DD Form 215 will be prepared as follows:

1. Except for the date (item 6) and items being corrected, all identification data, including name, department, component, branch, SSN and mailing address on the DD Form 215 will be completed as they appear on the original DD Form 214.

2. Corrections. Separation date on the DD Form 214 being corrected is completed by entering the date in year, month, and day order. The separation date is recorded in item 12b of the DD Form 214, and should be entered in the same format. Enter under "ITEM NO." the block number of the item(s) which are to be corrected or were omitted when the DD Form 214 was prepared and delivered to the separatee. Opposite the item number under "CORRECTED TO READ" insert the corrected or missing information required:

ITEM	CORRECTED TO READ
4b	E5
17	21

3. Date. Enter the date in year, month, and day order. Each element of the date will consist of two digits, single digits will be prefixed by a zero.

4. Type the name, grade and title of the official authorized to sign. The authenticating officer will sign directly above the typed information using a black ink ballpoint pen. Each copy of the DD Form 215 must contain a legible signature before distribution is accomplished.

5. Distribution Instructions. Although the general distribution instructions are reflected on the DD Form 215, the specific Marine Corps distribution instructions are provided in paragraph 1202.6 above. The orginal and copy 4, if applicable, will be forwarded to the separatee at the address shown in item 4 with instructions that this form should be attached to the original DD Form 214 and copy 4, if applicable. Distribution of the remaining copies of the DD Form 215 will be the same as for the original of the DD Form 214 when it was prepared and distributed.

1204. SAFEGUARDING SEPARATION INFORMATION

1. The DD Form 214 and DD Form 215 are sources of significant and authoritative information used by civilian and Government agencies for a variety of purposes such as VA benefits, reemployment rights, unemployment insurance, etc. As such, they are valuable forms, and therefore, vulnerable for fraudulent use. To preclude fraudulent use, certain features have been designed into the DD Form 214 and DD Form 215. Blocks 1, 3, 4, 12 and 18 through 30 of the DD Form 214 as well as blocks 1, 3, and 5, and of the DD Form 215 have been surprinted with security ink to make alterations readily discernible.

2. In addition to design safeguards, the following control and accounting features will be implemented by commanders of each unit or activity authorized to requisition, store and issue DD Form 214 and DD Form 215:

a. Appoint a commissioned officer, warrant officer or a staff noncommissioned officer in the grade of gunnery sergeant or above to act as the agent who is responsible for the requisition, control and issue of blank DD Form 214 and DD Form 215.

b. The agent will approve the requisition of blank forms.

c. Verify total number of forms received against the requisition.

d. Furnish adequate storage to provide for strict security of blank forms at all times.

e. Ensure that all obsolete forms are destroyed.

f. Ensure that all forms discarded, including those which are blank or partially completed, and reproduced copies of the DD Form 214, will be destroyed. No forms will be discarded intact.

g. Ensure that blank forms used for educational instructional purposes, and forms maintained for such uses, are clearly voided in an unalterable manner.

h. Ensure that the DD Form 214-ws "WORKSHEET" receives the same safeguards, controls, accountability, discard and destruction procedures as the DD Form 214 and DD Form 215.

i. The commander will monitor and periodically review the above procedures to ensure compliance. In addition, the above procedures may be subject to review and evaluation for compliance by members of the Inspector General's field administrative staff.

1205. SPONSORSHIP OF DD FORM 214 SERIES. Department of Defense (Assistant Secretary of Defense, Manpower, Reserve Affairs and Logistics (ASD) (MRA&L)) sponsors the DD Form 214, DD Form 214ws and DD Form 215 which are used by all branches of the Armed Forces of the United States. Each service is required to publish preparation and distribution instruction under the guidance of DoD. Deviation in format or modification of content is not authorized without prior approval of DoD. Requests to add or delete information will be coordinated with the other military services in writing, prior to submission to the (ASD) (MRA&L).

1206. RESPONSIBILITY FOR ASSIGNMENT OF SEPARATION PROGRAM DESIGNATOR (SPD). The standard codes for officer and enlisted personnel were developed under the direction of DoD and are published in MCO 1080.20. The Departments of Air Force and Army have been assigned responsibility for assignment and maintenance of uniform lists and definitions of SPD's for officer and enlisted member, respectively, and with providing copies of such lists to all services. Requests for additions, deletions or modifications to SPD's shall be addressed to the Commandant of the Marine Corps (Code MPI-60).

TABLE 1-1 CHARACTERIZATION OF SERVICE

RULE	If the separating Marine (not a release from active duty)	Characterize service	Issue
1	is under 17 years of age	uncharacterized	Order of release from custody or control of military service
2	is between 17 and 18 and has served less than 180 days	Entry level separation	DD 214 only
3	over 18 years of age and has served less than 180 days	Entry level separation 1	DD 214 only
4	over 18 years of age and has served more than 180 days, is a corporal or below and has average conduct and proficiency markings of 4.0/3.0 <u>or better</u>	honorable 1	Honorable discharge certificate and DD Form 214
5	over 18 years of age has served more than 180 days, is a corporal or below and has average conduct and proficiency markings <u>below</u> 4.0/3.0	under honorable conditions 1	General discharge certificate and DD Form 214
6	is a sergeant or above	honorable 1	Honorable discharge certificate and DD Form 214
7	has requested separation in lieu of court-martial	under other than honorable conditions 1	Other than honorable conditions discharge certificate and DD Form 66
8	is being separated under a provision of chapter 6	as directed by separation authority	appropriate certificate based upon discharge authority's decision and DD Form 214

NOTE 1. Unless unusual circumstances warrant other characterization and other characterization is approved by GCM authority or higher.

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
(B)(2)		

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
(B)(2)		

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
(B)(2)		

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
(B)(2)		

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
(B)(2)		

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
(B)(2)		

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
[redacted]		
MARCORSEPMAN Par. 8401	Physical disability with severance pay	JFL1
	Physical disability w/entl to severance pay, severance pay not paid, less than 6 mos adcu	[redacted]
	Physical disability with severance pay, existed prior to entry but aggravated by service	
	Physical disability w/entl to severance pay, existed prior to entry but aggravated by service, severance pay not paid, less than 6 mos acdu	
[redacted]		

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

Applications for review and explanatory matter may be obtained by writing the Navy Discharge Review Board, Department of the Navy, Washington, D.C. 20370.

STATEMENT OF THE INDIVIDUAL

I have been advised of the purpose and procedure for making application to the Board for Correction of Naval Records and the Navy Discharge Review Board.

I have also been advised that a discharge under other than honorable conditions resulting from a period of continuous unauthorized absence of 180 days or more, is a conditional bar to benefits administered by the Veterans Administration notwithstanding any action by the Navy Discharge Review Board.

_____
Signature

_____
Witness

Figure 1-2.--Information Concerning the Regulations and Procedures of the Board for Correction of Naval Records and the Navy Review Board.--Continued.

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 P1070.12D, IRAM, par. 2003
(d) MCO P1080.35D, PRIM, par. 5303
(e) MARCORSEPMAN, par. 2008

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 (issued 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 the 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 your retirement in accordance with reference (d).

4. Upon receipt of these orders notify your commanding officer of your desires regarding a retirement ceremony in accordance with reference (e).

5. 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.

6. You have stated that your future address for mailing purposes is: _____ _____.

7. 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.

8. 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).

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

10. 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.

Figure 2-1.--Format for Orders to Release from Active Duty and Transfer to the Retired List.

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. 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.)

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

14. 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, the Commandant of the Marine Corps (Code MMSR-2) will provide additional documents as necessary.

Figure 2-1.--Format for Orders to Release from Active Duty and Transfer to the Retired List--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

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CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

6001. GENERAL

1. The procedures and instructions in this chapter pertain to the administrative separation of Marines prior to completion of active or obligated service. Unless specifically authorized by separate order, only the reasons contained in this chapter may form the basis for a Marine's separation, whether voluntary or involuntary.

2. Procedures and instructions for separating Marines at expiration of active service or upon completion of obligated service are contained in chapter 1. Those related to disability processing are in chapter 8.

3. This chapter applies only to administrative separation proceedings initiated on or after 1 October 1982. Administrative separation proceedings initiated on or before 30 September 1982 will be processed in accordance with the chapter in effect at that time.

6002. DEFINITIONS

1. Member. An enlisted Marine.

2. Discharge. Complete severance from all military status gained by the enlistment or induction concerned.

3. Release from Active Duty. Termination of active duty status and transfer or reversion to a Reserve component not on active duty, including transfer to the Individual Ready Reserve (IRR).

4. Separation. A general term which includes discharge, release from active duty, release from custody and control of the Armed Forces, transfer to the IRR, and similar changes in active or Reserve status.

5. Military Record. An individual's overall performance while a member of the military service, including personal conduct and performance of duty.

6. Separation Authority. An official authorized to take final action with respect to a specified type of separation.

7. Convening Authority. The separation authority or a commanding officer who is empowered to convene a special court-martial.

8. Respondent. The Marine who is the subject of separation action.

9. Entry Level Status. The first 180 days of a period of continuous active military service. For members of a Reserve component who have not completed 180 days of continuous active military service and who are not on active duty, entry level status begins upon enlistment in a Reserve component (including a period of assignment to a delayed entry program) and terminates 180 days after beginning an initial period of entry level active duty training. A member's status is determined by the date of notification as to the initiation of separation proceedings.

10. Broken Service. The enlistment of a veteran whose last tour of duty or active duty for training was in any branch of naval or military service of the United States who has been discharged for more than 24 hours and who completed a minimum of 12 consecutive weeks of active duty or active duty for training unless such enlistment results in continuous service, as defined below.

11. Continuous Service. Service in the Regular Marine Corps or Marine Corps Reserve which is continued by reenlistment within 3 months following discharge or release from active duty. A member who is reenlisted on the same day of the month 3 calendar months from date of discharge or release from active duty is reenlisted "within 3 months."

12. General Courts-Martial Convening Authority (GCMCA). Article 22 of the Uniform Code of Military Justice (UCMJ) and paragraph 0103(a) of the Manual of the Judge Advocate General define general courts-martial convening authority.

13. Qualified Counsel. Counsel certified in accordance with Article 27(b) of the UCMJ who does not have any direct responsibility for advising the convening authority or separation authority on the proceedings involving the respondent.

14. Serious Offense. An offense is serious if:

a. The Manual for Courts-Martial authorizes a punitive discharge; or

b. It results in a civilian conviction or action taken which is tantamount to a finding of guilty (including similar adjudications in juvenile proceedings) and a punitive discharge could be awarded for the same or a closely related offense under the Manual for Courts-Martial; or

c. It results in a civilian conviction where the sentence includes confinement for 6 months or more without regard to suspension or probation.

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 1: POLICY AND GUIDANCE

6101. POLICY

1. The Marine Corps promotes readiness by maintaining high standards of conduct and performance. In order to maintain these standards, it is necessary to provide, in a variety of circumstances, for the orderly and expeditious administrative separation of Marines to:

a. Ensure that the Marine Corps is served by individuals capable of meeting required standards of duty performance and discipline;

b. Maintain standards of performance and conduct through appropriate separation and characterization of service that emphasizes the traditional concept of honorable military service; and

c. Achieve authorized force levels and grade distributions.

2. The Marine Corps' separation policy strengthens the concept that being a Marine is a calling different from any civilian occupation:

a. Becoming a Marine involves a commitment to the United States, to the Marine Corps, and to one's fellow citizens and fellow Marines that one will complete successfully a period of obligated service. Failure to meet required standards of performance or discipline violates that commitment.

b. Millions of Americans from diverse backgrounds and with a wide variety of aptitudes and attitudes have served succesfully in the Armed Forces. It is the policy of the Marine Corps to provide Marines with the training, motivation, and professional leadership that inspire the dedicated Marine to emulate predecessors and peers in meeting required standards of performance and discipline.

c. The Marine Corps invests substantially in training every person who enters its ranks. Separation prior to completion of a period of obligated service represents a loss of investment while requiring increased accessions. Conversely, retaining individuals in the Marine Corps who will not or cannot conform to required standards of conduct, discipline, and performance creates a high cost in terms of pay, administrative efforts, degradation of morale, and substandard mission performance. Both situations represent an inefficient use of limited resources. Therefore every reasonable effort must be made to:

(1) Identify, in a timely manner, members who exhibit a likelihood for early separation; and either

(2) Improve those members chances of retention through counseling, retraining and rehabilitation; or

(3) Separate promptly those members who do not demonstrate potential for further useful naval service, and recoup prorata, as provided by applicable regulations, monies expended for either paid bonuses and/or education/training funds paid to a member in return for enlisting, reenlisting, or extending a service obligation when that service is administratively terminated prior to successful completion.

d. The standards and procedures established within this chapter for execution of these policies are intended to achieve consistency of application in a system based on command responsibility, accountability and discretion.

6102. PROCESSING TIME GOALS. Once separation action has begun, the best interests of all concerned are served by prompt forwarding, review, and decision in each case. Proceedings are considered to be initiated on the date a command receives a written request for separation from a member or on the date a command delivers to a member a notice of separation proceedings in accordance with section 3 of this chapter. With this in mind, the following time goals are established for the administrative separations authorized by this chapter. The goals are measured from the date of notification or initiation of a voluntary request until the actual date of separation. Failure to complete an action within the prescribed time in no way bars separation or affects characterization. Every effort should be made, however, to meet the established goals.

1. Discharges without Board Action. When board action is not required, or is waived, separation action should be completed in 15 working days. When the initiating command and the separation authority are not located in the same geographical region, the authorized period is 30 working days.

2. Separations with Board Action. Separations which require an administrative board should be completed in 50 working days. When action is required by the Secretary of the Navy, final action should be completed in 55 days.

3. Semiannual Statistical Report. The current edition of SECNAVINST 1910. requires the Marine Corps to develop a system for measuring, evaluating, and reporting the effectiveness of the time goals above. In the future, MMS data will form the basis of such a system. In the interim, separation authorities will have to maintain statistical data and submit the report (Report Symbol MC-1900-02) at figure 6-1 by 1 April and 1 October of each year.

6103. PERIODIC EXPLANATION. An explanation shall be given to all enlisted members of the types of characterization of service upon separation, the bases for the characterization, their possible effects upon reenlistment, civilian employment, veterans benefits, and related matters, and the effects concerning the denial of certain benefits to members who fail to complete at least 2 years of an original enlistment. Such explanation, with a written fact sheet, shall be given each time the provisions of the Uniform Code of Military Justice (UCMJ) are explained as required by Article 137 of the UCMJ. This requirement is a command responsibility, not a procedural entitlement. Failure on the part of the member to receive or to understand such explanations does not create a bar to separation or characterization of service.

6104. PROVIDING OF INFORMATION DURING SEPARATION PROCESSING. During the separation processing of all members, except when the separation is due to an immediate reenlistment, the purpose and authority of the Navy Discharge Review Board and the Board for Correction of Naval Records shall be explained with a written fact sheet. It shall include an explanation that a discharge under other than honorable conditions, resulting from a period of continuous unauthorized absence of 180 days or more, is a conditional bar to benefits administered by the Veterans Administration notwithstanding any action by the Discharge Review Board. These requirements are a command responsibility and not a procedural entitlement. Failure on the part of a member to receive and to understand the explanation required by this paragraph does not create a bar to separation or characterization. A fact sheet for this purpose is provided at figure 1-2. Marines separated with less than an honorable characterization shall be advised of the availability and purpose of the Department of Labor Exemplary Rehabilitation Certificate Program.

6105. COUNSELING AND REHABILITATION

1. There is a substantial investment in the training of Marines. As a general matter, reasonable efforts at rehabilitation should be made prior to initiation of separation proceedings.

2. Unless separation is mandatory, the potential for rehabilitation and further useful military service shall be considered by the separation authority and, where applicable, the administrative board. If separation is warranted despite the potential for rehabilitation, consideration should be given to suspension of the separation, if authorized.

3. Separation processing may not be initiated in some cases until the Marine has been counseled concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling and personnel records. These rehabilitation efforts must include the following and be documented in the Marine's service record:

a. Written notification concerning deficiencies or impairments;

b. Specific recommendations for corrective action, indicating any assistance available;

c. Comprehensive explanation of the consequences of failure to undertake successfully the recommended corrective action; and

d. Reasonable opportunity for the Marine to undertake the recommended corrective action.

The following entry will be made on page 11 of the service record upon completion of the above counseling:

" (Date) . Counseled this date concerning deficiencies (list deficiencies); specific recommendations for corrective action; assistance available; and advised that failure to take corrective action may result in administrative separation or judicial proceedings. I have been afforded the opportunity to make a statement IAW U.S. Navy Regs, Article 1110, and if I make a written statement it will be forwarded to CMC (Code MSRB-20) for inclusion in my Official Military Personnel File. I (do)(do not) desire to make a statement. (Statement (if any) is filed on the document side of the service record.)

(Signature of Marine) (Signature of Commanding Officer)"

6106. LIMITATIONS ON SEPARATION ACTION. A member may not be separated on the basis of the following:

1. Conduct that has been the subject of judicial proceedings resulting in an acquittal or action having the effect of an acquittal except in the following circumstances:

a. When such action is based upon a judicial determination not going to the merits of the issue of factual guilt of the respondent; or

b. When the judicial proceeding was conducted in a state or foreign court and the separation is in the best interest of the Marine Corps as determined by the Secretary of the Navy on a case-by-case basis.

2. Conduct that has been the subject of a prior administrative board in which the board's finding was approved that the evidence did not sustain the factual allegations concerning the conduct, except when the finding has been determined by the separation authority to have been materially influenced by fraud or collusion on the part of the respondent or some other person acting on the respondent's behalf, and an administrative board, in a rehearing, recommends separation.

3. Conduct that has been the subject of an administrative separation proceeding resulting in a final determination by a separation authority that the member should be retained, except in the following circumstances:

a. When there is subsequent conduct or performance forming the basis, in whole or in part, for a new proceeding;

b. When there is new or newly discovered evidence that was not reasonably available at the time of the prior proceeding; or

c. When the conduct is the subject of a rehearing ordered on the basis of fraud or collusion on the part of the respondent, or by someone on the respondent's behalf.

6107. CHARACTERIZATION OF SERVICE. Once a separation authority has approved a separation, the separation authority must determine the appropriate character of service. In this respect it is essential that commanders initiating separation action make specific recommendations based upon the circumstances of the particular case and the guidelines which follow in this paragraph. Similar guidance is found in paragraph 1004.

1. Types of Characterization or Description. The following types of characterization of service or description of separation are authorized:

a. Characterization of service as honorable, general (under honorable conditions), or under other than honorable conditions.

b. Entry level separation.

c. Order of release from the custody and control of the Marine Corps by reason of void enlistment or induction.

2. Characterization of Service

a. General Considerations

(1) Most Marines earn honorable discharges. In fairness to the majority who serve honorably and well, commanders and separation authorities should take particular care to ensure undeserving Marines receive no higher characterization than is due.

(2) Characterizing service is a way of recognizing the quality of a Marine's performance during a period of enlistment. Commanding officers should not underestimate the importance and value of characterization. It serves both as a service goal and as a meaningful endorsement to potential employers. Characterization of service is based upon a Marine's military behavior and performance of duty, both of which commanders constantly evaluate. Conduct and proficiency markings form the primary basis for determining the character of a Marine's service.

(3) Characterization at separation shall be based upon the quality of the member's service, including the reason for separation and subject to the limitations set forth in sections 2 and 4 of this chapter. The quality of service will be determined in accordance with standards of acceptable personal conduct and performance of duty of military personnel. These standards are found in the UCMJ, directives and regulations issued by the Commandant of the Marine Corps and higher authorities, the enlisted performance evaluation system as set forth in the current edition of MCO P1070.12 (Individual Records and Accounting Manual), the Marine Corps Manual, and the time-honored customs and traditions of the Marine Corps and Naval Service.

(4) The quality of service of a member on active duty or active duty for training is affected adversely by conduct that is of a nature to bring discredit on the military services or is prejudicial to good order and discipline, regardless of whether the conduct is subject to UCMJ jurisdiction. Characterization may be based on conduct in the civilian community, and the burden is on the respondent to demonstrate that such conduct did not adversely affect the respondent's service.

(5) The reason for separation, including the specific circumstances that form the basis for the separation, shall be considered on the issue of characterization. Characterization will generally be based upon a pattern of behavior rather than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(6) Due consideration shall be given to the member's age, length of service, grade, aptitude, physical and mental condition, and the standards of acceptable conduct and performance of duty. Acceptable conduct and performance of duty during an enlistment is evidenced by average proficiency and conduct marks of 3.0 and 4.0 respectively. Failure of a Marine to achieve these standards is evidence of a significant negative aspect that outweighs all but the most meritorious aspects of a military record. Marines who do not achieve these standards should not receive an honorable discharge.

b. Types of Characterization

(1) Honorable. An honorable characterization is appropriate when the quality of the member's service has met the standards of acceptable conduct and performance of duty for military personnel, or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(2) General (Under Honorable Conditions). If a member's service has been honest and faithful, it is appropriate to characterize that service under honorable conditions. Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the member's conduct or performance of duty outweigh positive aspects of the member's military record. This characterization may be issued when a Marine's average proficiency and conduct marks are below 3.0 and 4.0 respectively.

(3) Under Other Than Honorable Conditions

(a) This characterization may be issued in the following circumstances:

1 When the reason for separation is based upon a pattern of behavior that constitutes a significant departure from the conduct expected of Marines, or

2 When the reason for separation is based upon one or more acts or omissions that constitute a significant departure from the conduct expected of Marines. Examples of factors that may be considered include, but are not limited to, the use of force or violence to produce serious bodily injury or death, abuse of a special position of trust, disregard by a superior of customary superior-subordinate relationships, acts or omissions that endanger the security of the Marine Corps, deliberate acts or omissions that seriously endanger the health and safety of other persons, and drug abuse.

(b) This characterization is authorized only if the member has been afforded the opportunity to request an administrative board, except in cases of separation in lieu of trial by courts-martial (paragraph 6211).

c. Limitations on Characterization. Except as otherwise provided in this paragraph, characterization will be determined solely by the member's military record during the current enlistment or period of service plus any extensions prescribed by law or regulations or effected with the consent of the member.

(1) Prior service activities, including records of conviction by courts-martial, records of absence without leave, or omissions of other offenses for which punishment was not imposed shall not be considered on the issue of characterization. To the extent that such matters are considered on the issue of retention or separation, the record of proceedings shall reflect that such information was not to be considered on the issue of characterization.

(2) Preservice activities may not be considered on the issue of characterization except that in a proceeding concerning fraudulent entry into the Marine Corps, evidence of preservice misrepresentations about matters that would have precluded, postponed or otherwise affect the member's eligibility for enlistment or induction may be considered.

(3) When the sole basis for separation is a special or general court-martial conviction that did not impose a punitive discharge, the member's service may not be characterized under other than honorable conditions unless approved by the Secretary of the Navy.

(4) Conduct in the civilian community of a member of a Reserve component who is not on active duty or active duty for training may form the basis for characterization under other than honorable conditions only if such conduct affects directly the performance of military duties (service related). Such conduct may form the basis of characterization as general (under honorable conditions) only if such conduct has an adverse impact on the overall effectiveness of the Marine Corps including military morale and efficiency.

(5) A member's voluntary submission to a DoD treatment and rehabilitation program for personal use of drugs and evidence provided voluntarily by the member concerning personal use of drugs as part of initial entry into such a program may not be used against the member on the issue of characterization. This limitation does not preclude the following actions:

(a) The introduction of evidence for impeachment or rebuttal purposes in any proceedings in which the evidence of drug abuse (or lack thereof) has been first introduced by the member; and

(b) Taking action based on independently derived evidence, including evidence of drug abuse after initial entry into the treatment and rehabilitation program. However, this does not authorize the use of urinalysis conducted solely as a result of a member's voluntary self-referral; in order for urinalysis results to be used on the issue of characterization, they must not have been obtained as part of a treatment and rehabilitation program.

(6) The results of mandatory urinalysis may be considered on the issue of characterization when the evidence was gathered during an inspection under Military Rule of Evidence 313, MCM, or from a search and seizure under Military Rules of Evidence 311-317, MCM, or incident to an examination conducted for a valid medical purpose under Military Rule of Evidence 312(F).

3. Uncharacterized Separations

a. Entry Level Separation

(1) A separation initiated while a member is in entry level status will be described as entry level separation except in the following circumstances:

(a) When separation for misconduct, fraudulent enlistment, or homosexuality is authorized and when characterization under other than honorable conditions is warranted by the circumstances of the case; or

(b) When separation in lieu of court-martial is authorized and when characterization under other than honorable conditions is warranted by the circumstances of the case; or

(c) When characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of military duty and is approved on a case-by-case basis by the Secretary of the Navy. Honorable characterization will be considered when the member is separated, by reason of selected changes in service obligation, convenience of the Government, disability, or secretarial plenary authority.

(2) With respect to administrative matters outside this Manual that require a characterization as honorable or general, an entry level separation shall be treated as the required characterization.

(3) Description of Entry Level Separation shall be used when a Marine with broken service is separated while in indoctrination training for failure to satisfactorily complete such training.

b. Void Enlistments or Induction. A member whose enlistment or induction is void shall not receive a discharge certificate, characterization of service at separation, or an entry level separation. The separation shall be described as an order of release from custody or control of the service concerned. However, when a constructive enlistment arises, characterization is required in paragraph 6107.3b(3) below.

(1) An enlistment is void in the following circumstances:

(a) If it was effected without the voluntary consent of a person who has the capacity to understand the significance of enlisting in the Marine Corps, including enlistment of a person who is intoxicated or insane at the time of enlistment.

(b) If the person is under 17 years of age.

(c) If the person is a deserter from another military service.

(2) Although an enlistment may be void at its inception, a constructive enlistment arises in the case of a person serving with the Marine Corps who;

(a) Submitted voluntarily to military authority;

(b) Met the mental competency and minimum age qualifications in paragraph 6107.3b(1) above at the time of voluntary submission to military authority;

(c) Received military pay or allowances; and

(d) Performed military duties.

(3) If an enlistment that is void at its inception is followed by a constructive enlistment within the same term of service, characterization of service or description of separation shall be in accordance with paragraph 6107.2 or paragraph 6107.3 as appropriate. However, if the enlistment was void by reason of desertion from another service, the member shall be separated by an order of release from the custody and control of the Marine Corps, regardless of any subsequent constructive enlistment, unless the Secretary of the Navy determines that retention is appropriate.

(4) The occurrence of such a constructive enlistment does not preclude the Commandant of the Marine Corps, in an appropriate case, from either retaining the member or separating the Marine on the basis of the circumstances that occasioned the original void enlistment or upon any other basis for separation provided in this chapter.

From:
To: Commandant of the Marine Corps (Code MMSR)

Subj: Statistics on Administrative Separations (Report Symbol MC-1900-02) (period-note *1)

Ref: (a) MARCORSEPMAN, par. 6102

1. As required by the reference, the following information is provided:

a. Separation actions without board (note *2)

(1) Separations approved _____

(2) Separations approved but suspended _____

(3) Retention approved _____

(4) Total separation actions (sum of 1-3 above) _____

(5) Exceptions to time goals:

REASON FOR SEP (MARCORSEPMAN PAR)	PROCESS TIME	REMARKS/REASON EXCEEDING GOAL
Note *3		

b. Separation actions with board (note *2)

(1) Separations approved _____

(2) Separations approved but suspended _____

(3) Retention approved _____

(4) Total separation actions [sum of b(1) - (3)] _____

(5) Exceptions to time goals:

REASON FOR SEP (MARCORSEPMAN PAR)	PROCESS TIME	REMARKS/REASON EXCEEDING GOAL

c. Separations forwarded to higher authority (note *4)

(1) CMC separation auth

(a) Completed w/30 days of notification _____

(b) Board-completed w/in 50 working days _____

(2) SecNav separation authority-completed w/in 55 days _____

(3) Total forwarded _____

Figure 6-1.--Administrative Separation Report.

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 2: INVOLUNTARY ADMINISTRATIVE SEPARATIONS

6201. GENERAL. This section lists the reasons a commander may recommend involuntarily separation of a Marine prior to the Marine's expiration of service and sets up the necessary administrative rules for separating a Marine under any of the reasons given. Refer to section 4 for details on reasons for voluntary separation.

6202. CHANGE IN SERVICE OBLIGATION. Commanding officers may separate Marines when the Commandant of the Marine Corps directs separation as part of a general demobilization or reduction in force. Characterize service as honorable, general or entry level under the rules in table 6-1.

6203. CONVENIENCE OF THE GOVERNMENT. A Marine may be separated for the convenience of the Government for the reasons set forth below. Characterize service as honorable, general or entry level under the rules in table 6-1.

1. Parenthood

a. Marines are Marines 24 hours a day, 7 days a week. Specific duties, assignments, or circumstances, not to mention the fundamental mission of the Marine Corps, require all Marines, regardless of marital status, to be responsive to command and Marine Corps needs. When a Marine's parental responsibilities result in repeated absenteeism, interfere with a Marine's effectively performing duty, or preclude present or future availability for worldwide assignment, separation is required unless the Marine can resolve the conflict to the commanding officer's satisfaction. Prior to initiating separation action, however, commanding officers must formally counsel the Marine concerning specific deficiencies and give the Marine an opportunity to overcome the noted deficiencies. When the required performance does not result, follow the procedures in section 3 below.

b. Characterize service as honorable, general or entry level in accordance with table 6-1. The separation authority is the GCMCA.

c. Separation processing may not be initiated until the Marine has been counseled in accordance with paragraph 6105.

2. Physical Condition Not a Disability

a. Whenever a Marine's performance deteriorates or has an adverse effect on others in the unit, commanding officers and subordinate leaders shall try to find the cause. When the command suspects a physical condition interferes with the Marine's effective performance of duty, refer the Marine to the appropriate medical authority. If examination by a medical officer confirms that the Marine is suffering from a physical condition apparently beyond the individual's control and indicates that the condition is not a disability, initiate separation action following procedures in paragraph 6303, such conditions may include the following:

(1) Obesity. Obesity is a specific reason for discharge, when, as a result of the weight control or military appearance program contained in the current edition of MCO 6100.9 or MCO 6100.10 respectively, a medical board certifies that a Marine's overweight condition is due to pathological factors or similar causes.

(2) Bed Wetting (Enuresis)

(3) Sleepwalking

(4) Chronic air sickness

(5) Chronic motion sickness

(6) Pseudofolliculitis Barbae. Refer to the current edition of MCO 6310.1 for details or treatment required prior to initiating separation action.

(7) Allergy. This includes, but is not limited to: allergy to clothing, boots, bedding, and bee stings or illnesss such as asthma and hay fever.

(8) Disqualifying Height. Separation on this basis is appropriate when, subsequent to proper enlistment, a Marine cannot be assigned duties appropriate to grade and MOS due to increased height. Prior to separation the commander should investigate reassignment options for the Marine concerned.

(9) Any additional physical condition which interferes with duty, as determined by the commanding officer and medical officer, that is not considered a physical disability.

b. Characterize service as honorable, general or entry level in accordance with table 6-1.

c. The separation authority is the GCMCA.

d. Separation processing may not be initiated until the Marine has been counseled in accordance with paragraph 6105.

3. Personality Disorder. Separation under this paragraph is authorized only if diagnosis by a psychiatrist or psychologist concludes that the disorder is so severe that the Marine's ability to function effectively in the military environment is significantly impaired. In addition to the medical diagnosis there must be nonmedical evidence showing specific examples of how the Marine is unable to function in the Marine Corps. Separation processing may not be initiated until the Marine has been counseled in accordance with paragraph 6105. If the deficiencies are not overcome, follow the notification procedures in paragraph 6303 below. Characterize service as honorable, general or entry level under the rules in table 6-1. Separation under this paragraph is not appropriate when separation is warranted under any other paragraph in this chapter. For example, if a separation is warranted on the basis of unsatisfactory performance or misconduct, the Marine should not be separated under this paragraph regardless of the existence of a personality disorder. The separation authority is the GCMCA.

4. Review Action. A member may be separated if the member is placed on appellate leave pursuant to section 706 of Title 10, United States Code and whose punitive discharge is set aside, suspended, remitted or disapproved during the review process.

5. Disenrolled from Officer Candidate Program. When a member is disenrolled from an officer candidate program under conditions which did not result in a service obligation on the part of the member or did not have enlisted service prior to entering the program (for voluntary disenrollment see paragraph 6411), the member may be separated.

6204. DEFECTIVE ENLISTMENT AND INDUCTION. Marine's may be separated for the specific reasons below.

1. Minority

a. If a Marine is under the age of 17 the enlistment of the Marine is void, and the Marine shall be separated. The notification procedures in paragraph 6303 below shall be used and the Marine shall receive an order of release from the custody and control of the Marine Corps. There is no characterization or description of service. The separation authority is the GCMCA.

b. A Marine who is age 17 shall be separated under the following circumstances except when the Marine is retained for the purpose of trial by court-martial:

(1) There is evidence that the Marine is under 18 years of age;

(2) The Marine enlisted without the written consent of the Marine's parent or guardian; and

(3) An application for the Marine's separation is submitted to the Commandant of the Marine Corps by the parent or guardian within 90 days of the Marine's enlistment.

(4) The Marine will be given an entry level separation.

2. Erroneous Enlistment/Reenlistment. A Marine may be separated on the basis of an erroneous enlistment, induction, or extension of enlistment in the following circumstances, if:

a. The enlistment would not have occurred had the relevant facts been known by the Marine Corps or had appropriate directives been followed;

b. The enlistment was not the result of fraudulent conduct on the part of the Marine; and

c. The defect is unchanged in material respects. Any case coming to a commander's attention which purports to be of this nature shall be investigated and a complete report shall be made promptly to the Commandant of the Marine Corps (Code MMSR or RES for reservists not on active duty.)

d. Service is characterized as honorable, general, or entry level in accordance with table 6-1. Notification procedures in paragraph 6303 shall be initiated prior to separation. The separation authority is the Commandant of the Marine Corps (Code MMSR) or the General Court-Martial Convening Authorities of the Marine Corps Recruit Depots for recruits only.

3. Fraudulent Entry into the Marine Corps

a. The discharge of Marines who procure a fraudulent enlistment, induction, or period of active service may be directed. An enlistment, induction or period of service is fraudulent when deliberate material misrepresentation, including the omissions or concealment of facts which, if known at the time would have reasonably been expected to have precluded, postponed, or otherwise affected the Marine's eligibility for enlistment or induction.

b. The separation authority (GCMCA) may waive the Marine's fraud and authorize retention provided the existing defect could have been waived by the commanding general of a Marine Corps recruit depot, or lower authority, during the initial enlistment processing. If the defect could not have been waived by a commanding general at a Marine Corps recruit depot, the case must be referred to the Commandant of the Marine Corps (Code MRRE) for retention authority. Refer to the current edition of MCO P1100.74, MPPM and paragraph 6303.3c below to identify those cases where only the Commandant of the Marine Corps may authorize retention.

c. Commanding generals of Marine Corps recruit depots may direct retention waivers for recruits with certain types of traffic violations that were unresolved at the time of shipment to recruit training. A recruit will be eligible for a selective exception waiver for traffic violations and misdemeanors that were unresolved at the time of enlistment under the following conditions:

(1) Traffic violation(s) and misdemeanor(s) that:

(a) Would not result in confinement in excess of 12 months under the table of maximum punishment, Manual for Courts-Martial.

(b) Did not involve hit and run.

(c) Did not involve driving while under the influence.

(2) Not convicted of:

(a) Any felonies (as referred to in reference (b)).

(b) Misdemeanors that resulted in confinement, probation or parole.

(3) No drug involvement beyond experimental use of marijuana.

(4) Paid the pending fines and court costs in full and satisfied any other requirements of the court.

Fraudulent enlistment waivers approved under this policy will be effected by the depot discharge authority. An appropriate administrative entry, citing the waiver letter, will be made in block 37 of the DD Form 1966 (Application for Enlistment.) Recruits whose waiver requests are disapproved will be discharged in accordance with this chapter.

d. The Standard Form 93 shall not be used as a basis for processing a recruit for discharge due to fraudulent enlistment. Characterization of service shall be honorable, general, under other than honorable, or entry level in accordance with table 6-1. However, if the fraud involves concealment of a prior separation from the service in which the character of service was not honorable, characterization normally shall be under other than honorable conditions. In the latter case, prior to separation the notification procedures in paragraph 6303 below must be followed. A Marine processed for separation under other than honorable conditions must be afforded the administrative board procedures contained in paragraph 6304 of this chapter. If the material misrepresentation include preservice homosexuality, the procedures of paragraph 6207 shall be applied in processing a separation under this section.

6205. ENTRY LEVEL PERFORMANCE AND CONDUCT

1. A member may be separated while in entry level status when it is determined that the member is unqualified for further service by reason of unsatisfactory performance or conduct or both, as evidenced by incapability, lack of reasonable effort, failure to adapt to the Marine Corps environment, or minor disciplinary infractions.

2. When separation of a Marine in entry level status is warranted by unsatisfactory performance or minor disciplinary infractions or both, the member normally should be separated under this section. Nothing in this provision precludes separation under another provision of this Manual.

3. Separation processing may not be initiated until the Marine has been counseled concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling and personnel records. This requirement is particularly important because military service is a calling different from any civilian occupation; a Marine should not be separated when this is the sole reason unless there have been efforts at rehabilitation. Such efforts must include the following and be documented in the Marine's service record:

a. Written notification concerning deficiencies or impairments.

b. Specific recommendations for corrective action, indicating any assistance available;

c. Comprehensive explanation of the consequences of failure to undertake successfully the recommended corrective action; and

d. Reasonable opportunity for the Marine to undertake the recommended corrective action.

4. The GCMCA is the separation authority.

5. The discharge shall be characterized as an entry level separation.

6. Separation processing may not be initiated until the Marine has been counseled in accordance with paragraph 6105.

7. District directors may discharge reservists who are members of the Delayed Enlistment Program or members of the Selected Marine Corps Reserve awaiting initial active duty for training under this provision. Separation will be uncharacterized and described as entry level.

8. All personnel administratively separated from recruit training will be normally processed under this reason except those limited cases where processing under a more serious basis is more appropriate and may result in discharge under other than honorable conditions.

6206. UNSATISFACTORY PERFORMANCE. A Marine may be separated when it is determined the Marine is unqualified for further service by reason of unsatisfactory performance. Unsatisfactory performance is characterized by performance of assigned tasks and duties that is not contributory to unit readiness and/or mission accomplishment as documented in the service record, or failure to maintain required proficiency in grade as demonstrated by below average numerical scores accumulated in the Enlisted Performance Evaluation System. This reason for separation shall not be used for separation of a member in entry level status. Separation processing may not be initiated until the Marine has been counseled in accordance with paragraph 6105. Do not make arbitrary or capricious use of this authority to force the separation of Marines who possess the potential to be rehabilitated under the guidelines of paragraph 6105. In addition, do not use the authority when other administrative or disciplinary actions are more appropriate. Characterization will be honorable or general under the rules in table 6-1. The separation authority is the GCMCA. A Marine may be separated for unsatisfactory performance as exemplified by the following:

1. Failure to Conform to Weight Standards. A Marine may be separated when persistent failure to meet weight standard is determined to be the result of a lack of self-discipline, apathy or the excessive voluntary intake of food and/or drink. In this case a medical officer must certify that the overweight condition is not a result of a pathological or organic condition. See current editions of MCO 6100.9 and MCO 6100.10. Separation processing may not be initiated until the Marine has been counseled in accordance with paragraph 6105. If the Marine does not respond to counseling, commanders should initiate separation using the procedures in paragraph 6303. Characterization will be general or honorable under the rules in table 6-1. The separation authority is the GCMCA.

2. Unsanitary Habits. The term unsanitary habits includes, but is not limited to the repeated occurrence of venereal disease infections during the Marine's current enlistment or period of service. Separation processing may not be initiated until the Marine has been counseled in accordance with paragraph 6105. If the Marine does not respond to counseling, commanders should initiate separation using the procedures in paragraph 6303. Characterization will be general or honorable under the rules in table 6-1. The separation authority is the GCMCA.

3. Unsatisfactory Performance of Duties. A Marine may be separated when it is determined the Marine is unqualified for further service by reason of unsatisfactory performance. Unsatisfactory performance is characterized by performance of assigned tasks and duties that is not contributory to unit readiness and/or mission accomplishment as documented in the service record, or failure to maintain required proficiency in grade as demonstrated by below average numerical scores accumulated in the Enlisted Performance Evaluation System. This reason for separation shall not be used for separation of a member in entry level status.

c. In all cases, except as otherwise provided, discharge of a member separated under this paragraph shall be by reason of homosexuality and the characterization of that member's discharge shall be honorable, general, or entry level under the rules of table 6-1.

5. For the purpose of interpreting other Marine Corps regulations; for example, to determine whether a reenlistment bonus should be recouped or whether separated for medical reasons should take precedence over separation for homosexuality, all separations under this paragraph shall be treated as having been by reason of misconduct.

6. An enlisted member being considered for separation by reason of homosexuality shall have the right to request an administrative discharge board and shall be so advised in all cases subject to the following provisions:

a. That the board shall follow procedures outlined in part C of section 3 of this Manual, except:

(1) If the board finds that one or more of the circumstances authorizing separation under paragraph 6207.3 of this Manual is supported by the evidence, the board shall recommend separation unless the board finds that retention is warranted under the limited circumstances described in that paragraph.

(2) If the board does find that there is insufficient evidence that one or more of the circumstances authorizing separation under paragraph 6207.3 has occurred, the board shall recommend retention unless the case involves another basis for separation of which the member has been duly notified.

b. Additionally, members being processed for separation by reason of homosexuality will be advised of their rights in accordance with paragraph 6304 of this Manual.

6208. DRUG ABUSE REHABILITATION FAILURE

1. A Marine who has been formally referred to a program of rehabilitation, in accordance with MCO 5355.1 for personal drug abuse may be separated for failure through inability or refusal to participate in, cooperate in, or successfully complete a program when:

a. There is a lack of potential for continued naval service; or

b. Long-term rehabilitation is determined necessary and the member is transferred to a civilian medical facility for rehabilitation.

2. Nothing in this provision precludes separation under any other provision of this Manual, in appropriate cases, of a Marine who has been referred to such a program.

3. Discharge pursuant to this paragraph will be honorable or general as warranted by the member's military record unless entry level separation is required. Evidence obtained from an involuntary urinalysis administered pursuant to a command directed medical examination for the purpose of determining fitness for duty; directed at an individual to determine whether the Marine requires counseling, treatment or rehabilitation; when directed in conjunction with participation in a DoD drug treatment and rehabilitation program; or when directed as a result of involvement in a performance affecting incident may not be used to characterize the discharge under this paragraph.

4. Notification procedures in paragraph 6303 shall be used when processing a Marine for separation under this authority.

5. The separation authority is the GCMCA.

6209. ALCOHOL ABUSE REHABILITATION FAILURE

1. A Marine who has been formally referred to a program of rehabilitation, IAW MCO 5370.6A, for alcohol abuse may be separated for failure through inability or refusal to participate in, cooperate in, or successfully complete such a program in the following circumstances:

a. There is a lack of potential for continued military service; or

b. Long-term rehabilitation is determined to be necessary and the Marine is transferred to a Veterans Administration Center and/or civilian medical facility for such rehabilitation.

2. Nothing in this provision precludes separation of a Marine who has been referred to such a program under any other provision of this chapter in appropriate cases.

3. Notification procedures in paragraph 6303 shall be used when processing a Marine for separation under this authority. Characterization of service will be honorable or general under the rules in table 6-1. The separation authority is the GCMCA.

6210. MISCONDUCT

1. Whenever a Marine is involved in misconduct, as described in the following paragraphs, commanders shall process the Marine for separation unless rehabilitation and retention is warranted under the guidelines in paragraphs 6105 and 6309. Characterization of service normally shall be under other than honorable conditions, but characterization as general (under honorable conditions) may be warranted in some circumstances. For Marines who have completed entry level status, characterization of service as honorable is not authorized unless the Marine's record is otherwise so meritorious that any other characterization clearly would be inappropriate. When characterization of service under other than honorable conditions is not warranted for a Marine in entry level status, the separation shall be as an entry level separation. Separation processing for a series of minor disciplinary infractions or a pattern of misconduct may not be initiated until the member has been counseled in accordance with the guidelines for counseling set out in paragraph 6105. Counseling and rehabilitation are not required if the basis of separation is a serious offense, a civilian conviction or a similar junvenile adjudication, or a serious offense or civilian conviction involving drug abuse. The separation authority for misconduct discharges is the GCMCA.

2. Minor Disciplinary Infractions. A Marine may be separated when there is a documented series of at least three minor disciplinary infractions, during the current enlistment, of a nature which have been or would have been appropriately disciplined under Article 15, UCMJ, commanding officer's nonjudicial punishment. If separation of a member in entry level status is warranted solely by reason of minor disciplinary infractions, the processing should be under Entry Level Performance and Conduct. Separation processing may not be initiated until the Marine has been counseled in accordance with paragraph 6105. The procedures contained in paragraph 6304 shall be used if the Marine is recommended for discharge under other than honorable conditions.

3. A Pattern of Misconduct. A Marine may be separated where there is a pattern of more serious infractions than in paragraph 6210.2 which include two or more discreditable involvements with civil and/or military authorities or two or more instances of conduct prejudicial to good order and discipline. Separation processing may not be initiated until the Marine has been counseled in accordance with paragraph 6105. The procedures contained in paragraph 6304 shall be used if the Marine is recommended for discharge under other than honorable conditions.

4. Sexual Perversion. Sexual perversion is not a specific basis for discharge. Marines involved in the commission of lewd and lascivious acts, sodomy, indecent exposure, indecent act(s) with or assault upon a child, or acts for compensation shall be processed under paragraph 6210.6 or 6210.7 as appropriate.

5. Drug Abuse

a. Commanders may process Marines for illegal, wrongful, or improper use, possession, distribution or introduction on a military installation of any narcotic substance, marijuana or other dangerous or illicit drug or the possesion, sale or transfer of drug paraphernalia as defined in SECNAVINST 5300.28. Evidence obtained from an involuntary urinalysis administered pursuant to an inspection under Military Rule of Evidence 313, MCM, 1969 (Rev), or from a search and seizure under Military Rules of Evidence 311-317, MCM 1969 (Rev), or incident to an exam conducted for a valid medical reason may be used to characterize a member's discharge as under other than honorable conditions. The procedures contained in paragraph 6304 shall be used when separating a Marine under these provisions. Marines who have three instances of illegal drug involvement must be processed for separation. Retention of the three time offender must be approved by Commandant of the Marine Corps (Code MMSR).

b. Unless a more favorable characterization is required by this Manual, characterization of service for drug related offenses more favorable than under other than honorable conditions may only be approved by the Commandant of the Marine Corps.

6. Commission of a Serious Offense. A Marine may be separated for commission of a serious military or civilian offense under the following circumstances:

a. The specific circumstances of the offense warrant separation; and

b. A punitive discharge would be authorized for the same or a closely related offense under the UCMJ; and

c. The procedures contained in paragraph 6304 shall be used when separating a Marine under this provision.

7. Civilian Conviction. Commanders may process Marines who are convicted by civilian authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty, including similar adjudications in juvenile proceedings, when the specific circumstances of the offense warrant separation, and the following conditions are present:

a. A punitive discharge would be authorized for the same or a closely related offense under the Manual for Courts Martial; or

b. The sentence by civilian authorities includes confinement for 6 months or more without regard to suspension or probation.

c. Separation processing may be initiated whether or not a Marine has filed an appeal of a civilian conviction or has stated an intention to do so. However, execution of an approved separation should be withheld pending outcome of the appeal or until the time for appeal has passed, unless the Marine has requested separation or the member's separation has been requested by the Commandant of the Marine Corps. Such requests must be approved by the The Secretary of the Navy who may direct that the member be separated prior to final action on the appeal.

d. The procedures contained in paragraph 6304 shall be used when separating a Marine under this provision.

6211. RESERVED FOR FUTURE USE

6212. SECURITY. When retention is clearly inconsistent with interests of national security, a Marine may be separated by reason of security and under conditions and procedures established by the Secretary of Defense. Characterization will be honorable, general, other than honorable, or entry level under rules in table 6-1. The separation authority is the Commandant of the Marine Corps (Code MMSR).

6213. UNSATISFACTORY PARTICIPATION IN THE READY RESERVE. A Marine may be separated for unsatisfactory participation in the Ready Reserve under criteria established in the current edition of MCO P1001R.1. The separation authority is the GCMCA. Characterization of service will be in accordance with the rules of table 6-1.

6214. SEPARATION IN THE BEST INTEREST OF THE SERVICE

1. The Secretary of the Navy, by use of secretarial plenary authority, may direct the separation of any Marine prior to the expiration of that Marine's term of service after determining that such separation is in the best interest of the Marine Corps. For example, the Secretary may use secretarial plenary authority to separate a Marine whose personal conduct reflects discredit upon the service, adversely affects the good order and discipline of the unit, or adversely affects the Marine's performance of duty.

2. Requests for separation under this paragraph shall be forwarded to the Secretary of the Navy via the Commandant of the Marine Corps. The Commandant shall review all such requests for appropriate disposition.

3. This method of separation is to be used for unusual cases not covered by any other provisions of this chapter, or to separate a Marine who has been previously recommended for retention following separation proccessing under any other reason of this chapter.

4. Separation under this paragraph will be characterized as honorable or general unless an entry level separation is required. Prior to separation the notification procedures in paragraph 6303 must have been followed. The notification shall state that no other reason for separation under this Manual is considered appropriate, and why; and the notice shall explain why separation of the Marine is in the best interest of the Marine Corps. The procedure for requesting an Administrative Board, including a Marine with 6 or more years of total active and Reserve service, is not applicable.

Table 6-1.--Guide for Characterization of Service.

	HON	GEN	OTH	ENTRY LEVEL
PAR 6202 Change in Service	1,5 X	1,5 X		X
PAR 6203 Convenience of the Government	1,5 X	1,5 X		X
PAR 6204.1a Minor under 17	Order of release from the custody and control of the Marine Corps			
PAR 6204.1b Minor 17 years old				X
PAR 6204.2 Erroneous Enlistment	1 X			X
PAR 6204.3 Fraudulent Enlistment	2 X	1,3 X	X	3 X
PAR 6205 Entry Level Performance and Conduct				X
PAR 6206 Unsatisfactory Performance	5 X	5 X		
PAR 6207 Homosexuality	1,5 X	1,5 X	4 X	X
PAR 6208 Drug Abuse Rehab Failure	1,5 X	1,5 X		X
PAR 6209 Alcohol Abuse Rehab Failure	1,5 X	1,5 X		X
PAR 6210 Misconduct	2 X	1,3 X	X	3 X
PAR 6211 Sep in Lieu of Trial	2 X	1,3 X	X	3 X
PAR 6212 Security	1,5 X	1,5 X	X	3 X
PAR 6213 Unsat Part in Ready Reserve	2 X	1,5 X	X	X
PAR 6214 Secretarial Plenary Authority	1,5 X	1,5 X		X

NOTES:

1. Authorized unless Marine is in an Entry Level Status.

2. Not Authorized unless Marines record is otherwise so meritorious that any other characterization clearly would be inappropriate.

3. Authorized only if OTH is not warranted.

4. Authorized only under the limited circumstances described in paragraph 6207.4.

5. Authorized as determined by the Marine's service record.

Table 6-2.--Guide For The Review of Separation Packages

Specific Reason for Separation	Specific Authority	Note 1	Note 2	Note 3	Note 4	Note 5	Note 6	Note 7	Note 8	Note 9	Note 10	Separation Authority
CONVENIENCE OF THE GOVERNMENT												
Parenthood	MARCORSEPMAN Par 6203.1	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
Physical Condition Not a Disability	MARCORSEPMAN Par 6203.2	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
Personality Disorder	MARCORSEPMAN Par 6203.3	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
All other Convenience of the Government	As Specified	Y	Y	Y		Y	Y	X	X	Y		CMC or GCM Authority
DEFECTIVE ENLISTMENT												
Minority	MARCORSEPMAN Par 6204.1	Y	Y	Y		Y	Y			Y		CMC or GCM Authority
Erroneous Enlistment	MARCORSEPMAN Par 6204.2	Y	Y	Y		Y	Y	X	X	Y		CMC
Fraudulent Enlistment	MARCORSEPMAN Par 6204.3	Y	Y	Y		Y	Y	XX	XX	Y		CMC or GCM Authority
ENTRY LEVEL												
Entry Level Performance	MARCORSEPMAN Par 6205	Y	Y	Y	Y	Y	Y			Y		CMC or GCM Authority
UNSATISFACTORY PERFORMANCE												
Failure to Conform to Weight Standards	MARCORSEPMAN Par 6206.1	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
Unsanitary Habits	MARCORSEPMAN Par 6206.2	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
Unsatisfactory Performance of Duties	MARCORSEPMAN Par 6206.3	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
HOMOSEXUALITY												
Homosexuality	MARCORSEPMAN Par 6207	Y	Y	Y		Y	Y	Y	Y	Y	Y	CMC or GCM Authority
DRUG ABUSE												
Drug Abuse Rehabilitation Failure	MARCORSEPMAN Par 6208	Y	Y	Y		Y	Y	X	X	Y		CMC or GCM Authority
ALCOHOL ABUSE												
Alcohol Abuse Rehabilitation Failure	MARCORSEPMAN Par 6209	Y	Y	Y		Y	Y	X	X	Y		CMC or GCM Authority
MISCONDUCT												
Minor Disciplinary Infractions	MARCORSEPMAN Par 6210.2	Y	Y	Y	Y	Y	Y	XX	XX	Y	Y	CMC or GCM Authority
A Pattern of Misconduct	MARCORSEPMAN Par 6210.3	Y	Y	Y	Y	Y	Y	XX	XX	Y	Y	CMC or GCM Authority
Drug Abuse	MARCORSEPMAN Par 6210.5	Y	Y	Y		Y	Y	Y	Y	Y	Y	CMC or GCM Authority
Commission of a Serious Offense	MARCORSEPMAN Par 6210.6	Y	Y	Y		Y	Y	Y	Y	Y	Y	CMC or GCM Authority
Civilian Conviction	MARCORSEPMAN Par 6210.7	Y	Y	Y		Y	Y	Y	Y	Y	Y	CMC or GCM Authority
UNSATISFACTORY PARTICIPATION IN THE READY RESERVE												
Unsatisfactory Performance in the Ready Reserve	MARCORSEPMAN Par 6213	Y	Y	Y		Y	Y	XX	Y	Y	Y	CMC or GCM Authority

Table 6-2.--Guide For The Review Of Separation Packages--Continued.

SEPARATION IN THE BEST INTEREST OF THE SERVICE

Specific Reason for Separation	Specific Authority	Note 1	Note 2	Note 3	Note 4	Note 5	Note 6	Note 7	Note 8	Note 9	Note 10	Separation Authority
Secretarial Plenary Authority	MARCORSEPMAN Par 6214	Y	Y	Y		Y	Y			Y	Y	SecNav

NOTES:

* - Any case in which retention is recommended, to include a recommendation by an administrative board, must be forwarded to CMC (Code MMSR-3) for final decision.

1 - Marine must be notified of the proposed discharge action, the general and specific basis and factual circumstances therefore and the type of discharge certificate that may be issued. (MARCORSEPMAN, par. 6303).

2 - Marine must be given the opportunity either to submit a statement in rebuttal to the proposed discharge action or to decline to make a statement. (MARCORSEPMAN, par. 6303).

3 - Marine must be notified of and explained to their understanding the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records, (MARCORSEPMAN, par. 6104).

4 - Marine must have previously been afforded a reasonable opportunity to overcome their deficiencies after being notified of same and counseled thereon. SRB, page 11 entry must summarize counseling conducted. (MARCORSEPMAN, par. 6105).

5 - Marine must be given the opportunity to consult with a judge advocate prior to exercising or waiving any of their rights in connection therewith. (MARCORSEPMAN, par. 6303 or 6304).

6 - Marine must be advised that it is in their best interest to consult with a judge advocate prior to waiving any of their rights in connection therewith. (MARCORSEPMAN, par. 6303 or 6304).

7 - Marine must be afforded the right to present their case before an administrative discharge board with the advice and assistance of counsel. (MARCORSEPMAN, par. 6303 or 6304).

8 - Marine must be afforded and explained the rights of the respondent concerning administrative discharge board proceedings. (MARCORSEPMAN, par. 6303 or 6304).

9 - Commander must refer Marine's case, together with their recommendations and all evidence to the separation authority.

10 - Discharge package must be reviewed by the discharge authority's staff judge advocate prior to final action (MARCORSEPMAN, par. 6308.1c). Additionally, all cases where an administrative discharge board is convened must be reviewed by the staff judge advocate.

LEGEND

Y - Yes

X - Only if Marine has 6 or more years of active and inactive service.

XX Only if Marine has 6 or more years of active and inactive service or an other than honorable discharge is recommended.

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 3: ADMINISTRATIVE PROCEDURES

PART A: INITIATING COMMAND ACTION

6301. GENERAL: This section establishes the administrative procedures for separations under this chapter and provides detailed procedures for administrative discharge boards.

6302. INITIATION OF SEPARATION PROCESSING. When a Marine's performance or conduct falls within any of the reasons within section 2 and all command attempts at leadership and rehabilitation of the Marine have been without success, the commanding officer should initiate separation processing, subject to the specific requirements found in this chapter. At the command level, the process involves identification of a particular case, notification to the Marine, and preparation of a recommendation to the separation authority with evidence supporting the recommendation.

6303. NOTIFICATION PROCEDURES

1. The procedures in this part are applicable under any specific reason for separation contained in section 2 and are subject to the requirements set forth in that section with respect to specific reasons for separation.

2. When a member is processed on the basis of multiple reasons for separation, the following guidelines apply to procedural requirements (including procedural limitations on characterization of service or description of separations):

a. The requirements for each reason will be applied to the extent practicable.

b. If a reason for separation, set forth in the notice of proposed action, requires processing under the Administrative Board procedure, the entire matter shall be processed in accordance with paragraph 6304 below.

c. If more than one reason for separation is approved, the guidance on characterization that provides the greatest latitude may be applied.

d. When there is any conflict between a specific requirement applicable to one reason and a general requirement applicable to another reason, the specific requirement shall be applied.

e. If a conflict in procedures cannot be resolved on the basis of the foregoing principles, the procedures most favorable to the respondent shall be used.

3. Notification Requirements

a. Notice. A commanding officer must provide written notice to any Marine being recommended for separation. Sample letters of notification and acknowledgement form are provided in figure 6-2. Commands may develop their own procedures, however, such written notice shall include the following:

(1) Each of the specific reasons for separation in section 2 which form the basis of the proposed separation, including the circumstances upon which each action is based for each and a reference to the applicable provisions of this chapter;

(2) Whether the proposed separation could result in discharge, release from active duty to a Reserve component, transfer from the Selected Reserve to the IRR, release from custody or control of the naval services, or other form of separation;

(3) The least favorable characterization of service or description of separation authorized for the proposed separation, and the characterization recommended by the commanding officer;

(4) A statement of the Marine's right to obtain copies of documents that will be forwarded to the separation authority supporting the basis of the proposed separation. Classified documents shall be summarized;

(5) A statement of the Marine's right to submit statements;

(6) A statement of the Marine's right to consult with counsel in accordance with paragraph 6303.3b below, and a statement that it is in the Marine's best interest to consult with counsel prior to waiving any rights;

(7) A statement of the right to request an administrative board if the Marine has 6 or more years of total active and Reserve naval service;

(8) A statement of the right to waive the rights afforded in paragraphs 6303.3a (4)-(7) above, after being afforded a reasonable opportunity to consult with counsel, and that failure to respond shall constitute a waiver of these rights;

(9) If the respondent is in civil confinement, absent without authority, or in a Reserve component not on active duty or upon transfer to the IRR, the relevant notification procedures in paragraph 6303.4 below apply; and

(10) The notification requirements set forth in this paragraph do not apply when the Marine is processed for separation by reason of convenience of the Government for disability and the character of service is based upon average conduct and proficiency markings.

b. Counsel

(1) A respondent has the right to consult with qualified counsel when the notification procedure is initiated, except when all of the following conditions are met:

(a) The Marine is attached to a vessel or unit deployed outside the continental United States; and,

(b) No qualified counsel is assigned and present at the vessel, or activity; and,

(c) The commanding officer does not anticipate having access to qualified counsel from another vessel, unit, or activity, for at least the next 5 days (if qualified counsel is assigned and present at another naval vessel, unit, or activity located in the same geographic area where the Marine's vessel, unit, or activity is located, or will be located within the next 5 days, it is considered that, for purposes of this instruction, the commanding officer has access to qualified counsel unless that counsel is currently absent from duty station, i.e., on leave, or TAD, outside the immediate geographic area); and,

(d) The commanding officer determines that the requirements or needs of the Marine Corps warrant processing before qualified counsel will be available.

(2) Nonlawyer counsel shall be appointed whenever qualified counsel is not available. Any appointed nonlawyer counsel shall be a commissioned officer with no prior involvement in the circumstances leading to the basis of the proposed

6304. ADMINISTRATIVE BOARD PROCEDURES

1. Notice. If an administrative board is required, the member shall be notified in writing along the lines of the example in figure 6-3 by the member's commanding officer of the following matters:

a. The basis of the proposed separation, including the circumstances upon which the action is based and reference to the applicable reason for separation.

b. Whether the proposed separation could result in discharge release from active duty to a Reserve component, transfer from the Selected Reserve to the release from the custody or control of the Marine Corps, or other form of separation.

c. The least favorable characterization of service or description of separation authorized for the proposed separation.

d. The respondent's right to consult with counsel in accordance with paragraph 6304.3 below, and that it is in the Marine's best interest to consult with counsel prior to waiving any rights.

e. The right to obtain copies of documents that will be forwarded to the separation authority supporting the basis of the proposed separation. Classified documents may be summarized.

f. The respondent's right to request a hearing before an administrative board.

g. The respondent's right to present written statements to the separation authority in lieu of a hearing.

h. The respondent's right to representation at the administrative board by counsel as set forth in paragraph 6304.3 below.

i. The right to representation at the administrative board by civilian counsel at the respondent's own expense.

j. The right to appear in person before such board.

k. The right to make sworn or unsworn statement before the board.

l. The right to challenge voting members of the board for cause.

m. The right to examine evidence presented by the board, cross-examine witnesses appearing before the board, to submit evidence before the board and to make final argument before the board.

n. The right to waive the rights in paragraphs 6304.1d through 6304.1m above.

o. That failure to respond after being afforded a reasonable opportunity to consult with counsel constitutes a waiver of the rights in paragraphs 6304.1d through 6304.1m, above, and

p. Failure to appear without good cause at a hearing constitutes waiver of the right to be present at the hearing.

2. Additional Notice Requirements

a. If separation processing is initiated on the basis of more than one reason in section 2, the requirements of paragraph 6304.1a apply to all proposed reasons for separation.

b. If the respondent is in civil confinement, absent without authority, or in a Reserve component not on active duty or upon transfer to the IRR, the relevant notification procedures in paragraphs 6303.4, 6311.3a, and 6312 apply.

c. The notification requirements set forth in paragraph 6303 above shall be used when characterization of service as general is authorized and the member is processed for separation by reason of convenience of the Government or disability and the characterization is not based on proficiency and conduct markings.

3. Counsel

a. A respondent has the right to consult with counsel as prescribed in paragraph 6303.3b above, prior to electing or waiving any rights under paragraphs 6304.1d through 6304.1m.

b. If a hearing is requested, the respondent shall be represented by qualified counsel appointed by the convening authority, or by individual counsel of the respondent's own choice if that counsel is determined to be reasonably available. The determination as to whether individual counsel is reasonably available shall be made in accordance with the procedures set forth in section 0110A of the Manual of the Judge Advocate General for determining the availability of individual military counsel for courts-martial. If individual counsel is made available for the hearing, the respondent must elect between representation by appointed counsel and representation by individual counsel. A respondent may be represented in these proceedings by both appointed counsel and individual counsel only if the convening authority, in the CA's sole discretion, approves a written request from the respondent for representation by both counsel. Such request must be in writing and must set forth in detail why representation by both counsel is essential to ensure a fair hearing. The convening authorities may, on their own initiative or at the request of the respondent, appoint assistant counsel, either qualified or nonlawyer, to assist in the representation of the respondent.

c. The respondent shall have the right to consult with civilian counsel of the respondent's own choice and may be represented at the hearing by that or any other civilian counsel, all at the respondent's own expense. Exercise by the respondent of this right shall not waive any of the respondent's other rights to counsel. Consultation with civilian counsel shall not unduly delay administrative discharge board proceedings. If undue delay appears likely, the convening authority may require the respondent to proceed without the desired civilian counsel. In this event the convening authority will set forth the full circumstances thereof in the record and will appoint available military counsel for the respondent or will permit the respondent to be represented by reasonably available military counsel of the respondent's choice.

4. Response. The respondent shall be provided a reasonable period of time, but not less than 2 working days, to respond to the notice. An extension may be granted upon a timely showing of good cause. The selection of the respondent as to each of the rights set forth in paragraphs 6304.1d through 6304.1m above, and applicable provisions referenced in paragraph 6304.2 above, shall be recorded and signed by the respondent and respondent's counsel, subject to the following limitations:

a. If notice by mail is authorized and the respondent fails to acknowledge receipt or submit a timely reply, that fact shall constitute a waiver of rights and a notation shall be recorded on a retained copy of the appropriate form.

b. If the respondent declines to respond as to the selection of rights, such refusal shall constitute a waiver of rights and an appropriate notation will be made on the form provided for respondent's reply. If the respondent indicates that one or more of the rights will be exercised, but declines to sign the appropriate form, a notation as to the failure to sign will be made.

5. Waiver. A respondent entitled to an administrative board may request a conditonal waiver after a reasonable opportunity to consult with counsel in accordance with paragraph 6304.3a. A conditional waiver is a statement initiated by a respondent waiving the right to a hearing contingent upon receiving a characterization of service or description of separation higher than the least favorable characterization or description authorized for the basis of separation set forth in the notice to the respondent, but normally no higher than general. Conditional waivers may be granted on a case-by-case basis by the separation authority pursuant to paragraph 6308.1(b).

6305. COMMAND RECOMMENDATION

1. Once the notification requirement contained in paragraphs 6303 and 6304 have been met, the commanding officer must forward the recommendation complete with copies of the appropriate notification, the Marine's acknowledgement, and necessary supporting documentation to the separation authority. Great weight is attached to the commanding officer's recommendation provided the requirements of this chapter and separate Marine Corps directives when applicable, have been observed. Such recommendations must include a specific recommendation both regarding discharge or retention and as to character of service/type discharge recommended. The commanding officer need not restate what is evident within enclosed documentation, but should strive to present a concise "snapshot" of the case amplifying unique aspects when necessary. Though such recommendations oftentimes will lend themselves to a general format, commanding officers must ensure that the specific content accurately reflects the circumstances of the case being considered.

2. Supporting documentation may take the form of existing official records or written statements from personnel familiar with some aspect of the case. This includes, but is not limited to:

a. SRB Pages. Pages 3, 23, 11, 12, 13 often are valuable supporting documents, but should be submitted only if germane. However, when administratively more practical, data within the SRB can be incorporated into the commanding officer's recommendation. For example, average proficiency and conduct marks may be submitted vice page 23 or Record of Service.

b. Training Records/Related Documents. Separations which relate to performance or remedial programs such as weight control or personal appearance by their own implementing directive require specific actions and administrative procedures. Documentation in this regard must demonstrate substantial compliance with the intent of any such program.

c. Supporting Statements. In most cases prior to initiation of separation processing, Marines, other than the commanding officer, have been involved in leading, counseling, and assisting the Marine concerned. Statements from these NCO's, SNCO's and officers are, in many cases, extremely helpful to the separation authority in deciding a Marine's case.

d. Information Directly Supporting Reason for Separation. Investigation reports, police reports or any other documentation directly relating to the primary reason for separation must be forwarded as part of any recommendation. If a recommendation includes a report of investigation by the Naval Investigative Service and the Commandant of the Marine Corps is the separation authority, do not include the report as an enclosure. Identification of the report as a reference to the commanding officer's letter recommending separation will suffice.

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 3: ADMINISTRATIVE PROCEDURES

PART B: SEPARATION AUTHORITY ACTION

6306. GENERAL. To properly examine the case of a Marine being recommended for discharge, the separation authority has several basic concerns. First, the proceedings must be thoroughly reviewed to ensure procedural and legal completeness with paramount concern directed towards ensuring that the Marine has been afforded the opportunity to exercise all rights due a respondent. Along the same line, the discharge package should be processed expeditiously in accordance with the time processing goals. Next, the separation authority will review the circumstances involved in the proposed discharge to determine whether the facts meet the criteria for discharge contained within this chapter. Should separation be warranted, the separation authority will ascertain the appropriate characterization of service in accordance with the facts and other guidance provided in this chapter.

6307. SEPARATION AUTHORITIES

1. The separation authority for any reason for separation in this chapter is the officer exercising general court-martial authority or that officer's temporary successor in command, except:

a. When the authority is specifically limited in section 2 to the Commandant of the Marine Corps or the Secretary of the Navy; or

b. When a specific provision of this chapter or separate Marine Corps order or directive authorizes another separation authority; or

c. When a separation authority specifically delegates authority for certain separations, subject to the limitations set forth in paragraph 6307.2 below. Tables 6-2 and 6-3 identify the separation authorities for involuntary and voluntary separation respectively.

2. Commanding generals may, at their discretion, delegate to any general officer within their command the authority to take action subject to guidance in this Manual, on any recommendation or request submitted under this chapter in which retention, separation under honorable conditions, or entry level separation is recommended. The commanding general at either Marine Corps recruit depot may further extend their delegation to the Commanding Officer, Recruit Training Regiment, for recruits only. Commanding generals electing to exercise subordinate separation authority under this paragraph will appoint such authority by letter and include therein the extent and limitation of authority being delegated and any additional guidelines relative to such delegation.

3. The Commanding Generals, Fleet Marine Force, Pacific and Fleet Marine Force, Atlantic, are separation authorities for any matter under this chapter involving Marines of Marine Corps Security Forces, Pacific Ocean Area, and Marine Corps Security Forces, Atlantic Ocean Areas, respectively, for any case normally acted upon by an officer exercising general court-martial authority, except for requests for separation in lieu of court-martial. Requests for separation in lieu of court-martial by members of the Marine Corps security forces shall be acted upon by the officer exercising general court-martial convening authority over the Marine's court-martial.

4. When an administrative board recommends retention and the convening authority (who is the normal separation authority) does not agree, the sole separation authority is the Secretary of the Navy. Paragraph 6309.2 below provides more specific guidance.

6308. SEPARATION AUTHORITY REVIEW

1. Initial review of any recommendation or request for separation under this chapter is normally conducted by specified personnel on the separation authority's staff. It is essential that personnel assigned such responsibilities be well-versed on all separation procedures. Upon receipt of any case, it must be screened as follows:

a. Compliance with Prescribed Directives. This review should ensure that the package is physically (i.e., all enclosures, etc., are attached) and administratively (all specific requirements of this chapter) complete. If not, initiate immediate corrective action. Table 6-2 is provided to assist in reviewing involuntary separations. For specific requirements, refer to the appropriate paragraph in section 2. If neither an admininstrative board nor staff judge advocate's review is required as indicated below, refer the case to the separation authority for decision.

b. Administrative Board Required. Upon completion of the screening for completeness in paragraph 6308.1a above and when a board is required, follow the detailed procedures in part C of this section. When a Marine conditionally waives the right to a board subject to receipt of no less than general discharge (paragraph 6304.5 refers), the separation authority is not bound to approve the request. If the circumstances of the case are such that the least favorable characterization authorized is clearly not warranted, it should be accepted. If not, the request should be disapproved, the case referred to a board, and the Marine given the opportunity to exercise rights under paragraph 6304. The conditional waiver in this regard is intended as an administratively expeditious procedure for the former case. It is not to be used as a plea bargaining device used by certain Marines to obtain a characterization of service higher than truly deserved.

c. Staff Judge Advocate Review

(1) The separation authority shall refer the record of proceedings to the staff judge advocate for review prior to final action in the following cases:

(a) In any case in which the Marine has been recommended for discharge for misconduct, homosexuality, security, or for the good of the service.

(b) In any case in which an administrative discharge board is convened.

(2) The separation authority may refer any other administrative discharge matter to the staff judge advocate for review.

(3) The original or a signed copy of the staff judge advocate's review will be attached as a permanent part of the record of proceedings. The form and content of the review will be as required by the separation authority. Normally a typed, stamped or printed statement that the proceedings have been reviewed and found sufficient in law and fact will constitute an adequate staff judge advocate's review. If the respondent raises specific legal, factual or procedural issues, the review will comment on the merits of the issues raised. If the staff judge advocate does not find the administrative discharge proceedings to be correct in law and fact, the review should set forth the facts and reasoning leading to such determination and recommend corrective action, if appropriate.

2. Upon completion of the appropriate review, the recommendation should be forwarded to the separation authority for decision.

6310. SUSPENSION OF SEPARATION

1. Suspension

a. Except for discharge by reason of fraudulent enlistment or homosexuality or when characterization is under other than honorable conditions a separation may be suspended for a specified period of not more than 12 months by the separation authority or higher authority if the circumstances of the case indicate a reasonable likelihood of rehabilitation. Only the separation authority who directs discharge in a case (or a higher authority) may suspend an approved separation. The following general guidance shall pertain to suspension of separation:

(1) Retaining individuals in the Marine Corps who will not or cannot conform to acceptable standards of conduct, discipline, and performance creates a high cost in terms of pay, administrative efforts, degradation of morale, and substandard mission performance. Members involved in drug abuse, in general, and drug trafficking in particular, are not suitable for retention.

(2) Unless separation is mandatory, the potential for rehabilitation and further useful service shall be considered by the separation authority and, where applicable, the administrative board. If separation is warranted despite the potential for rehabilitation, consideration should be given to suspension of the separation, if authorized under the provisions of this Manual.

(3) Counseling and rehabilitation efforts are a prerequisite to initiation of separation proceedings only insofar as expressly set forth under specific requirements for separation. In cases where counseling and rehabilitation are not expressly set forth as prerequisites to initiation of separation proceedings an inadequacy of previous counseling and/or rehabilitative efforts is not a bar to separation.

(4) Prior court-martial conviction for a serious offense is not a bar to administrative separation actions based on that offense.

b. During the period of suspension, the member shall be afforded an opportunity to meet appropriate standards of conduct and duty performance.

c. Unless sooner vacated or remitted, execution of the approved separation shall be remitted upon completion of the probationary period, upon termination of the member's enlistment or period of obligated service, or upon decision of the separation authority that the goal of rehabilitation has been achieved.

2. During the period of suspension if further grounds for separation under the chapter arise or the Marine fails to meet appropriate standards of conduct and performance, one or more of the following actions may be taken:

a. Disciplinary action;

b. New administrative action; or

c. Vacation of the suspension and execution of the separation.

3. Prior to vacation of a suspension, the Marine shall be notified in writing of the basis for the action and shall be afforded the opportunity to consult with counsel and to submit a statement in writing to the separation authority. The respondent shall be provided a reasonable period of time, but not less than 2 working days, to act on the notice. If the respondent identifies specific legal issues for consideration by the separation authority, the matter shall be reviewed by a judge advocate or civilian lawyer employed by the government prior to final action by the separation authority.

6311. ADMINISTRATIVE ACTION AFTER DECISION

1. If the separation authority directs separation or suspended separation on the basis of more than one reason, the separation authority shall designate the most appropriate basis as the primary reason for reporting purposes.

2. If separation or suspension is directed, the separation authority shall assign a characterization or description of service in accordance with the guidance in section 1 and under the specific reason for separation in section 2.

3. The separation authority shall make a determination as to whether the respondent should be retained in the IRR as a mobilization asset to fulfill the respondent's total military obligation, except when characterization under other than honorable conditions is directed or the Marine is separated on the basis of homosexuality, drug trafficking or defective enlistment. This determination applies in cases involving separation from active duty or from the Selected Reserve. The following is applicable when the separation authority determines that a respondent should be retained in the IRR:

a. Upon transfer to the IRR, the member will be notified of the following:

(1) The characterization of service upon transfer from active duty or the Selected Reserve to the IRR, and that the characterization of service upon completion of the military service obligation in the IRR will be the same.

(2) The date upon which the military service obligation will expire.

(3) The date by which the member must submit evidence of satisfactory completion of the conditions set forth in paragraph 6303.4b(1)(c) above.

b. If the Marine submits evidence of completion of the specified conditions but the separation authority proposes to discharge the Marine with a characterization of service other than honorable, the notification procedures in paragraph 6303 shall be used. An administrative board is not required at this point notwithstanding the Marine's years of service.

c. If the member does not submit such information on or before the date specified in the notice, no further proceedings are required. The characterization of service is the same as the characterization of service upon transfer from active duty or the Selected Reserve to the IRR.

4. The final action of the separation authority must be recorded. After final action in cases where a Marine receives an approved unsuspended separation, all papers shall be forwarded to the Commandant of the Marine Corps (Code MSRB) for inclusion in the official records. In cases where an approved separation is suspended, all papers must be forwarded to CMC (Code MSRB) if the suspension is later vacated. There is no requirement to forward papers in cases where the separation authority does not approve a separation or where a request for separation in lieu of trial by court-martial is disapproved.

6312. SEPARATION OF MARINES BEYOND MILITARY CONTROL BY REASON OF UNAUTHORIZED ABSENCE

1. Determination of Applicability. If the general court-martial convening authority or higher authority determines that separation is otherwise appropriate under this chapter, a member may be separated without return to military control in one or more of the following circumstances:

a. Absent without authority after receiving notice of initiation of separation processing;

b. When prosecution of a member who is absent without authority appears to be barred by the Statute of Limitations, article 43, UCMJ and the statute has not been told by any of the conditions set out in article 43(d), UCMJ;

c. When a member who is an alien is absent without leave and appears to have gone to a foreign country where the United States has no authority to apprehend the member under a treaty or other agreement.

2. Notice. Prior to execution of the separation under paragraph 6312.1b or 6312.1c the Marine will be notified of the imminent action by registered mail or certified mail, return receipt requested (or by an equivalent form of notice if such service by U.S. Mail is not available for delivery at an address outside the United States) to the member's last known address or to the next of kin under regulations prescribed by the Department of the Navy. The notice shall contain the matter set forth in paragraph 6303 or 6304, as appropriate, and shall specify that the action has been suspended until a specific date (not less than 30 days from the date of mailing) in order to give the respondent the opportunity to return to military control. If the respondent does not return to military control by such date, the separation authority shall treat the failure to respond as a waiver of rights and take appropriate action.

3. Members of Reserve Component. See 10 U.S.C. 1163, Reserve Components: Members; Limitations on Separation; with respect to limitations on separation of members of Reserve components.

6313. SEPARATION OF MARINES PENDING CONCURRENT DISCIPLINARY/ADMINISTRATIVE AND DISABILITY PROCEEDINGS. See paragraph 8508 of this Manual.

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 3: ADMINISTRATIVE PROCEDURES

PART C: ADMINISTRATIVE DISCHARGE BOARD

6314. CONVENING AUTHORITIES. An administrative discharge board as required by this chapter shall be convened in writing by any Marine Commander exercising general court-martial jurisdiction, Director, Marine Corps Reserve Support Center, commanding officer of a Marine barracks, or by any officer exercising special court-martial convening authority when specifically authorized to do so by a superior authority who is a Marine commander exercising general court-martial jurisdiction. When a board is convened under delegated authority, the order appointing the board will contain specific reference to the source of such delegated authority.

6315. COMPOSITION

1. Members

a. The convening authority shall appoint to the administrative board at least three commissioned, warrant or noncommissioned offices well qualified by reason of grade, leadership experience, and judicious temperament. Enlisted personnel appointed to the board shall be in grade E-7 or above, and shall be senior to the respondent. At least one member of the board shall be an officer serving in grade of O-4 or higher, and a majority shall be commissioned and/or warrant officers. When the respondent is an active duty member, the senior member must be on the active duty list of the service. When the respondent is a member of a Reserve component, all members of the board must be commissioned officers if characterization of service as other than honorable is warranted.

b. If the respondent is an enlisted member of a Reserve component or holds an appointment as a Reserve commissioned or warrant officer, the board shall include at least one Reserve officer as a voting member. Voting members shall be senior to the respondent's Reserve grade.

c. The convening authority shall ensure that the opportunity to serve on administrative boards is given to women and minorities. The mere appointment or failure to appoint a member of such a group to the board, however, does not provide a basis for challenging the proceeding.

d. Unless at least three voting members of the board are present, no business other than declaring a recess or adjournment shall be transacted by the board. If it appears that a voting member will be absent for more than short period of time and the member's absence reduces the voting membership present to fewer than three members, the convening authority will be advised and appoint an additional member(s) to ensure that at least three voting members of the board are present during the conduct of all business by the board.

e. The board, in the absence of a voting member, may proceed if at least three voting members are present and the senior member present is of the grade of O-4 or higher. Where a new member of the board has been appointed (i.e., following a successful challenge against a former member), or where a member of the board who has been temporarily absent returns, that part of the proceedings conducted in the member's absence, with the concurrence of the counsel for the respondent, may be orally summarized in open session by the recorder, or the summarized record of that part of the proceedings conducted in absence shall be examined by that member and that examination noted in the record. The appointment of a new member, or the temporary absence of a member, does not preclude that member's

full participation in the deliberations of the board relating to its findings of fact, opinions and recommendations.

f. The attendance at the proceedings of an administrative discharge board becomes the primary duty of a member. No member shall fail to attend at the appointed time unless prevented by illness, ordered away, or excused by covening authority.

g. If any of the above prescribed mandatory requirements for the composition of a board cannot be met in a particular case from the officer personnel locally available, the convening authority will notify the Commandant of the Marine Corps (Code MMSR-3) and request appropriate instructions.

2. Presiding Officer

a. The president shall preserve order and decide upon matters relating to the routine business of the board. The president may grant a continuance and recess and may adjourn the board to meet at a time and a place most convenient and proper. The president shall preside and rule finally on all matters of procedure, evidence and challenges, but the rulings of the president may be overruled by a majority of the board. If a legal advisor is appointed, the legal officer shall rule finally on such matters pursuant to paragraph 6315.4. The president's rulings are subject to objection by any voting member of the board. Should a voting member object to the president's ruling on any matter, a vote shall be taken in closed session and the question shall be decided by a majority vote.

b. Motions or objections pertaining to any matter other than to continuances, recesses or adjournments do not require ruling by the president of the board. Such motions or objections should be heard and merely noted in the record for resolution thereof by the separation authority.

3. Recorder. A nonvoting recorder will be appointed by the convening authority to each administrative discharge board. An assistant recorder may be appointed. The assistant recorder, at the direction of the recorder, may perform any duty or function which the recorder is required or empowered to perform. The recorder's primary responsibility is to exploit all practical sources of information and to bring out all the facts in a manner in order to permit the board to make fully informed findings, and recommendations concerning the respondent. The recorder and assistant recorder should be experienced officers and may be warrant officers or commissioned officers. The recorder and or the assistant recorder may be a lawyer within the meaning of UCMJ, article 27b(1). Where the respondent is represented by counsel, neither the recorder nor the assistant recorder will possess any greater legal qualifications than those possessed by the respondent's counsel. The recorder is responsible for ensuring that the board is presented only such materials and documents which may properly be considered by it. The recorder is also responsible for ensuring that the board is presented all testimony, materials, and documents which are necessary for it to arrive at such findings, opinions, and recommendations, as will permit the discharge authority to make a proper disposition of the case. The recorder will conduct a preliminary review of all available evidence, screen out improper matter and obtain such additional evidence as appears necessary. The recorder will arrange for the time, date, and place of the hearing after consulting with the president of the board and the counsel for the respondent. The recorder will also arrange for the attendance of all material witnesses authorized to appear at the hearing pursuant to paragraph 6317, except those witnesses whose attendance is arranged by the respondent. At the hearing, the recorder will conduct the direct examination of all witnesses, except those requested or called by the respondent. The recorder will not participate in the closed sessions of the board or in the determination of the board findings, opinions (if any), and recommendations. Under the direction of the president of the board, the recorder will prepare or cause to be prepared a record of the board's proceedings. The convening authority of the board may appoint a reporter or provide other clerical assistance for the purpose of assisting the recorder in preparing the record.

4. Legal Advisor. At the discretion of the convening authority, a nonvoting legal advisor, who is a judge advocate certified in accordance with Article 27b(1) UCMJ, may be appointed to the Administrative Board. If appointed, the legal advisor shall rule finally on all matters of procedure, evidence and challenges, except challenges to himself. A legal advisor shall not be junior to and in the same chain of command as any voting member of the board. If the convening authority desires to appoint a legal advisor but does not have a judge advocate readily available, the convening authority should contact the Commandant of the Marine Corps (Code MMSR-3) for assistance.

6316. PROCEDURE. The following rules shall govern the procedures to be employed by an administrative discharge board. Where questions as to matters of procedure not covered herein are encountered, such questions will be resolved at the discretion of the board or the convening authority.

1. Rules of Evidence. An administrative discharge board functions as an administrative rather than a judicial body. Accordingly, in the board's proceedings the strict rules of evidence governing trials by court-martial are not applicable. The admissibility of evidence is a matter within the discretion of the board. There is a sharp and distinct delineation between the administrative process which has as its purpose the administrative elimination of unsuitable, unfit or unqualified Marines, and the judicial process, the purpose of which is to establish the guilt or innocence of a member accused of a crime and to administer punishment when appropriate. No evidence will be rejected from consideration solely on the grounds that it would be inadmissible in court-martial proceedings. The board may impose reasonable restrictions as to the relevancey, competency, cumulativeness, and materiality of all matters to be considered by the board so as to promote orderly procedure and ensure a full and impartial hearing.

2. Explanation of Respondent's Rights. At the onset of the proceedings, the board will ascertain whether or not the respondent has been fully advised of and understands the rights of a respondent pursuant to paragraph 6304. The assurance of the respondent's counsel in this regard will normally suffice. If the board is not satisfied that the respondent has been so advised, or the respondent does not fully understand any explanation previously given, the board will clearly explain those rights to the respondent.

3. Exercise and Waiver of Respondent's Rights. The respondent will be given a reasonable opportunity to exercise any and all rights before the board. The failure of the respondent to exercise or invoke any of the specified rights, after having been apprised of the same, will not considered as a bar to the board proceedings, findings, opinions and recommendations. Such rights will be conclusively presumed to be waived.

4. Elicting Further Information. Whenever it appears desirable to the members of the board that additional information be elicited or developed for a proper hearing of the matters before the board, the president will so advise the recorder and may direct the calling of a witness, the pursuance of further lines of questioning, or the presentation of other evidence.

5. Security Matters. If any matter to be heard by the board requires a security clearance and individual counsel for the respondent or other participants in the board's proceedings have not been granted such clearance, the convening authority shall be consulted for further guidance (see current edition of OPNAVINST 5510.1 and JAG Manual, section 0140).

6. Sessions. The proceedings of the board will be open to the public unless the convening authority directs otherwise. At the direction of the president of the board, the hearing room may be cleared at any time for deliberations or consultations by the board members. At such times, all persons except voting members will withdraw from the hearing room.

7. Challenges

a. The respondent may challenge any voting member or legal advisor for cause only. The basis for such a challange is that the challenged person cannot approach the case with impartiality and an open mind. A challenged person will be given the right to make a statement with respect to the challenge. The board will not receive a challenge to more than one person at a time. After disclosing the grounds for challenge, the respondent may examine the challenged person as to matters relating to their compentency to sit in that particular case. This examination may or may not be under oath at the discretion of the respondent. The recorder and other members of the board may also examine the challenged person. Other evidence relevant to the challenged person's compentency to sit on the board may also be heard.

b. The burden of persuasion in establishing a challenge is on the respondent.

c. The hearing room will be cleared for voting on any challenge. Challenged members will not be present during deliberations or voting on their challenge. A challenge shall be decided by a preponderance of the evidence and shall be sustained by a majority or tie vote.

d. If a challenge is sustained as to any member or legal advisor, such person is excused from further participation in the case.

e. If a sustained challenge reduces the number of members below three or leaves the board without a member in the grade of 0-4 or higher, the convening authority shall be notified immediately. The board will stand adjourned until the convening authority appoints such additional voting members as required under paragraph 6315.1.

8. Order of Presenting Evidence

a. The testimony of witnesses and the presentation of other evidence will normally be in the following order:

(1) Witnesses called and evidence presented by the recorder;

(2) Witnesses called and evidence presented by the respondent;

(3) Witnesses called and evidence presented by the recorder in rebuttal;

(4) Witnesses called and evidence presented by the respondent in surrebuttal; and

(5) Witnesses called and evidence presented at the request of the board.

b. The order of examining each witness is:

(1) Direct examination.

(2) Cross-examination.

(3) Redirect examination.

(4) Recross examination, and

(5) Examination by the board.

c. The foregoing order of presentation and examination of witnesses need not be followed when the board determines that a different order will secure a more effective presentation of evidence.

from testifying regarding matters related to an offense of which they are accused, suspected, or charged, the witness may be questioned on other matters. The question of whether a witness is suspected of an offense is one for decision by the board and will depend upon the nature of the matter being considered by the board, the reasonable probability that an offense has been committed, and the reasonable probability that the witness committed the offense. The board shall resolve all reasonable doubt in favor of the witness. Each witness appearing before the board should be advised of the subject matter of the board inquiry.

c. Unless otherwise authorized by the President all witnesses, other than the respondent, shall be excluded from the room where the board is meeting except when they are testifying.

d. The board at its discretion may direct a witness not to discuss their testimony with other witnesses or persons who have no official interest in the matter until the board's proceedings are completed. This warning is given to ensure that the matter before the board can be fairly heard and to eliminate the possibility that disclosures of the substance of the witness' testimony may influence testimony of a witness still to be heard.

6318. OATHS. The oath or affirmation to be given pursuant to this chapter will be in accordance with JAG Manual, section 0415, and will be administered by the recorder.

6319. FINDINGS AND RECOMMENDATIONS

1. The board shall determine its findings and recommendations in closed session. Only voting members of the board shall be present during these sessions.

2. The board shall determine whether each allegation set forth in the notice of proposed separation is supported by a preponderance of the evidence.

3. If the board determines that the allegations are supported by the evidence, it shall then determine whether the findings warrant separation with respect to the reason for separtion set forth in the notice. If more than one reason was contained in the notice, there shall be a separate determination for each reason.

4. The board shall make recommendations on the following:

a. Retention or Separation. The board shall recommend retention or separation.

b. Suspension of Separation. If the board recommends separation, it may recommend that the separation be suspended in accordance with paragraph 6310.

c. Characterization of Service or Description of Separation. If separation or suspended separation is recommended, the board shall recommend a characterization of service or description of separation as authorized in accordance with the guidance in paragraph 6107.

d. Transfer to the Individual Ready Reserve. The board shall make a recommendation as to whether the respondent should be retained in the Individual Ready Reserve as a mobilization asset to fulfill the respondent's total service obligation except when the board has recommended separation on the basis of homosexuality, misconduct, defective enlistment or induction, when there are medical reasons why the respondent would not be available to meet mobilization requirements, or where the board has recommended characterization of service under other than honorable conditions. In making a recommendation for retention in the Individual Ready Reserve, the board should consider how the respondent's performance, training and availability effects the respondent's potential for useful service under conditions of full mobilization. The option of transfer to the Individual Ready Reserve applies to cases involving separation from active duty or from the Selected Reserve.

6320. RECORD OF PROCEEDINGS AND REPORT OF THE BOARD

1. The record of the proceedings shall be kept in summarized form, however, the convening authorities, upon their own initiative or upon the request of the respondent or counsel, may authorize a verbatim record. In all cases the findings and recommendations of the board shall be in verbatim form. The record of proceedings shall otherwise be prepared as directed by the convening authority and shall be authenticated by the signatures of the President and the recorder or, in the absence or either or both, by a member in lieu of the president or by a member in lieu of the recorder. However, as a minimum, the record of proceedings shall contain:

a. An authenticated copy of the appointing order and any other communication from the convening authority.

b. A summary of the testimony of all witnesses, including the respondent, appearing in person before the board.

c. A summary of the sworn or unsworn statements of all absent witnesses considered by the board.

d. Acknowledgement that the respondent was advised of and fully understands all of the rights of the respondent before the board.

e. The identity of the counsel for the respondent and the nonvoting recorder, and their respective legal qualifications.

f. Copies of the letter of notification to the respondent, advisement of rights, and acknowledgement of rights.

g. If a discharge is recommended a complete statement of the facts and circumstances, accompanied by appropriate supporting documents, upon which the recommendation is based.

h. A summary of any unsworn statements submitted by the respondent or their counsel.

6321. SUBSEQUENT ADMINISTRATIVE DISCHARGE BOARD PROCEEDINGS

1. No Marine will be subjected to administrative discharge board action based upon conduct which has previously been the subject of administrative discharge board proceedings when the evidence before the subsequent board would be the same as the evidence before the previous board, except in those cases where the findings of the previous board favorable to the respondent are determined by the discharge authority to have been obtained by fraud or collusion, or where the discharge authority finds legal prejudice to the substantial rights of the respondent. Evidence before a subsequent board is not the same as evidence before a previous board where it includes acts or omissions on the part of the Marine which have not been considered by the previous board, or where it includes administrative or judicial determinations made with regard to the member which have not been considered by the previous board and which are, pursuant to the provisions of this paragraph, competent for the subsequent board to consider.

2. Conduct is considered to have previously been the subject of administrative discharge board proceedings when the previous board has submitted the record of its proceedings to the discharge authority and when the board records include one of the recommendations prescribed in paragraph 6319.

3. When a subsequent board is convened, no voting Marine of the subsequent board shall have served on a previous board as a voting member or have been the

Subj: Separation Proceedings; Notification of

e. To testify in your own behalf, subject to the provisions of article 31, UCMJ (Compulsory Self-Incrimination Prohibited.)

f. At any time during the proceedings you or your counsel may submit written or recorded matter for consideration by the board.

g. You or your counsel may call witnesses on your behalf.

h. You or your counsel may question any witness who appears before the board.

i. You or your counsel may present argument prior to the board's closing the hearing for deliberations on findings and recommendations.

j. Upon written request to the (Covening Authority), to be provided with a copy of the report of the board and the endorsement thereon.

k. Failure to appear without good cause at a hearing constitutes waiver of your right to be present at the hearing.

6. Information on the Purpose and Scope of the NDRB and BCNR is provided to you as enclosure (1).

7. You are directed to respond in writing to this notice not later than (time and date, e.g., 0900, 4Jun82. Must allow at least 2 complete working days) by completing and returning enclosure (2). Failure to respond by the prescribed time constitutes a waiver of your rights.

Figure 6-3.--Sample Notification for Use of the Notification with the Administrative Board--Continued.

(Letterhead)

From: The Individual Marine
To: Commanding Officer

Subj: Separation Proceedings; Acknowledgement of My Rights to be Exercised or Waived

Ref: (a) CO's ltr. . .

1. _____ I acknowledge receipt of the reference notifying me of proceedings to (discharge me)(release me from active duty) by reason of (general and specific basis as found in MARCORSEPMAN).

2. _____ I understand that I am being recommended for separation with a(n) Honorable/General/Other Than Honorable Conditions characterization of service and that the least favorable characterization which I may receive is Under Other Than Honorable Conditions.

3. _____In view of the above, I choose to execute the following, rights:

_____I (have)(have not) consulted with counsel. I realize it is in my best interests to do so prior to exercising or waiving any of my rights. Counselor's name is: _____

_____I (do)(do not) request a hearing before an Administrative Discharge Board.

_____In lieu of a hearing, I (have)(have not) included written statements in rebuttal to this proposed Separation.

_____I (do)(do not) desire to obtain copies of documents that will be forwarded to the (Separation Authority) supporting this proposed discharge.

4. _____If I requested a hearing before an Administrative Discharge Board, I realize I have the following rights:

_____a. To be present or represented by counsel if confined by civil authorities.

_____b. To be represented by military counsel-appointed or of my choice, if available.

_____c. To be represented by civilian counsel if I desire and at my own expense.

_____d. To challenge voting members of the board or the legal advisor, if any, for cause only.

_____e. To testify in my own behalf, subject to the provisions of article 31, UCMJ (Compulsory Self-Incrimination Prohibited.)

_____f. At any time during the proceedings I or my counsel may submit recorded matter for consideration by the board.

_____g. I or my counsel may call witnesses on my behalf.

_____h. I or my counsel may question any witness who appears before the Board.

Figure 6-3.--Sample Notification for Use of the Notification with the Administrative Board--Continued.

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 4: VOLUNTARY ADMINISTRATIVE SEPARATIONS

6401 GUIDELINES. An enlisted Marine may request to be voluntarily separated from the Marine Corps subject to the procedures and criteria established within this chapter.

1. General Basis. The general basis for separation for all reasons listed in this chapter is the convenience of the Government except as follows:

a. Paragraph 6402. The general basis for separation is defective enlistment.

b. Paragraphs 6403 and 6404. The general basis for separation is change in service obligation.

2. Separation Authority. The separation authorities for voluntary separations are listed in table 6-3, below. The separation authority will receive the Marine's request after it has been forwarded and endorsed via the chain of command. The separation authority will then direct the discharge or release from active duty of the Marine, if either is warranted, or will disapprove the Marine's request and direct retention.

3. Characterization. The following characterization of service will apply when the Marine's request for separation is for.

a. Defective Enlistment/Reenlistment. Honorable, unless an Entry Level Separation or an order of release from the custody and control of the Marine Corps (by reason of void enlistment) is required under paragraph 6107.3 of this chapter.

b. Convenience of the Government. Honorable, or general unless an entry level separation is required under paragraph 6107.3.

4. Notification. If a Marine's characterization of service is General (Under Honorable Conditions) and the Marine is:

a. A sergeant or above; or

b. A corporal or below, when the characterization of service is not based on the proficiency/conduct marks, then, the notification procedures in paragraph 6303 shall be used.

5. Transfer to the Individual Ready Reserve (IRR). In considering any Marine's request for separation, the separation authority must consider the Marine's potential for future service in the Marine Corps Reserve. To preclude the loss of potential mobilization assets, the separation authority will screen all Marines separating for the reasons contained in this paragraph prior to EAS/EOS and eligible for an honorable discharge. The separation authority will direct discharge only in those cases which clearly demonstrate a Marine has no mobilization potential whatsoever. Transfer is prohibited if the Marine is separated by reason of homosexuality, drug trafficking, or defective enlistment or if the characterization of discharge is other than honorable. Transfer all others to the IRR using the procedures in chapter 1. Transfer to the IRR vice discharge is appropriate for convenience of the Government separation by reason of:

a. Early release to further education (paragraph 6405).

b. Dependency or hardship (paragraph 6407).

c. Pregnancy (paragraph 6408)

d. Surviving family member (paragraph 6410).

e. Marines married to other service members (paragraph 6416).

6. Unique Requirements. Each request for voluntary separation has its own procedures and criteria which need to be followed in order for a proper determination to be made. These unique requirements are fully explained under the appropriate paragraph within this section.

6402 DEFECTIVE ENLISTMENT/REENLISTMENT AGREEMENTS

1. General. A defective enlistment/reenlistment agreement exists in the following circumstances:

a. As a result of a material misrepresentation by recruiting personnel upon which the Marine reasonably relied, the Marine was induced to enlist/reenlist with a commitment for which the Marine was not qualified;

b. The Marine received a written enlistment/reenlistment commitment from recruiting personnel for which the Marine was qualified but which cannot be fulfilled by the Marine Corps; or

c. The enlistment/reenlistment was involuntary, i.e., one that is induced by fraud, duress or undue influence and not the product of a free and unconstrained choice as exemplified by:

(1) Enlistment of an individual who lacks the capacity to understand the significance of enlisting in the armed services; or

(2) Enlistment of individual whose enlistment is involuntary by reason of coersion resulting from being presented with the option of either enlisting or being subjected to a sentence to confinement by a court of competent jurisdiction.

2. Criteria. This provision does not bar appropriate disciplinary action or other administrative separation proceedings regardless of when the defect was raised. Separation is appropriate under this provision only in the following circumstances:

a. The Marine did not knowingly participate in creation of the defective enlistment/reenlistment agreement.

b. The Marine brings the defect to the attention of appropriate authorities within 30 days after the defect is discovered or reasonably should have been discovered by the Marine; and

c. The Marine requests separation instead of other authorized corrective action.

3. Application. The Marine's request for separation should be a written statement addressing all pertinent issues. To be thorough, the Marine should explain:

a. What the actual defect is;

b. The circumstances of how the defect occurred;

c. How and when the defect was discovered; and

d. Any other information considered appropriate in order for a proper determination to be made.

4. Commander's Action. Marines requesting separation as a result of a defective enlistment/reenlistment agreement will submit their request via the chain of command. The Marine's immediate commanding officer will ensure that all criteria have been clearly met, that the information contained in the request is accurate, and by endorsement will provide:

a. Any additional information considered appropriate, including clarifying statements and copies of pertinent portions of the Marine's service record.

b. The Marine's status regarding any pending disciplinary action.

5. Characterization and Separation Authority. The separation will be honorable unless an entry level separation or an order of release from the custody and control is required. The separation authority for all separations under this paragraph Commandant of the Marine Corps (Code MMSR-3).

6403. CHANGES IN SERVICE OBLIGATION FOR RESERVISTS ON INACTIVE DUTY

1. Discharge for Enlistment or Appointment in the Regular Marine Corps or for Appointment in the Marine Corps Reserve. The enlistment of a reservist is deemed to be automatically terminated upon enlistment in the Regular Marine Corps or upon acceptance of appointment as an officer in the Marine Corps Reserve. Upon receipt of official notification of such enlistment or appointment, commanders will close out the service record of the reservist concerned showing the date of discharge as of the day prior to enlistment in the Regular Marine Corps or of acceptance of appointment. The discharge certificate will be prepared and forwarded to the Marine.

2. Discharge for Enlistment in the Regular Army, Navy, Air Force, Coast Guard. Upon receipt of official notification of the enlistment of a reservist in the Regular Army, Navy, Air Force, or Coast Guard, commanders will effect the discharge of the reservist as of the day prior to such enlistment, and forward the discharge certificate to the member's new organization, if known, otherwise to the Commandant of the Marine Corps (Code MSRB-10) with a statement as to the reason for nondelivery.

3. Discharge for Enlistment in Another Reserve Component of the Armed Forces. Reservists not on active duty and having a military obligation under law who desire to enlist or accept appointment in another Reserve component of the Armed Forces may be discharged subject to the following:

a. The reservist requests the transfer or consents to the transfer after applying to the gaining armed force.

b. The reservist's commander ensures:

(1) The gaining armed force unit has a specific vacancy within a reasonable distance of the reservist's home or place of business and there is no Selected Marine Corps Reserve unit similarly available; or

(2) The gaining armed force unit has a specific vacancy within a reasonable distance of the reservist's home or place of business and the reservist has special experience of a professional, educational, or technical background which is clearly of greater use to the gaining armed force and outweighs the value of the reservist's previous training in the Marine Corps; or

(3) The reservist will be enrolled in an officer training program of the gaining armed force. Where membership in the officer training program does not confer military status, discharge from the Marine Corps Reserve will be for the purpose of immediate enlistment in a Reserve component of the gaining armed force.

c. When a request is approved, the commander will furnish a conditional release to the requestor which shall contain the following elements: applicant's last, first, and middle name; social security number; rank (including pay grade), date of rank, and military specialty; component; organization to which assigned; years, months, and days of total service; summary of other intercomponent transfer (if any); date and place of birth; citizenship and how acquired; summary of military duties performed; brief statement of reason for requesting transfer; statement by member that, in the event of approval, the member will accept assignment to and participate in the accredited training program of the component to which transferred.

d. Upon receipt by the approving authority of evidence that the applicant has been enlisted or has accepted appointment in the gaining armed force, discharge will be effected as of the day prior to the date of such enlistment or acceptance of appointment. The discharge certificate will be forwarded to the gaining armed force for delivery to the reservist.

4. Discharge of reservists who do not have a military obligation to enlist or accept appointment in a Reserve component of another armed force will be in accordance with the criteria and procedures stated in paragraph 6403.3, above, unless the reservist is eligible for discharge upon request. The conditional release in such cases will state that the reservist has no obligated service under law.

6404. CHANGES IN SERVICE OBLIGATION FOR ACTIVE DUTY MARINES

1. To Accept a Commission or Appointment. An active duty Marine may be separated for acceptance of an active duty commission or appointment, or acceptance into a program leading to such a commission or appointment in any branch of the Armed Forces. Along with the Marine's request the Commandant of the Marine Corps (Code MMSR) requires certification from the gaining service that the Marine has been accepted for a commission or an appointment, or acceptance into a program leading to such.

2. An active duty Marine may be separated by the Marine's commander for immediate reenlistment when the Marine has more than 3 months remaining to serve on the enlistment (See MCO P1040.31, paragraph 3001.)

3. A reservist who is "set-back" in training at a recruit depot and cannot meet the last date for entrance to college may be separated. (MCO 1001.54B refers.) The Commanding Generals of the recruit depots may effect this separation.

4. Active duty Marines may be separated under the provisions of an announced early release program authorized by the Commandant of the Marine Corps.

6405 EARLY RELEASE TO FURTHER EDUCATION

1. General. The Commandant of the Marine Corps may authorize particularly deserving enlisted Marines to be released from active duty prior to expiration of active service for the purpose of pursuing their education via college or a vocational/technical school. This program is applicable to all enlisted personnel except:

a. Six-month trainees.

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

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

d. Marines who have acquired additional obligated service due to advanced training.

2. Criteria. The following criteria applies:

a. The Marine must be eligible for an honorable discharge;

b. The Marine's services must not be essential to the command's mission.

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

d. The latest acceptable registration and class convening dates of the school term for which the Marine seeks release must fall within the last 3 months of the Marine's remaining service.

e. Applications will normally be denied if the Marine has:

(1) Received fully funded education, or education for which the Marine incurred obligated service; or

(2) Completed advance technical training; or

(3) Received special compensation during the current enlistment (e.g., reenlistment bonus); or

(4) A military occupational speciality which due to military exigencies requires retention.

3. Application

a. In their applications, all Marines must:

(1) Clearly establish why the specific school term for which release is sought is academically the most opportune time to begin or resume education and why delay of enrollment until normal expiration of service would cause undue hardship;

(2) State in the application, "I understand I am subject to possible recall to active duty and/or prosecution for fraudulent separation if I do not attend the school for which I am granted early release"; and

(3) Provide evidence that full tuition for the first school term has been paid or will be paid.

b. In addition to the requirements in 6405.3a above, Marines applying for separation to attend college must present documentary evidence which establishes:

(1) That the Marine has been accepted without qualification to a recognized institution of higher learning.

(2) The school's accreditation status.

(3) That the Marine will be in a full-time resident course of instruction leading to an associate, baccalaureate or higher degree; and,

(4) The latest date of registration and the class starting date for the specified school term and the next succeeding term.

c. In addition to the requirements in 6405.3a above, Marines applying for separation to attend a vocational/technical school must present documentary evidence which establishes:

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

(2) That the Marine has been accepted without qualification to a full-time resident course of instruction lasting 3 months or more; and

(3) The latest date of registration and the class starting date for the specified school term and the next succeeding term.

d. The term "acceptance without qualification" means that the Marine must be accepted for admission without being subject to any further approval prior to entrance. A statement that the Marine is admissible subject to a review of the Marine's records, or subject to passing an entrance exam, qualifies the acceptance and prohibits the Marine's early release. On the other hand, a Marine who is accepted on probation does meet the requirements for early release.

e. The term "full-time resident course of instruction" means the Marine must take the minimum number of credit hours for the semester, quarter or term considered by the school to be full-time (excluding night school).

4. Commander's Action. Marines who meet the criteria above and who have obtained the required substantiating documentation may submit an application via the chain of command to the Commandant of the Marine Corps (Code MMSR-3).

a. The Marine's immediate commanding officer will ensure that all the criteria have been clearly met, that the information contained in the request is accurate and by endorsement will provide:

(1) A definite recommendation for approval or disapproval.

(2) The applicant's normal EAS, PEBD and current leave balance;

(3) Certification that the Marine is eligible for an honorable discharge.

(4) Certification that the Marine is not requesting early separation to avoid service; and,

(5) Any other information deemed appropriate, such as information submitted in support of a Marine's request for a waiver of any of the criteria.

b. The effective date of separation must be within 3 months of the Marine's normal release date (i.e., EAS, EOS and extension). It is not the "advanced" separation date established by any other early separation program which might be in effect.

c. Applications should be submitted to the Commandant of the Marine Corps (Code MMSR-3) at least 4 weeks prior to the requested date of separation. Marines applying from overseas should apply 6 weeks prior to the requested date of separation.

d. The approved separation date will usually be 10 calendar days prior to the class starting date. In no event will it exceed 30 days.

(1) Leave while awaiting separation, as authorized by the current edition of MCO P1050.3, may be granted by commanders in conjunction with this program; however, it may not be used in combination with the 90-day maximum period to meet a class convening date not falling in the basic criteria. In no event will an effective date of release from active duty be authorized for a date earlier than 90 days in advance of the normal expiration of active service.

(2) Marines returning from overseas who are required to move their families to the school location may be released up to 30 days prior to the class convening date. Their applications must include specific rationale for the earlier date. Approval or disapproval will be on a case-by-case basis.

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

6406. EARLY RELEASE TO ACCEPT PUBLIC OFFICE. A Marine may be released from active duty, permitted to resign, or discharged as appropriate, for the purpose of performing the duties of the President or Vice-President of the United States, a Presidential appointee to a statutory office, a member of either of the legislative bodies of the U.S.; a Governor, any other State official chosen by the voters of the entire State or States; and a judge of courts of record of the U.S., the States and the District of Columbia. In the case of a reservist who is eligible for the Retired Reserve List or is already on the Retired Reserve List, the reservist will be relieved from active duty. Applications will normally be denied if the Marine has:

1. Received fully funded education, or education for which the Marine incurred obligated service; or

2. Completed advance technical training; or

3. Received special compensation during the current enlistment (e.g., reenlistment bonus); or

4. A military occupational speciality which due to military exigencies requires retention.

b. Request supplemental information from the Marine or the Red Cross if needed to make a proper determination.

c. If the case has not been considered by a board and one is considered vital, appoint a board to consider the case as outlined in paragraph 6407.6, above.

d. If the Marine's discharge is considered warranted, take final action regardless of the board's recommendation. If the Marine is discharged, forward the hardship request and supporting papers along with the closed-out service and health records to the Commandant of the Marine Corps (Code MSRB-20).

e. If the Marine's discharge is not considered warranted, forward the application for discharge with all supporting documents together with a synopsis of the proceedings and recommendations of the local review board to the Commandant of the Marine Corps (Code MSRB-20). The separation authority will officially inform the member in writing and include the specific reason or reasons for disapproval. Some statement expressing sympathy and/or providing advice for the Marine to help alleviate the problem should be included.

f. At any time prior to final action the Marine may submit a statement withdrawing the request for discharge. The command will attach this statement to the original request and forward the package to the Commandant of the Marine Corps (Code MSRB-20).

8. Separation. If warranted, follow these procedures for separating the Marine.

a. If the Marine to be separated has a home of record in the continental United States, then

(1) Commands located in the United States will effect the separation locally; or

(2) Commands located outside the United States will transfer the Marine concerned to the nearest Marine Corps activity in the United States for separation.

b. If the Marine to be separated is entitled to and elects transporation to a point outside the United States upon separation, the Marine will be transferred to the Marine Corps activity nearest the point to which transportation is authorized.

6408 PREGNANCY

1. An enlisted woman whose pregnancy has been certified by a medical officer must notify her commanding officer in writing of her desire for either separation or continuation on active duty in accordance with the current edition of MCO 5000.12. In the event such woman Marine neither requests separation nor applies for continuation, her commanding officer will submit a detailed report to the Commandant of the Marine Corps (Code MMSR-3 or RES for reservists not on active duty) enclosing substantiating documentation and requesting disposition.

2. A woman Marine will normally be separated by reason of pregnancy upon her request unless retention is determined to be in the best interests of the service. The request will normally be denied when the woman Marine has:

a. Executed orders in a known pregnancy status; or

b. Received fully funded education; or education for which she incurred obligated service; or

c. Completed advanced technical training; or

d. Received special compensation, during the current enlistment (e.g., reenlistment bonus); or

e. A rating or skill area which due to military exigencies requires retention.

3. Notwithstanding the limitations in paragraph 6408.2, above, a request for separation may be approved by the Commandant of the Marine Corps, on a case-by-case basis, when the request demonstrates overriding and compelling factors of personal need which justify separation for pregnancy.

4. The forms at figure 6-4 will be used for informing women Marines of their eligibility for maternity care.

6409. CONSCIENTIOUS OBJECTION. Process the Marine's request in accordance with the current edition of MCO 1306.16.

6410. SURVIVING FAMILY MEMBER. Process qualifying Marines in accordance with the current edition of MCO 1300.8.

6411. OFFICER CANDIDATE DISENROLLMENT. Officer candidates may submit a written request to the Commandant of the Marine Corps (Code MRRO) for voluntary disenrollment from any of the Marine Corps Officer Candidate Programs. Discharge is authorized only under conditions in which the candidate did not incur, or does not have any service obligation.

6412. NOT SELECTED FOR PROMOTION TO STAFF SERGEANT

1. A Marine may request discharge when it has been verified that the Marine has twice failed of selection for promotion to staff sergeant. The Marine must acknowledge in the request that the unearned portion of any reenlistment bonuses will be recouped.

2. Approval or disapproval of the request will be based on the needs of the service. Marines serving in an area where dependents are not authorized may not be discharged under this provision.

3. A Marine discharged under this provision will be assigned an RE-3C reenlistment code.

4. Requests will normally be denied if the Marine has:

a. Received fully funded education, or education for which the Marine incurred obligated service; or

b. Completed advanced technical training; or

c. Received special compensation during the current enlistment (e.g., reenlistment bonus); or

d. A military occupational speciality which due to military exigencies requires retention.

6413. REDUCTION FROM SNCO TO SERGEANT OR BELOW

1. A Marine may request discharge when it has been verified that the Marine has been reduced in grade from staff noncommissioned officer to sergeant or below.

The Marine must acknowledge in the request that all unearned portions of any reenlistment bonuses will be recouped.

2. Approval or disapproval of the request will be based on the needs of the service.

3. A Marine discharged under this provision will be assigned an RE-3C reenlistment code.

4. Requests will normally be denied if the Marine has:

a. Received fully funded education, or education for which the Marine incurred obligated service; or

b. Completed advanced technical training; or

c. Received special compensation during the current enlistment (e.g., reenlistment bonus); or

d. A military occupational speciality which due to military exigencies requires retention.

6414. RESERVIST BECOMES A MINISTER

1. A Reserve Marine not on active duty who has become a regular or duly ordained minister of religion or who desires to take final vows in a religious order may submit a request for discharge via the chain of command to the Commandant of the Marine Corps (Code RES). The following definitions apply:

a. "Regular minister of religion," is a person whose customary vocation is teaching and preaching the religious principles of the person's church or religious organization without having been formally ordained as a minister of religion but who is recognized by such church, sect or organization as a regular minister.

b. "Duly ordained minister of religion" is a person who has been ordained in accordance with the ceremonial ritual or discipline of a church, religious sect, or religious organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship, and who as a regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed of principles of such church, sect, or organization.

c. The above definitions do not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or religious organization even though the person may have been duly ordained a minister in accordance with the ceremonial ritual or discipline of a religious group.

2. If the reservist is a regular or duly ordained minister of religion as defined above, the request for discharge must be accompanied by a statement or certificate from an appropriate official of the religious order attesting to that fact.

3. If the reservist desires to take final vows in a religious order, the request for discharge must be accompanied by a statement or certificate from an appropriate official of the religious order showing that in order to proceed further with the reservist's acceptance into the religious order, it is required that the

6415. TRANSFER TO THE NAVY HOSPITAL CORPS. A Marine may submit a request for transfer in an active duty status to the Navy Hospital Corps. A copy of the Marine's Armed Service Vocational Aptitude Battery (ASVAB) will accompany the request. Approval or disapproval will be based on the needs of the service. Requests will normally be denied if the Marine has:

1. Received fully funded education, or education for which the Marine incurred obligated service; or

2. Completed advanced technical training; or

3. Received special compensation during the current enlistment (e.g., reenlistment bonus); or

4. A military occupational speciality which due to military exigencies requires retention.

6416. MARINES MARRIED TO OTHER SERVICE MEMBERS

1. A Marine may submit a request for separation provided all of the following conditions are met:

a. Not stationed near enough to the spouse to permit the maintenance of a joint residence;

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

c. The spouse's separation has exceeded 18 months or, if one is serving overseas, the shortest "all others" tour as specified in MCO 1300.8;

d. The Marine is not serving on an extension of service entered into after the marriage; and

e. The Marine has completed 24 months service following completion of a service school if the length of the course was in excess of 20 weeks.

2. Requests will normally be denied if the Marine has:

a. Received fully funded education, or education for which the Marine incurred obligated service; or

b. Completed advanced technical training; or

c. Received special compensation during the current enlistment (e.g., reenlistment bonus); or

d. A military occupational speciality which due to military exigencies requires retention.

6417. TRANSFER TO THE NAVY AS A RELIGIOUS PROGRAM SPECIALIST

1. General. A Marine may request transfer to serve on active duty in the U.S. Navy as a Religious Program Specialist for the purpose of supporting the chaplains serving with either the Navy or the Marine Corps. The request will be submitted via the chain of command to the Commandant of the Marine Corps (Code MMSR-3).

2. Criteria. The Marine must meet the following criteria:

a. Possess a high school diploma or GED equivalent.

b. Be eligible for access to classified information.

c. Must not have been convicted by a civilian or military court within the past 3 years;

d. Must have no speech impediments and be able to write effectively;

e. Have a minimum of 2 years active obligated service remaining as of the date of selection or be willing to extend or reenlist for that amount of time. The Marine must agree to serve this time as a Religious Program Specialist; and,

f. Must not be serving on an enlistment for which a bonus was paid or authorized.

g. Requests will normally be denied if the Marine has:

(1) Received fully funded education, or education for which the Marine incurred obligated service; or

(2) Completed advanced technical training; or

(3) Received special compensation during the current enlistment (e.g., reenlistment bonus); or

(4) A military occupational speciality which due to military exigencies requires retention.

3. Application. The Marine must include the following statement in the transfer request:

a. "I hereby volunteer for the Religious Program Specialist rating with the understanding that I will be required to be supportive of clergy and people of all faiths and will be assigned duties as an assistant to the chaplain serving with units of either the Navy or Marine Corps. I realize I may be required to undergo combat training."

b. The Marine will include one of the following statements, as appropriate:

(1) "I will have a minimum of 2 years active obligated service remaining on the date I am selected as a Religious Program Specialist. I agree to serve in the Navy as a Religious Program Specialist until my EAS. My EAS is __date__"; or,

(2) "At present, I do not meet the criteria of having 2 years minimum active obligated service in order to serve as a Religious Program Specialist. However, if I am selected for the program, I agree to extend or reenlist for the minimum time required to meet the criteria. My EAS is date."

c. Marines should submit a statement and may submit as enclosures any supplemental information that will assist in the evaluation of the request. Such supplemental information may include but is not limited to attendance at a related service school, civilian training or civilian work experience.

4. Chaplain's Recommendation. The chaplain will interview the Marine and provide a formal written recommendation to be included with the Marine's request. The recommendation will provide appropriate comments regarding:

a. The Marine's suitability for assignment to this rating.

b. The Marine's moral character and ability to function in harmony with others.

c. The Marine's ability to perform such duties as:

(1) Custodian of chapel funds;

(2) Maintaining records of chapel funds, appropriated funds and property accounts in support of religious programs,

(3) Training personnel involved in support of religious programs;

(4) Maintaining liaison with ecclesiastical and community agencies; and

(5) Performing administrative, clerical and secretarial duties.

5. Commander's Action. The Marine's immediate commanding officer will:

a. Ensure that the Marine is interviewed by a Navy Chaplain and that the chaplain's formal written recommendation is submitted with the Marine's request.

b. Certify in the forwarding endorsement, that the Marine meets all the criteria for transfer.

c. Forward a copy of the Marine's proficiency/conduct marks if the Marine is a corporal or below or has been a sergeant for less than 18 months.

d. Forward a copy of the Marine's Armed Forces Services Vocational Aptitude Battery (ASVAB). Marines who have not taken the ASVAB will do so prior to submission.

e. Forward a copy of page 8A of the Marine's service record.

f. Counsel the Marine that approval or disapproval of the request is based upon the needs of the Marine Corps. Submission of a request is no assurance that the transfer will be authorized.

6418. RESERVED FOR FUTURE USE

6419. SEPARATION IN LIEU OF TRIAL BY COURT-MARTIAL

1. A Marine may be separated upon request in lieu of trial by special or general courts-martial if charges have been preferred with respect to an offense for which a punitive discharge is authorized and it is determined that the Marine is unqualified for further military service. The escalator clause in section B of paragraph 127C of the Manual for Courts-Martial, 1969 (Rev Ed) may be used to determine if a punitive discharge is authorized if the charges have been referred to a court-martial authorized to adjudge a punitive discharge.

2. Characterization of service normally shall be under other than honorable conditions, but characterization as general (under honorable conditions) may be warranted in some circumstances. Characterization as honorable is not authorized for Marines who have completed entry level status unless the Marine's record is otherwise so meritorious that any other characterization clearly would be inappropriate. When characterization of service under other than honorable conditions is not warranted for a Marine in entry level status the separation shall be described as an entry level separation.

3. Procedure

a. The request for discharge shall be submitted in writing and signed by the Marine.

b. The Marine shall be afforded an opportunity to consult with qualified counsel. If the member refuses to do so, the commanding officer shall prepare a statement to this effect which shall be attached to the file, and the member shall state that the member has waived the right to consult with counsel.

c. Unless the Marine has waived the right to counsel, the request shall also be signed by counsel.

d. In the written request, the Marine shall state that the member understands the following:

(1) The elements of the offense or offenses charged;

(2) That characterization of service under other than honorable conditions is authorized; and

(3) The adverse nature of such a characterization and possible consequences.

e. The request shall also include:

(1) An acknowledgement of guilt of one or more of the offenses charged, or of any lessor included offense, for which a punitive discharge is authorized; and

(2) A summary of the evidence or list of documents (or copies thereof) provided to the Marine pertaining to the offenses for which a punitive discharge is authorized.

f. The separation authority is the GCMCA.

g. Statements by the Marine or the Marine's counsel submitted in connection with a request under this subsection are not admissible against the member in a court-martial except as provided by Military Rule of Evidence 410, (reference (p)).

6420. EARLY RELEASE FROM OVERSEAS UNITS. Marines scheduled to return from permanent overseas duty stations who are within 90 days of completing their active service obligation may request separation upon their return to CONUS or request separation overseas pursuant to guidelines set forth in paragraph 1006.2.

(LETTERHEAD)

From: Commanding Officer
To:

Subj: Eligibility for Maternity Care

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

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

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

4. The provisions of this document do not apply to dependents.

(Signature)

From:
To: Commanding Officer

Subj: Eligibility for Maternity Care

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

(Signature)

Figure 6-4.--Notification of Eligibility for Maternity Care.

SEPARATION AUTHORITY FOR VOLUNTARY SEPARATIONS

Table 6-3

If the Marine is:	And the General Basis for separation is:	And for the Specific Basis for Separation is:	Then the Separation Authority is:
On Active Duty	Defective Enlistment/Reenlistment	Defective Enlistment/ Reenlistment	CMC (Code MMSR-3)
	Convenience of the Government	Early release to further education, Early release to accept public office, Not Selected for Promotion to SSGT, Reduction from SNCO to Sgt or below, Transfer to the Navy Hospital Corps, Transfer to the Navy as a Religious Program Spec; Marine married to other service members; Change in service obligation (paragraph 6404.1)	CMC (Code MMSR-3)
		Dependency/Hardship	CMC (Code MMSR) and CG's with general court-martial authority
		Conscientious Objection Surviving Family Member	CMC (Code MMEA)
		Pregnancy	CMC (Code MMSR-3); CG's with general court-martial authority; District Directors; Commanding officer of separate commands who have special courts-martial convening authority
A reservist on inactive duty	Defective Enlistment/ Reenlistment	Defective Enlistment/ Reenlistment	CMC (Code RES)
	Convenience of the Government	Not selected for promotion to SSGT, Reduction from SNCO to Sgt or below, Reservists becomes a minister, Transfer to the Navy Hospital Corps, Marine married to other service members	CMC (Code RES)
		Dependency/Hardship	CMC (Code RES) CG, 4th MAW/MARTC; CG, 4th MarDiv
		Pregnancy	CMC (Code RES); CG's with general court-martial authority; District Directors; Commanding officer of separate commands who have special courts-martial convening authority
		Change in Service Obligation	CG, 4th MAW/MARTC: CG, 4th MarDiv; District Directors; Director, MCRSC; Commanders of Organized MCR units
An Officer Candidate	Convenience of the Government	Officer Candidate Disenrolls	CMC (Code MRRO)

7020. ENLISTED MARINES ON THE RETIRED LIST

1. A Marine on the Retired List may be ordered to active duty in time of war or national emergency. A retired Marine serving on active duty shall receive full pay and allowances of the respective grade.

2. A retired Marine serving on active duty in the time of war or national emergency will be released from active duty only in accordance with such instructions as may be issued by the Commandant of the Marine Corps.

3. Retired enlisted Marines not on active duty shall receive such retired pay as may be provided by law and shall be paid monthly by the Marine Corps Finance Center (Code CPR), Kansas City, Missouri.

4. Retired enlisted Marines not on active duty are entitled to medical treatment and hospitalization. When hospitalized in a naval hospital, they are entitled to a daily ration.

IDENT SYMBOLS

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

Subj: Transfer to the Fleet Marine Corps Reserve

Ref: (a) AOWP Orig by RUC 54808 dtd ____
(b) MCO P1900.16C, MARCORSEPMAN, par. 7008
(c) MCO P1900.16C, MARCORSEPMAN, par. 7011
(d) JTR, pars. 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 I(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. Upon receipt of these orders, notify your commanding officer of your desires regarding a retirement ceremony in accordance with reference (c).

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

6. You (are) (are not) entitled to extraordinary heroism pay.

7. Your service records will be forwarded to and maintained by the Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, Kansas 66211.

8. You may select a home and receive travel allowance for the travel performed thereto, from this command, provided that the travel is completed within 1 year from the date of your release from active duty. The conditions under which you may be paid travel allowance for travel completed to your home of selection after that date are stated in reference (d). Advance payment of travel allowance to your selected home is not authorized. The home of selection endorsement must be completed prior to submission of these orders for settlement of travel.

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

Name	Relationship	Date of Birth	Date Approved

Figure 7-1.--Format for Orders to Transfer to the Fleet Marine Corps Reserve (FMCR).

10. Your entitlement to travel allowances for your travel and that of your dependents and to storage and shipment of household goods, is stated in reference (c). It is recommended that you read the provisions of that reference prior to your detachment from this command.

11. 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 at the Finance Center.

12. Enclosures (2) through (4) are provided for your retention. Enclosure (5) is an application for identification cards for your eligible dependents. Enclosures (6) and (7) are provided for your use in claiming travel allowances for yourself and your dependents. Following performance of travel to your home of selection, these enclosures should be completed and submitted to the nearest Marine Corps or Navy Disbursing Officer together with the original of these orders and two copies thereof for each claim.

13. 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.

14. 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 Support Center, of any change in your health that might prevent service at sea or in the field in time of war.

15. 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 Support Center, 10950 El Monte, Overland Park, Kansas 66211. The request must be submitted over the Marine's signature and should contain the social security number (SSN) for identification purposes.

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

17. 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.

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

19. Your retirement from the Fleet Marine Corps Reserve will be effective without request on ("can retire" date from CMC authority) 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)).

Figure 7-1.--Format for Orders to Transfer to the Fleet Marine Corps Reserve--Continued.

21. Your presence will be missed by your fellow Marines. On behalf of the Commandant of the Marine Corps and those with whom you have served, I express sincere appreciation for your service and wish you health, happiness, and every success in the future.

By direction

Copy to:
DISBO
MCFC (Code CPR), KSC
MCRFAC, KSC
CMC (Code MMEA)
(Code MMSR-2)
(Code MSRB-10)

UD SRB File (Other as required)

NOTE 1. 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 the 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."

NOTE 2. When a Marine has been recalled to active duty for the purpose of transfer to the FMCR, delete enclosure (7), paragraphs 3, 4, 7, 8, 9, 11, 12, 17, 20 and the home of selection endorsement. Add new enclosure (7), Encl: (7) Survivor Benefit Plan Election Certificate (DD Form 1883) in triplicate. Renumber paragraphs 5, 6, and 10, as 3, 4, and 5. Add the following as paragraph 6:

"Enclosures (2) through (4) are provided for your retention. Enclosure (5) is an application for identification cards for your dependents. Enclosure (6) is provided for your use in claiming travel allowances for yourself under the orders issued by the Commandant of the Marine Corps incident to your current active duty. Your claim for travel, and basic pay and allowances should be submitted promptly to the Marine Corps Finance Center (Code SEC), Kansas City, Missouri 64197. Enclosure (7) is provided for your use in making an election under the Survivor Benefit Plan. Prior to making an election, you should read the current edition of MCO 1741.11. Enclosure (7) should be completed promptly and the original will be forwarded with enclosure (1)."

Renumber paragraphs 13, 14, 15, 16, 18, 19, and 21, as 7, 8, 9, 10, 11, 12, and 13. Substitute enclosure (4) for the present figure 7-2.

Figure 7-1--Format for Orders to Transfer to the Fleet Marine Corps Reserve--Continued.

IDENT SYMBOLS

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

Subj: Release from Active Duty and Transfer to the Retired List

Ref: (a) AWOP Orig. by RUC 54808 dtd_____
(b) 10 U.S.C.
(c) JTR, pars. M4158, M7010 and M8260
(d) IRAM, par. 2004
(e) MCO P1900.16C, MARCORSEPMAN, par. 7011

Encl: (1) Retired Pay Data Form
(2) Retirement Button
(3) Certificate of Retirement
(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. 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 (day before retirement). 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. Upon receipt of these orders notify your commanding officer of your desires regarding a retirement ceremony in accordance with reference (e).

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

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

7. You have given your future address as _____. Report changes of address to the Marine Corps Finance Center (Code CPR), Kansas City, Missouri 64197. The request must be submitted over your signature and should contain your social security number (SSN) for identification purposes.

8. 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). The home of selection endorsement must be completed prior to submission of these orders for settlement of travel. 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.

Figure 7-2.--Format for Orders to Release from Active Duty and Transfer to the Retired List.

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

Name	Relationship	Date of Birth	Date approved

10. Your entitlement to travel allowances for your travel and that of your dependents, and to storage and shipment of household goods, is stated in reference (c). It is recommended that you read the provisions of that reference prior to your detachment from this command.

11. 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.

12. Enclosures (2) through (4) are provided for your retention. Enclosure (5) is an application of ID cards for your eligible dependents. Enclosures (6) and (7) are provided for your use in claiming travel allowances for yourself and your dependents. Following performance of travel to your home of selection, these enclosures should be completed and submitted to the nearest Marine Corps or Navy disbursing officer, together with the original of these orders and two copies thereof for each claim.

13. 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.

14. 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.

15. Expenditures under these orders are chargeable to _____.

16. 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
MCRSC, KSC
CMC (Code MMEA)
(Code MMSR-2)
(Code MSRB-10)

Figure 7-2.--Format for Orders to Release from Active Duty and Transfer to the Retired List--Continued.

UD
SRB
File
(Other as required)

HOME OF SELECTION ENDORSEMENT

I certify that I have selected (city), (state) as my home incident to transfer to the retired list and arrived thereat on (date). I further certify and understand that this selection, once made and travel allowance is received for travel thereto, is irrevocable and no further entitlement to travel allowances shall accrue.

(signature) (date)

NOTE 1. 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. The retired pay will be computed on the basis of _____. 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."

NOTE 2. When a Marine has been recalled to active duty for the purpose of transfer to the retired list delete enclosure (7), paragraphs 2, 3, 4, 6, 7, 8, 10, 12, 13 and the home of selection endorsement. Renumber paragraphs 5 and 9 as 2 and 3. Add the following as paragraph 4:

"Enclosures (2) through (4) are provided for your retention. Enclosure (5) is an application for ID cards. Enclosure (6) is for your use in claiming travel allowance for yourself, under the orders issued by the Commandant of the Marine Corps, incident to your current active duty. Your claim for travel and basic pay and allowances should be submitted promptly to the Marine Corps Finance Center (Code SEC), Kansas City, Missouri 64197. Enclosure (7) is provided for your use in making an election under the Survivor Benefit Plan (SBP). Prior to making an election you should read the current edition of MCO 1741.11. Enclosure (7) should be completed promptly and the original will be forwarded with enclosure (1)."

Renumber paragraphs 11, 13, and 14 as 5, 6, and 7.

Figure 7-2.--Format for Orders to Release from Active Duty and Transfer to the Retired List--Continued.

CHAPTER 8

SEPARATION/RETIREMENT FOR PHYSICAL DISABILITY

8001. AUTHORITY AND RESPONSIBILITY FOR DISABILITY EVALUATION

1. The provisions of this chapter are applicable to all Marines undergoing disability evaluation to determine physical fitness for continued active service or continued service in the Marine Corps Reserve.

2. Title 10 U.S. Code, is the statutory authority for all disability processing. The Secretary of the Navy has the statutory responsibility to prescribe regulations to carry out disability processing within the naval service and exercises all powers, functions and duties incident to the determination of:

a. The fitness for active duty of any member under the Secretary's jurisdiction;

b. The percentage of disability of any such member at the time of his separation from active duty;

c. The entitlement to, and payment of, disability severance pay;

d. The suitability of any member for reappointment, reenlistment, or reentry into active duty.

8002. GENERAL

1. The laws pertaining to physical disability retirement or separation must be administered expeditiously, fairly, equitably and with due regard for the interest of both the Marine and the Government.

2. Disability retirement pay and severance pay authorized by 10 U.S.C., chapter 61 are benefits provided for Marines who, if otherwise qualified, become unfit to perform duty because of physical disability incurred while on active or inactive duty training.

3. Marines who incur disabilities during active service which impair their earning capacity for civil occupations but do not preclude performance of full military duties, may be eligible for compensation under laws administered by the Veterans Administration even though they do not qualify for disability retirement or severance pay through the military disability system.

4. The fact that a Marine is determined to be unfit for duty while on active duty is not sufficient, in itself, to establish entitlement to disability benefits. There must be a determination that this unfitness was incurred while entitled to receive basic pay. "While entitled to receive basic pay" encompasses all types of duty which entitle a Marine to receive active duty pay and any duty without pay which by law may be counted as duty with pay.

5. The fact that a Marine was accepted as being physically qualified for active duty is not conclusive that the disability was incurred after acceptance. It is one piece of evidence to be considered with all of the medical evidence. An increase in the severity of a preexisting disease or injury may be considered as evidence of service aggravation.

6. All Marines are entitled to the same consideration under disability laws regardless of length of service or other retirement eligibility. However, when a Marine continues to perform the normal duties of rank and military occupational specialty until commencing processing for nondisability retirement or separation, it shall be presumed that the member is fit for duty. This presumption can be

overcome only if a Marine, in fact, was physically unable to adequately perform assigned duties even though improperly retained in that position for a period of time; or if an acute, grave illness or injury, or other deterioration of physical condition occurs immediately prior to or coincidentally with nondisability retirement or separation processing and renders the member unfit for further duty.

7. When it has been determined that a member will not return to duty and that it would be advantageous to the member to draw Veterans Administration disability compensation (vice active duty pay from the Armed Forces) the Secretary of Defense has directed that, the member be immediately processed for transfer to the Temporary Disability Retired List or permanently retired for physical disability prior to attaining optimum service hospital benefits. The Veterans Administration makes every effort to provide service members with prompt service, including awards of disability compensation which often exceeds Armed Forces monetary benefits. Whenever a Marine is admitted to a naval hospital with a condition such as severe injury to the nervous system, including quadriplegics, hemiplegics and paraplegics; blindness and deafness requiring definitive rehabilitation; major amputees and such other diseases or injuries which make it obvious that the Marine will not return to duty, preparation for termination of active duty status because of physical disability shall begin immediately. The Marine shall be counseled that, with the members approval, the case shall be given special processing which will result in transfer to the Retired List by reason of physical disability or the Temporary Disability Retired List within a very short time period, approximately 2 weeks. Normally these types of cases will be processed in accordance with the separation instructions contained in paragraph 8202 or 8303 below, except the processing time will be greatly reduced.

8. Members being processed through the disability evaluation system will not be granted leave until the findings of a PEB are accepted except in cases of bona fide emergency.

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

10. A Marine being retired for physical disability will be advanced to the highest temporary or permanent grade or rank in which the member served satisfactorily in any branch of the Armed Forces as determined by the Secretary of the Navy. In cases where the Secretary's determination has not been made prior to the Marine's retirement date, the notification of the determination will be forwarded to the Marine's retirement address and to the Marine Corps Finance Center (Code CPR), Kansas City, Missouri by the Commandant of the Marine Corps (Code MMSR-4).

11. The delegated authority conferred by provisions of this chapter is permissive and does not preclude referral of any case to the Commandant of the Marine Corps (Code MMSR-4) for final disposition.

8003. DEFINITIONS

1. Purpose. For the purpose of this chapter, the definitions set forth below apply.

2. Physical Disability. Any manifest or latent impairment of function due to disease or injury, regardless of the degree, which reduces or precludes a Marine's actual or presumed ability to engage in gainful or normal activity. The term "physical disability" includes mental disease but not inherent defects such as behavior disorders, personality disorders, and primary mental deficiency.

3. Accepted Medical Principles. Accepted medical principles are fundamental deductions consistent with medical facts which are so reasonable and logical as to create a virtual certainty that they are correct.

4. Unfit Because of Physical Disability. A Marine is unfit because of physical disability when the member is unable because of disease or injury to perform the duties of office, grade, rank, or military occupational specialty in such a manner as to reasonably fulfill the purpose of employment on active duty.

5. Optimum Hospital Improvement (for Disposition Purpose). The point during hospitalization when the patient's medical fitness for further active service can be determined; and, it is considered probable that further treatment for a reasonable period in a military hospital will not result in material change in the patient's condition which would alter the ultimate disposition or the amount of benefits in the case.

6. Line of Duty. In absence of clear and convincing evidence to the contrary, disease or injury suffered by Marines shall be considered to have been incurred in line of duty. Disease or injury suffered by Marines shall not be considered to have been incurred in line of duty when found under any one of the following circumstances:

a. As a result of the Marine's misconduct or willful neglect; or

b. While avoiding duty by desertion or unauthorized absence, or

c. While confined under sentence of a court-martial which involved an unremitted dishonorable discharge; or

d. While confined under sentence of a civil court following conviction of an offense which is defined as a felony by the law of the jurisdiction where convicted.

7. Aggravation by Service. Disease or injury noted prior to service or shown by clear and convincing evidence, including accepted medical principles, to have had its inception prior to service, will be conceded to have been aggravated when such disability underwent an increase in severity during the service unless such increase in severity is shown by clear and convincing evidence including medical facts and principles, to have been due to the natural progress of the disease.

8. Released from Active Duty. Released from active duty includes:

a. Transferred to the Temporary Disability Retired List (TDRL).

b. Retired by reason of permanent physical disability.

c. Discharged by reason of physical disability with or without entitlement to severance pay.

8004. COUNSELING

1. Each Marine will be counseled throughout the course of disability evaluation processing by a Disability Evaluation System Counselor (DESC) or officer-lawyer or other officer conversant with physical evaluation procedures. The object of counseling is to ensure that the Marine fully understands the significance of all findings and recommendations made by the medical board, physical evaluation board, and PRC, and the benefits to which the member may become entitled as a result of physical disability.

2. The DESC is an experienced officer, senior enlisted member of the naval service (GySgt or above), or civilian employee at the hospital level designated to perform the duties of counseling Marines who are undergoing physical disability evaluation. The DESC provides those Marines with authoritative and timely answers to their questions and aids them in understanding their rights and entitlements.

3. Counseling is initially the responsibility of the DESC of the medical treatment facility which conducts the medical board on the Marine. If, upon advisement of the CPEB's findings and recommendations, the Marine demands a formal hearing, the DESC will immediately notify the recorder of the CPEB. The recorder of the CPEB will arrange for the Marine's appearance before a formal PEB. The counsel for the Marine at the formal PEB will assume the counseling responsibility.

4. Counseling is provided at the following stage of the physical disability evaluation process:

a. When the findings and recommendations of the medical board are made known to the Marine.

b. When a Marine appears eligible for discharge for disabilities existing prior to service.

c. When the findings and recommendations of the CPEB are made known to the Marine (see paragraph 8103 of this Manual).

d. When the Marine's case is to be considered by a formal physical evaluation board (see paragraph 8104 of this Manual).

e. When the findings and recommendations of a formal physical evaluation board are announced.

f. When the findings and recommendations of the PRC are made known to the Marine (see paragraph 8105 of this Manual).

g. When the findings and recommendations of the NPDRB are made known to the Marine (see paragraph 8107 of this Manual).

5. Additionally, commanding officers must ensure that no Marine is discharged, retired or released from active duty until:

a. The Marine has been counseled concerning veteran's benefits; and

b. The Marine has submitted a Veteran's application for compensation or pension at Separation from Service, VA Form 21-526e, or has refused to submit; and

c. An appropriate entry has been entered in the officer qualification record or service record book concerning receipt of counseling and desires to submit or not submit an application for benefits from the Veterans Administration. Sample entries are located in paragraph 6505 of this Manual and paragraphs 3010.3c and 4014.3c of MCO P1070.12d (IRAM).

6. Ensure that each Marine retired by reason of physical disability is counseled concerning options under the Survivor Benefit Plan (SBP). An election not to participate in SBP, election for coverage of spouse only or child only, or election for coverage on a reduced base amount, must be submitted to the Marine Corps Finance Center (Code CPR), Kansas City, Missouri 64197, upon receipt of the effective date of retirement. Such elections should be made on DD Form 1883. Ensure that the spouse is notified of the Marine's SBP election under those circumstances required by the current edition of MCO 1741.11.

CHAPTER 8

SEPARATION/RETIREMENT FOR PHYSICAL DISABILITY

SECTION 4: DISCHARGE OF MARINES NOT PHYSICALLY QUALIFIED FOR RETENTION

8401. DISABILITY DISCHARGE WITH SEVERANCE PAY. 10 U.S.C., chapter 61, paragraphs 1203 and 1206, provide that certain Marines not eligible for retirement by reason of physical disability but who are nevertheless found unfit for duty by reason of physical disability may be discharged from the Marine Corps with severance pay. Eligibility requirements are contained in tables 8-2 and 8-3.

8402. DISABILITY DISCHARGE WITHOUT SEVERANCE PAY. A Marine who incurs a physical disability that, in the determination of the Secretary of the Navy, renders the member unfit to perform the duties of office, grade, rank, or military occupational specialty and which results from the member's intentional misconduct or willful neglect or which was incurred during a period of unauthorized absence shall be separated from the Marine Corps without entitlement to benefits under the law. Additionally, Marines unfit for retention on active duty because of physical disability which was neither incurred nor aggravated during any period in which the Marine was entitled to basic pay shall be discharged without severance pay.

8403. SEPARATION PROCEDURES FOR DISCHARGE WITH OR WITHOUT SEVERANCE PAY

1. The Commandant of the Marine Corps will direct discharge, with or without severance pay, of Marines by reason of physical disability. Upon receipt of the message directing discharge of a Marine, with or without severance pay, the cognizant commanding officer will advise the Commandant of the Marine Corps (Code MMSR-4) of the actual date of discharge utilizing the format contained in figure 8-6.

2. In the case of transferred personnel, messages will be readdressed to the new command for appropriate action, providing an information copy to the Commandant of the Marine Corps (Code MMSR-4).

8404. DISCHARGES FOR DISABILITIES EXISTING PRIOR TO SERVICE

1. The current editions of SECNAVINST 1850.4, Disability Evaluation Manual, and BUMEDINST 1910.2, provide information relative to medical boards convened for the purpose of discharging enlisted Marines for physical disability not incurred in or aggravated by service. Commanding generals and commanding officers, to include inspector instructors of Marine activities within the United States (less Alaska and Hawaii) are authorized to discharge enlisted or inducted members of the United States Marine Corps and the Marine Corps Reserve on active duty including active duty for training because of physical disability provided:

a. The Marine has appeared before a medical board and the board has stated affirmatively and specifically the opinion that the Marine is unfit for further service because of physical disability and that the physical disability was neither incurred in nor aggravated by a period of active military service. No Marine shall be discharged because of physical disability who does, in fact, meet the minimum standards for enlistment or induction. Refer to the Manual of the Medical Department, article 15-77b(1) for instructions pertaining to members of the Marine Corps Reserve who have been ordered to involuntary active duty for unsatisfactory participation.

b. The convening authority of the medical board concurs in the opinions of the board.

c. The Marine has been fully advised, by the convening authority of the medical board, of the right to demand a full and fair hearing before a PEB prior to discharge.

d. The Marine, after having been advised of the right to a full and fair hearing prior to discharge, waives that right by certifying such, in writing, on form NAVMED 6100/3.

e. There is no disciplinary action pending, including court-martial or investigative proceedings which might lead to court-martial, or uncompleted sentences of court-martial involving confinement or discharge.

f. There is no administrative discharge pending.

g. There is no indication of drug addiction, alcoholism, homosexuality or criminalism.

h. There is no evidence that the Marine is under investigation or is being processed as a security risk.

i. The Marine has less than 3 years continuous active service. In the case of a Marine with over 3 years continuous service, any increase in the severity of a preexisting disease or injury will be considered as aggravated by service if the increase in severity was not due to intentional misconduct or willful neglect. In these cases the Marine's medical board will be forwarded for departmental review.

2. When the commander is of the opinion that an enlisted Marine qualified for discharge by reason of physical disability in accordance with this paragraph should be discharged by reason of unsuitability, misconduct, or for other reasons, the medical board report shall be forwarded to the Commandant of the Marine Corps (Code MMSR-4) via the Chief, Bureau of Medicine and Surgery (Code 2612) for final action after the Marine has been processed in accordance with the administrative discharge provisions contained in chapter 6 of this Manual.

3. The authority for discharge is paragraph 8404 of this Manual and the current edition of BUMEDINST 1910.2.

4. Paragraph 8404 of this Manual is not applicable to officers. Officers will be discharged only at the discretion of the Commandant of the Marine Corps.

5. The Manual of the Medical Department requires that when a report of medical board results in the local discharge of Marines, the conditions reported on have been determined to have existed prior to entry into the military service, and the preentry physical examination was performed at an Armed Forces Examining and Entrance Station, a copy of the medical board report with a copy of the preentry SF 88 and 93 shall be forwarded to Commander, U.S. Army Recruiting Command, Fort Sheridan, Illinois 60037. The terminated health record will be inserted inside the service record and forwarded in accordance with the Manual of the Medical Department article 16-9 and IRAM, paragraph 4001.5, table 4-1.

8405. DISCHARGE FOR PERSONALITY DISORDER AS DETERMINED BY A MEDICAL BOARD

1. The current editions of SECNAVINST 1850.4, Disability Evaluation Manual and BUMEDINST 1910.2, provide information relative to medical boards convened for the purpose of discharging enlisted Marines for personality disorders.

2. A Marine who has appeared before a medical board and the board has stated affirmatively and specifically the opinion that functional usefulness is impaired to such an extent as to cause military unsuitability due to personality disorders and the convening authority of the medical board concurs in the opinion of the board, will be processed for separation in accordance with paragraph 6203.3 of this Manual.

8406. DISCHARGE OF MEMBER OF AN OFFICER TRAINING PROGRAM FOUND NOT PHYSICALLY QUALIFIED FOR RETENTION

1. The Commanding General, Marine Corps Development and Education Command, Quantico, Virginia, is authorized to discharge members of officer training programs upon notification by the Chief, Bureau of Medicine and Surgery that the member is not physically qualified for retention on active duty as an enlisted member subject to the following provisions:

a. Upon report from a medical officer that an officer candidate has been determined to be not physically qualified for retention, the commander concerned will forward the Report of Medical Examination (SF 88) to the Chief, Bureau of Medicine and Surgery (Code 2612) provided the officer candidate:

(1) Is not on active duty, or

(2) Is on active duty but the medical officer's determination is the result of the initial physical examination administered upon the candidate's reporting to an officer training course, and it is established that the disqualification is not the result of an injury incurred while performing travel incident to reporting to the officer training course.

(3) Submits a request for discharge by reason of being found not physically qualified for retention on active duty.

b. The Chief, Bureau of Medicine and Surgery will notify the Commanding General, Marine Corps Development and Education Command of recommendation concerning the disposition of the case.

c. Should the officer candidate desire to enter or remain on active duty, the commander concerned will forward the Report of Medical Examination (SF 88) to the Commandant of the Marine Corps (Code MRRE-3) via the Chief, Bureau of Medicine and Surgery (Code 2612) with a recommendation as to retention.

d. Authority for discharge is paragraph 8406 of this Manual.

2. In cases where the officer candidate is found physically qualified for retention as an enlisted member but is not physically qualified for appointment as an officer in the Marine Corps, the commander concerned will forward the Report of Medical Examination (SF 88) to the Commandant of the Marine Corps (Code MRRE-3) via Chief, Bureau of Medicine and Surgery (Code 2612).

3. Cases wherein the officer candidate is on active duty and is found not physically qualified at a time subsequent to the initial "reporting in" physical examination the candidate will be processed in accordance with the current editions of SECNAVINST 1850.4, and BUMEDINST 1910.2.

b. The Voucher or Claim for Dependent Travel and Dislocation or Trailer Allowance (DD Form 1351-4). When a Marine who has dependents is transferred under orders issued pursuant to this authority, the disbursing officer will advise the member of the procedures for submitting claims for transportation of dependents and will furnish sufficient copies of DD Form 1351-4.

9. Commanders will collect and destroy the Marine's identification card (DD Form 2MC) and issue, in lieu thereof, an identification card (DD Form 2MC) valid for 120 days. Should final disposition exceed 120 days, commanders will issue at the request of the Marine and subsequent to the expiration date of the card another identification card valid for 60 days. If appropriate, a retired identification card (DD Form 2 (Retired)) will be issued in accordance with the instructions contained in the current edition of MCO 5512.10.

8505. VOLUNTARY SEPARATION PRIOR TO COMPLETION OF FINAL ACTION ON PHYSICAL DISABILITY PROCEEDINGS

1. A Regular or a Reservist who has been ordered to active duty for more than 30 days, excluding involuntary active duty training for 45 days, should not be discharged or released upon expiration of active duty if medical treatment or disability proceedings have not been completed. If such a Marine requests separation despite this circumstance and prior to final action by the Secretary of the Navy, the Marine will be instructed that the law, chapter 61, 10 U.S.C., requires that to be eligible for physical disability retirement or discharge with severance pay, a member must be in receipt of basic pay at the time the Secretary of the Navy makes the necessary physical disability determination and that separation prior to that time may prejudice any future claim for disability benefits. If after this explanation the Marine still demands to be separated, the following entry will be made in the service record book on page 11:

"I request that I be discharged (released from active duty) despite the explanation which has been given me that in order to be eligible for physical disability retirement or severance pay I must be entitled to receive basic pay at the time the Secretary of the Navy makes a determination in my case. Notwithstanding possible prejudice in my case, I still desire separation. I have been advised of my right to file a claim with the Veteran's Administration for compensation, pension or hospitalization. I (do) (do not) desire to file a claim with the VA for compensation, pension or hospitalization.

(Signature of Marine) (Signature of Marine Officer effecting separation)"

a. This entry must be dated and signed by the Marine and witnessed by an officer prior to actual separation. In all cases a certified true copy of the Marine's statement will be forwarded to the Commandant of the Marine Corps (Code MMSR-4) immediately upon separation.

b. Any Marine who is contemplating a waiver of rights pursuant to this paragraph should be counseled by an officer-lawyer.

2. Marines who are eligible for retirement or transfer to the FMCR or who have already submitted their application to retire or transfer to the FMCR and who are involved in some aspect of physical disability proceedings at the time shall be advised that authorization for retirement or transfer to the FMCR will not be issued pending final disposition of physical disability proceedings. Applications for retirement or transfer to the FMCR should not be submitted and if submitted, will not be processed unless the member desires to waive the rights and benefits to which the member is entitled under chapter 61, 10 U.S.C. If the member desires

to retire or transfer to the FMCR rather than continue with disability processing, the commanding officer shall advise the member that the action may prejudice the Marine's case since the law requires that the Secretary of the Navy makes the determination on the disability case while the member is entitled to receive basic pay. If the Marine still desires to retire or transfer to the FMCR after this explanation, the following entry will be made on the administrative remarks page of the OQR/SRB:

"I hereby certify that it has been explained to me that I may be suffering from a physical disability and that I am entitled to a full and fair hearing before a PEB under 10 U.S.C. 1214. With full knowledge of my rights in this matter I requests that I be retired or transferred to the FMCR on ( ) despite the fact that in order to be eligible for physical disability retirement I must be entitled to basic pay at the time the Secretary of the Navy makes a determination in my case. I have been advised of my rights to file a claim with the Veteran's Administration for compensation, pension, or hospitalization. I (do) (do not) desire to file a claim with the VA for compensation, pension, or hospitalization.

_____ _____
(Signature of Marine) (Signature of Marine Officer effecting separation)"

a. This entry must be dated and signed by the Marine and witnessed by an officer. Additionally, any Marine who is contemplating executing a waiver of rights pursuant to this paragraph should be counseled by an officer-lawyer.

b. When a Marine executes the above waiver the Commandant of the Marine Corps (Code MMSR-4) shall be notified by message with an information copy sent to the Naval Council of Personnel Boards.

8506. ACTIVE DUTY FOR PHYSICALLY RESTRICTED PERSONNEL

1. The Commandant of the Marine Corps may recommend to the Secretary of the Navy that a Marine, particularly one with over 18 but less than 20 years of active service, be permitted to continue on active duty in an appropriate limited assignment. A Marine so continued on active duty must be unfit because of physical disability with a basically stabilized condition, or one in which accepted medical principles indicate a slow progression of the disabling condition. The Marine must be able to function in a normal military environment, without adverse affect on personal health or the health of other Marines, or requiring an inordinate amount of medical care. Additionally, the Marine must request retention in writing.

2. Retention of physically restricted Marines is accomplished as the result of action by the Secretary of the Navy on physical disability proceedings provided through a PEB.

a. Marines with over 18 but less than 20 years of active service may be retained on active duty at the direction of the Secretary of the Navy based upon a favorable recommendation by the Commandant of the Marine Corps.

b. Marines who have in excess of 16 years but less than 18 years of active service and where the proposed action of the PEB would result in the Marine being discharged with severance pay may be considered for retention on active duty in limited duty status to complete 20 years active service.

3. Marines, particularly those with over 20 years of active service, will not be continued on active duty solely to increase their monetary benefits, nor will

they be continued unless their employment will contribute to the effectiveness of the Marine Corps.

4. A Marine continued on active duty under these provisions shall be closely observed to assure that further continuance on active duty, or conversely, separation, is consonant with the best interests of the Marine and Marine Corps. When a Marine becomes unable to perform effectively in a limited duty assignment, the Marine shall be admitted to a naval hospital for observation, treatment, and appropriate disposition.

5. Marines retained on limited duty pending reevaluation at a later date will be assigned in accordance with the specific instructions contained in the Commandant's endorsement of the medical board report. Care must be exercised to ensure that the Marine is reevaluated within the month designated by the Commandant.

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

MCO P1900.16C
MMSR-1-bjm
4 Oct 1982

MARINE CORPS ORDER P1900.16C w/ch 1, 2, 3, 4, 5, 6, 7, 8

From: Commandant of the Marine Corps
To: Distribution List

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

Encl: (1) LOCATOR SHEET

Report Required: Statistics on Administrative Separations (Report Symbol MC-1900-02), par. 6102.3

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

2. Cancellation. MCO P1900.16B, MCO 1900.2H and MCBul 1830 of 11 June 1980.

3. Effective Date. 1 October 1982.

4. Summary of Revision. This revision contains a substantial number of changes and should be completely reviewed. This Manual has been revised and reduced to eight chapters. The major changes for officers are the implementing provisions of the Defense Officer Personnel Management Act (DOPMA) in chapters 2, 4, and 5. Provisions for enlisted administrative separations are contained in chapter 6 and have been completely revised.

5. Recommendation. Recommendations for changes to this Manual are invited and should be submitted to the Commandant of the Marine Corps (Code MMSR) via the appropriate chain of command for evaluation.

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

7. Certification. Reviewed and approved this date.

D'Wayne Gray
D'WAYNE GRAY
By direction

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Location: _____
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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

RECORD OF CHANGES

Log completed change action as indicated.

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

INTRODUCTION

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

0002. STATUS

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

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

0003. SCOPE

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

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

0004. RESPONSIBILITY

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

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

0005. ORGANIZATION

1. The Marine Corps Separation and Retirement Manual consists of one volume containing 8 chapters and an introduction. This Manual is functionally arranged, utilizing the chapters as major divisions. The chapters are numbered in sequence and are listed in the Contents.

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

Example. 6012.3a(2)

Chapter 6
Paragraph 12
Subparagraph 3a(2)

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

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

0006. CHANGES

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

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

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

1. Correspondence and messages -

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

2. Directives -

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

3. Personnel records and forms only -

MARCORSEPMAN, par. 6012.3a(2)

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 1

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CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

1001. GENERAL

1. This Manual sets forth the procedures for separating Marines in the following instances:

a. Upon fulfillment of service obligation/requirement by reason of: expiration of active service (EAS), expiration of obligated service (EOS), transfer to the Fleet Marine Corps Reserve, transfer to the Retired Reserve, retirement, or officer resignation.

b. Prior to completion of service obligation by reason of: disability; administrative separation, both voluntary and involuntary; convenience of the Government; minority; homosexuality; misconduct; good of the service; security; or failure of selection for promotion or resignation for cause in the case of certain officers.

2. The remainder of this chapter provides information and prescribes the procedures and policies which are in essence applicable to all Marines unless otherwise specifically noted.

1002. DEFINITIONS

1. 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 the Secretary of the Navy, but specifically excluding punitive separation by the sentence of a general or special court-martial.

2. Discharge. Complete severance from all military status gained by the enlistment or induction concerned.

3. Military Record. An individual's overall performance while a member of the military service, including personal conduct and performance of duty.

4. 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.

5. Release from Active Duty. Termination of active duty status and transfer or reversion to a Reserve component not on active duty, including transfer to the Individual Ready Reserve (IRR).

6. Separation. A general term which includes discharge, release from active duty, release from custody and control of the armed forces, transfer to the IRR, and similar changes in active or Reserve status.

1003. TYPES OF SEPARATIONS. There are eight types of separation which are listed below. The first six are administrative and may be awarded in accordance with the provisions of this Manual. The last two are punitive and may only be awarded as a result of an approved sentence of the appropriate level court-martial. Note that in certain cases service upon separation may be uncharacterized.

Types of Separation	Character of Separation	Given by
Honorable discharge	Honorable	Administrative action
General discharge	Under honorable conditions	-do-
Discharge under other than honorable conditions	Under other than honorable conditions	-do-
Entry level separation	Uncharacterized	Admin action entry level status
Dropped from the rolls	-do-	Administrative action
Order of release from custody or control of the Marine Corps	-do-	Admin action required
Bad conduct discharge	Under other than honorable conditions	General or special court-martial
Dishonorable discharge	Dishonorable	General court-martial

1004. CHARACTERIZATION OF SERVICE

1. Types of Characterization or Description

a. At separation, the following types of characterization of service or description of separation are authorized:

(1) Characterization of service as honorable, general (under honorable conditions), or under other than honorable conditions.

(2) Entry level separation.

(3) Order of release from the custody and control of the Marine Corps by reason of void enlistment or induction.

(4) Dropped from the rolls of the Marine Corps.

2. Characterization of Service

a. General Considerations

(1) Most Marines earn honorable discharges. A few, for a variety of reasons, do not measure up. In fairness to the majority who serve honorably and well, commanders and separation authorities should take particular care to ensure undeserving Marines receive no higher characterization than is due. Table 1-1 contains the rules for determining character of service.

(2) Characterizing service is a form of recognizing a Marine's performance during a period of enlistment. Marines in general and commanding officers in particular should not underestimate the importance and value of characterization. For Marines, it serves both as a service goal and as a meaningful endorsement to potential employers. For commanders, it serves as a tool, all too often unused, in performance counseling and awarding of proficency and conduct markings. Characterization of service is based upon Marine's military behavior and performance of duty, both of which commanders constantly evaluate. So, conduct and proficiency markings and fitness reports, whichever apply, form the primary basis for determining the character of a Marine's service.

(3) Characterization at separation shall be based upon the quality of the member's service, including the reason for separation. The quality of service will be determined in accordance with standards of acceptable personal conduct and performance of duty for military personnel. These standards are found in the UCMJ, directives and regulations issued by the Commandant of the Marine Corps and higher authorities, the enlisted performance evaluation system as set forth in the current editions of MCO P1610.7 (Performance Evaluation System) and MCO P1070.12 (Individual Records and Accounting Manual) respectively, the Marine Corps Manual, and the time-honored customs and traditions of the Marine Corps and naval service.

(4) Only the Commandant of the Marine Corps (Codes MMSR and RES) or general court-martial convening authorities may waive the rules in table 1-1 and approve characterizations based on other than military record alone. When there is doubt as to appropriate characterization or a commanding officer believes a characterization other than table 1-1 allows is more appropriate, forward a letter describing the particular circumstances, the commander's observations and specific recommendation to the separation authority. Final action on any such case must occur prior to the separation date. If not complete the Marine receives the higher of the characterizations in question. In any case where a Marine's record supports honorable characterization and the commanding officer recommends a lesser, notify the Marine in accordance with paragraph 6303 of this Manual.

b. Types of Characterization

(1) Honorable. The honorable characterization is appropriate when the quality of the member's service generally has met the standards of acceptable conduct and performance of duty for military personnel, or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(2) General (under Honorable Conditions). If a member's service has been honest and faithful, it is appropriate to characterize that service under honorable conditions. Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the member's conduct or performance of duty outweigh positive aspects of the member's military record. This characterization may be issued when a Marine's average proficiency and conduct marks are below 3.0 and 4.0 respectively.

(3) Under Other Than Honorable Conditons

(a) This characterization may be issued in the following circumstances:

1 When the reason for separation is based upon a pattern of behavior that constitutes a significant departure from the conduct expected of Marines.

2 When the reason for separation is based upon one or more acts or omissions that constitute a significant departure from the conduct expected of Marines. Examples of factors that may be considered include the use of force or violence to produce serious bodily injury or death, abuse of a special position of trust, disregard by a superior of customary superior-subordinate relationships,

acts or omissions that endanger the security of the Marine Corps, deliberate acts or omissions that seriously endanger the health and safety of other persons, and drug/alcohol abuse.

(b) This characterization is authorized only if the member has been afforded the opportunity to request an administrative board, except in cases of separation in lieu of trial by courts-martial (paragraph 6211).

c. Limitations on Characterization. Except as otherwise provided in this paragraph, characterization will be determined solely by the member's military record during the current enlistment or period of service to which the separation pertains, plus any extensions prescribed by law or regulation or effected with the consent of the member.

(1) Prior service activities, including records of conviction by courts-martial, records of absence without leave, or omissions of other offenses for which punishment was not imposed shall not be considered on the issue of characterization. To the extent that such matters are considered on the issue of retention or separation, the record of proceedings may reflect express direction that such information shall not be considered on the issue of characterization.

(2) Preservice activities may not be considered on the issue of characterization except as follows: in proceedings concerning fraudulent entry into the Marine Corps, evidence of preservice misrepresentations about matters that would have precluded, postponed or otherwise affected the member's eligibility for enlistment or induction may be considered on the issue of characterization.

(3) When the sole basis for separation is a serious offense which resulted in a conviction by a special or general courts-martial that did not impose a punitive discharge, the member's service may not be characterized under other than honorable conditions unless approved by the Secretary of the Navy.

(4) The limitations in paragraph 6105 on matters that may be considered on the issue of separation are also applicable to characterization of service.

(5) Conduct in the civilian community of a member of a Reserve component who is not on active duty or active duty for training may form the basis for characterization under other than honorable conditions only if such conduct affects directly the performance of military duties. Such conduct may form the basis of characterization as general (under honorable conditions) only if such conduct has an adverse impact on the overall effectiveness of the Marine Corps including military morale and efficiency.

(6) A member's voluntary submission to a DoD treatment and rehabilitation program for personal use of drugs and evidence provided voluntarily by the member concerning personal use of drugs as part of initial entry into such a program may not be used against the member on the issue of characterization. This limitation does not preclude the following actions:

(a) The introduction of evidence for impeachment or rebuttal purposes in any proceedings in which the evidence of drug abuse (or lack thereof) has been first introduced by the member; and

(b) Taking action based on independently derived evidence, including evidence of drug abuse after initial entry into the treatment and rehabilitation program. However, this does not authorize the use of urinalysis conducted solely as a result of a member's voluntary self-referral; in order for urinalysis results to be used on the issue of characterization, they must not have been obtained as part of a treatment and rehabilitation program.

(7) The results of mandatory urinalysis may be considered on the issue of characterization when the evidence was gathered during an inspection under

military Rule of Evidence 313, MCM, or from a search and seizure under Military Rules of Evidence 311-317, MCM, or incident to an examination conducted for a valid medical purpose under military Rule of Evidence 312(F).

3. Uncharacterized Separation

a. Entry Level Separation

(1) A separation initiated while a member is in entry level status (see definition in paragraph 6002.9) will be described as entry level separation except in the following circumstances:

(a) When characterization under other than honorable conditions is authorized under a reason for separation (chapter 6) and is warranted by the circumstances of the case; or

(b) When characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of military duty and is approved on a case-by-case basis by the Secretary of the Navy. Honorable characterization will be considered when the member is separated, by reason of selected changes in service obligation, convenience of the Government, disability, or secretarial plenary authority.

(2) With respect to administrative matters outside this Manual that require a characterization as honorable or general, an entry level separation shall be treated as the required characterization. In accordance with 10 U.S.C. 1163 Separation of a member of a Reserve component in the Delayed Enlistment Program or in the Selected Marine Corps Reserve awaiting assignment to Initial Active Duty for Training is under honorable conditions.

b. Void Enlistments or Inductions. A member whose enlistment or induction is void shall not receive a discharge certificate, characterization of service at separation, or an entry level separation. The separation shall be described as an order of release from custody or control of the service concerned. However, when a constructive enlistment arises, characterization is required in paragraph 1104.3b(3) below.

(1) An enlistment is void in the following circumstances:

(a) If it was effected without the voluntary consent of a person who has the capacity to understand the significance of enlisting in the Marine Corps including enlistment of a person who is intoxicated or insane at the time of enlistment.

(b) If the Marine is under 17 years of age.

(c) If the person is a deserter from another military service.

(2) Although an enlistment may be void at its inception, a constructive enlistment arises in the case of a person serving with the Marine Corps who:

(a) Submitted voluntarily to military authority;

(b) Met the mental competency and minimum age qualifications in paragraph 1104.3b(1) above at the time of voluntary submission to military authority;

(c) Received military pay or allowances; and

(d) Performed military duties.

(3) If an enlistment that is void at its inception is followed by a constructive enlistment within the same term of service, characterization of service

or description of separation shall be in accordance with paragraph 1104.2 or paragraph 1104.3a, as appropriate. However, if the enlistment was void by reason of desertion from another service, the member shall be separated by an order of release from the custody and control of the separating service concerned, regardless of any subsequent constructive enlistment, unless the Secretary of the Navy determines that retention is appropriate.

(4) The occurrence of such a constructive enlistment does not preclude the Commandant of the Marine Corps in an appropriate case, from either retaining the member or separating the Marine on the basis of the circumstances that occasioned the original void enlistment or upon any other basis for separation provided in this chapter.

c. Dropping from the Rolls. A member may be dropped from the rolls of the Marine Corps when such action is authorized by the Commandant of the Marine Corps and a characterization of service or other description of separation is not authorized or warranted.

(1) Basis. A member with broken service may be separated for failure to satisfactorily complete indoctrination training. When separation of a member with broken service is warranted, the member should normally be separated under this paragraph. However, nothing in this provision precludes separation under other provisions of this instruction.

(2) Counseling and Rehabilitation. Separation processing may not be initiated unless the Marine has been counseled concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as documented in appropriate counseling and personnel records. Such efforts must include the following:

(a) Written notification concerning deficiencies or impairments;

(b) Specific recommendations for corrective action indicating any assistance available;

(c) Comprehensive explanation of the consequences of failure to undertake successfully the recommended corrective action;

(d) Reasonable opportunity for the Marine to undertake the recommended corrective action. However, members with prior service have successfully demonstrated appropriate military behavior and conformance to military regulations and customs as well as adherence to the Uniform Code of Military Justice. Accordingly, it is reasonable to require these Marines to readapt rapidly to appropriate military behavior and, therefore, failure to rehabilitate themselves could be evident in a short period of time.

(3) The notification procedure in paragraph 6303 shall be used.

(4) A separation under this paragraph shall be described as dropping from the rolls, and shall not receive further characterization description.

1005. DISCHARGE FOR EXPIRATION OF ENLISTMENT OR FULFILLMENT OF SERVICE OBLIGATION

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

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

3. Except for reenlistment or when discharge is otherwise directed by competent authority, enlisted Marines who have not completed obligated service under law will not be discharged upon expiration of enlistment. They will be transferred to the Individual Ready Reserve in accordance with MCO 1900.2H.

1006. TIME AND PLACE OF SEPARATION

1. Commanding officers separate Marines under their command when due or directed except:

a. When the unit is located outside the continental United States.

b. When the Commandant of the Marine Corps (Code MMSR) directs transfer for separation elsewhere based upon humanitarian or hardship circumstances.

c. When the Marine is a resident of Puerto Rico. Unless the Marine submits a written request to the contrary, commanders must transfer Marines who both are resident of and entered the Marine Corps in Puerto Rico to that commonwealth for separation at Marine Barracks Roosevelt Roads.

d. When the Marine is in unauthorized absence status on the effective date of separation.

e. When a Marine pending administrative discharge goes U.A. prior to the separation authority's decision in the case.

2. Marines are normally separated in the United States. Commanding officers of units overseas must transfer Marines pending separation to the nearest Marine Corps' activity in the continental United States which has government messing, quarters, medical, and Marine Corps disbursing facilities to ensure arrival at the separation location as close to but not later than 10 days prior to the effective date of discharge. Marines returning from permanent overseas duty stations who are within 90 days of completing their active service obligation may request separation upon return. Upon the Marine's completing the administrative requirements below, commanders of separation activities may effect the early separation.

a. Criteria

(1) Marine's enlistment (including any extension thereof) or period of extended active duty will expire 90 days or less after the date of arrival in CONUS.

(2) Marine consents in writing as outlined in subparagraph 1006.2d, below.

(3) Marine is not indebted to the Government.

(4) Marine does not intend to reenlist.

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

b. Military Obligation. Separation should be consistent with the military obligation of the Marine. In this connection enlisted Marines whose total obli-

gated service as defined in MCO P1001R.1E, MCRAMM, paragraph 3000.1, will expire within a 60-day period may be discharged rather than released to inactive duty and their obligation shall be considered fulfilled. Marines desiring to reenlist immediately will not be separated under this authority.

c. Separation Prior to Arrival in CONUS. A Marine who is entitled to and elects transportation to an area outside CONUS may be separated overseas provided the Marine meets the criteria of paragraph 1006.2a and;

(1) The Marine would be eligible for release from active duty or discharge under the provisions of paragraph 1006.2, based on scheduled date of arrival in CONUS and consents to such separation in writing as outlined in paragraph 1006.2d, below and;

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

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

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

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

(2) Refer to paragraph 1007.6 for information concerning the effective date of separation of reservists assigned to active duty.

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

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

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

3. Separation Locations for Marines Returning CONUS for Retirement/Transfer FMCR. Marines returning to the continental United States for immediate retirement/transfer to the FMCR may select one of the following stations for separation processing, regardless of availability of government billeting and messing:

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
MCLBLant Albany GA	063	HQ 1st MCD GCTY	902
MCLBPac Barstow	019	HQ 4th MCD PHILA	904
MCRD PISC	016	HQ 6th MCD ATLA	908
MCRD SDiego CA	017	HQ 8th MCD NRLINS	910
MCDS Cherry Pt NC	022	HQ 9th MCD Shawnee Mission KS	912
MCAS EL Toro CA	023	HQ 12th MCD TISFRAN	914

The commanding officer of the old duty station shall:

a. Counsel the member on the Survivor Benefit Program (SBP).

b. Ensure that the OQR/SRB/HR/DR accompany the member to the separation activity.

c. Submit biographical information on the member, suitable for reading at the retirement ceremony, to the separation activity 30 days prior to separation.

4. Exceptions. All Marines, not covered in paragraph 1006.2b 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 and Code 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.

5. Required Paragraph in Orders. 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. Traveltime 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."

6. Except for those using leave as authorized by paragraph 1010, Marines returning from overseas assignments who desire to retire/transfer to the FMCR will do so within 30 days of returning to the continental United States or will be required to serve for a minimum of 1 year at a new duty station. The preceding does not apply to mandatory, by law, retirements. For the purpose of the provisions of this paragraph the 1 year requirement at the new duty station is interpreted to mean 1 year of duty within the same geographic area as determined by the geo-location date current tour began established in the JUMPS/MMS.

7. Separation Outside CONUS. Marines serving overseas whose permanent residence is outside the continental United States may request separation at the Marine Corp's activity nearest their home rather than returning to the United States. Also, Marines serving overseas may request to separate at their duty station under the following condition:

a. Eligible for separation under honorable conditions or higher.

b. Country in which Marine is separating is nonbelligerent.

c. Marine has passport and permission to remain in the country.

In order to approve such request, commanding officers may accept a written statement from the appropriate consular or diplomatic representative that the Marine concerned has applied for and is eligible to receive a passport upon separation from the service. Similarly, a written statement from the foreign government authorizing a Marine to travel or reside in that country will suffice for proof of permission to remain in the country. Approval authority under this paragraph rests with the commanding officer for enlisted Marines. Officers desiring separation under this paragraph must forward their requests and supporting documents to the Commandant of the Marine Corps (Code MM).

1007. EFFECTIVE TIME OF SEPARATION

1. A discharge or separation takes effect upon delivery of the discharge or separation document, except as indicated in paragraph 1002.5 above. 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 document.

2. In cases where discharge has been authorized or directed and the Marine is unavailable due to 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 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 to proceed to 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, the Marine 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. When the date of discharge is not indicated, approved administrative discharage 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.

6. The release from active duty of a reservist who was assigned to active duty as a reservist is effective at the expiration of authorized traveltime. 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.

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 Reserve), or to order release from active duty (Regular or Reserve) 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."

The following instructions are applicable to Marines discharged or released early under authority contained in this paragraph:

(1) Marines shall be considered eligible for the Good Conduct Award in all instances where eligibility therefore would have been established through normal expiration of obligated active service.

(2) Recoupment of reenlistment bonus will not be made.

(3) 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.

1008. RETENTION BEYOND DATE DUE FOR SEPARATION

1. A Marine may be retained for convenience of the Government beyond the date due for separation in the following cases:

a. Hospitalized, Undergoing Medical Treatment, or Not Physically Qualified for Release. A Marine on active duty who is hospitalized, undergoing medical treatment, or who is found not physically qualified for release will, with written consent, be retained on active duty until disposition of case has been made by medical authorities except in the case of an officer subject to mandatory separation. In the latter case only the Secretary of the Navy acting within specific limited guidelines may authorize deferral of a mandatory separation for medical reasons.

b. Disciplinary Status

(1) Those personnel to whom jurisdiction has attached by commencement of action with a view to trial, as by apprehension, arrest, confinement, or filing of charges, prior to release from active duty, may be retained on active duty. Once jurisdiction has so attached, it continues for all purposes of trial, sentence, and punishment.

(2) Entitlement to pay and allowances for personnel retained after expiration of term of service in a disciplinary status will be as prescribed in paragraph 10316b of Department of Defense Military Pay and Allowances Entitlements Manual (DODPM).

(3) Personnel retained beyond EAS due to serving a sentence or awaiting appellate review of a courts-martial may be discharged under the provisions of, and upon compliance with, section 0135 of JAG Manual and/or SECNAV instructions in the 5815 series.

2. Marines will not be retained beyond the due date for separation in the following instances:

a. Witness. Personnel will not be retained on active duty for the purpose of being a witness before a courts-martial or an investigative body. In appropriate cases, depositions should be obtained, taking into account the limitations upon their use in courts-martial proceedings, or resort should be made to the use of subpoenas of witnesses no longer subject to military orders, to ensure release from active duty in accordance with this Manual.

b. Administrative Discharge. Personnel undergoing administrative discharge processing will not be retained on active duty past their normal release date.

c. Indebtedness to the Government. Indebtedness to the Government will not be a bar to release from active duty.

1009. TRAVEL UPON SEPARATION

1. Detailed instructions relating to the travel of Marines upon separation from the service or release from active duty are contained in the Joint Travel Regulations and in the U.S. Navy Travel Instructions.

2. When discharged or released from active duty, the Marine will be furnished the necessary forms and instructions to enable the Marine to file timely claims for personal and/or dependents' travel, as applicable, upon completion of the travel.

3. A Marine, entitled to elect mileage to home of record or place from which ordered to active duty in accordance with the Joint Travel Regulations, paragraph M4157, will be informed as to the amount of the mileage allowance which has been paid to the Marine in advance and advised that no further travel payment will accrue for travel. A Marine will be paid a mileage allowance in accordance with the provisions of the Joint Travel Regulations, paragraph M4159-6 at the time of separation or release from active duty, if the Marine so elects at that time, and if travel outside the United States is involved, as prescribed by the Joint Travel Regulations, paragraph 4157-1b. However, if the Marine prefers to perform the foregoing travel prior to submitting a claim for the mileage allowance, payment will be made in accordance with the Joint Travel Regulations, paragraphs M4159-1 through M4159-4, as applicable. In the latter case, the member will be:

a. Furnished a DD Form 1351-2 in triplicate,

b. Advised where to submit the claim after the travel is completed,

c. Informed of the time limitation for completion of transoceanic travel as provided in the Joint Travel Regulations, paragraph M4157-4.

If entitled to dependent's transportation, the Marine will be furnished the following:

(1) A Voucher or Claim for Dependent Travel and Dislocation or Trailer Allowance (DD Form 13510-4) in triplicate.

(2) A certificate, in triplicate, prescribed by figure 1-1, if the Marine is discharged without orders (viewed by the disbursing officer to ensure that the entries thereon are correct). This certificate may be locally issued up to a maximum of 45 days in advance of the effective date of the Marine's discharge/release from active duty. If the Marine elects to take leave awaiting separation, the certificate may be issued 45 days plus the number of days leave authorized in advance of the effective date of separation.

(3) Marines who are entitled to select their home and receive mileage allowances thereto from their last duty station in accordance with the Joint Travel Regulations, paragraphs M4158 and M7010 will be:

(a) Informed that mileage allowances are not payable in advance;

(b) Informed of the time limitation covering completion of travel;

(c) Informed that once a home is selected and travel allowances are received for travel to such home, such selection is irrevocable;

(d) Furnished an information and instruction sheet similar to the illustration in this part but modified, as necessary, to cover travel to home of selection.

A Marine who is returned from an overseas permanent duty station for separation in the continental United States at an activity elected in accordance with paragraph 1006.3 above, will be informed of entitlement to mileage allowance as specified in paragraph 1009.3 above.

1010. ACCRUED LEAVE

1. Leave in conjunction with separation may be authorized in accordance with the provisions of the current edition of MCO P1050.3. The provisions which apply to the granting of annual leave apply equally to leave in conjunction with separation. Consequently, the commander authorized to grant leave is not bound to grant leave to a Marine who is separating, retiring, or transferring to the Fleet Marine Corps Reserve.

2. The following policy will apply in granting/requesting leave in conjunction with separation:

a. Leave will continue to be granted by the commander authorized to grant leave.

b. No replacement will be provided for a Marine in a separation leave status until otherwise normally due.

c. Up to 90 days leave may be authorized.

d. If leave is in conjunction with a request for resignation, retirement, or transfer to the FMCR, the appropriate separation request must be submitted at least 120 days plus the amount of leave to be taken prior to the effective date of separation.

3. Separation leave for a Marine who has accepted employment with the Federal Government or the District of Columbia is subject to the above criteria, command concurrence and approval of the Commandant of the Marine Corps (Code MMSR). Any such requests must include proof of acceptance of employment.

4. Marines returning from overseas may be authorized leave in conjunction with separation upon return to the continental United States. In these instances, the commanding officer at the separation location may authorize leave, not to exceed 60 days, upon completion of all required separation processing.

5. Marines who desire cash settlement for accrued leave may find information concerning entitlements to lump-sum payment in the Department of Defense Military Pay and Allowances Entitlements Manual (DODPM), part 4, section A.

1011. PHYSICAL EXAMINATION, TREATMENT AND PROCEEDINGS

1. A complete examination shall be given to all Marines prior to retirement, discharge, transfer to the Fleet Marine Corps Reserve, or release from active duty. Examinations in the cases of Marines being discharged or retired upon the approved report of a medical board, or a physical evaluation board are not required in accordance with the Manual of the Medical Department.

2. Discharge or release from active duty normally will not be effected when any of the following actions are being taken or contemplated (for further instructions see chapter 8 of this Manual):

a. Physical evaluation board processing. Such processing is not considered completed until the Secretary of the Navy has taken final action on the board proceedings and the Commandant of the Marine Corps has promulgated such action;

b. Medical board hearing; or

c. Necessary medical or dental treatment.

3. An enlisted Marine on active duty whose term of enlistment expires while suffering from disease or injury incident to service and not due to own misconduct, and who needs medical care or hospitalization, may be retained on active duty, with the Marine's consent, until recovered to the extent that the Marine is able to meet the physical requirements for reenlistment or until it is determined that recovery to that extent is impossible. (See paragraph 8001 of this Manual.)

CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

SECTION 1: ADMINISTRATIVE MATTERS RELATIVE TO SEPARATION

1101. ADMINISTRATIVE PROCEDURES AND REQUIREMENTS

1. General. This section covers a variety of administrative procedures and requirements relative to separating Marines. Due to volume, instructions on the DD 214 form are covered separately in section 2.

2. Separation Documents

a. DD Form 214. Upon release from active duty all Marines, except those whose enlistments or appointments are terminated in accordance with paragraph 1202.3 will be issued an Armed Forces of the United States Report of Separation from Active Duty (DD Form 214 (MC)) prepared in accordance with instructions contained in section 2 of this chapter.

b. Notice of Obligated Service (NAVMC 10228). Marines released from active duty who have obligated service remaining (obligors) will be issued a Notice of Obligated Service (NAVMC 10228) which effectively transfers the Marines to the Marine Corps Reserve. The form may be completed with data extracted from the Marine's service records and is preprinted with the appropriate distribution. In the block entitled "Name of Unit and Address" insert the following address:

Director
Marine Corps Reserve Support Center (MCRSC)
10950 El Monte
Overland Park, Kansas 66211

c. Discharge Certificates (DD 256 MC through DD 260 and DD 794 MC)

(1) Custody

(a) Discharge certificates shall be kept in the custody of the commander or designated representative who is responsible for their safekeeping, accountability, and proper issue.

(b) When an organization is disbanded, discharge certificates remaining on hand shall be forwarded by registered mail to the Navy Cognizance I Supply System in accordance with instructions contained in the Introduction to NAVSUP Publications 2002.

(2) Preparation

(a) Discharge certificates will be prepared by the organization having custody of the service record book.

(b) The character of discharge will be in accordance with paragraph 1004 above.

(3) Front Entries

(a) Name. Grade, full name in capital letters (beginning with the First name), followed by the social security number. In the case of a reservist, no additional statement will be placed on the discharge certificate. Discharge forms appropriate to the status under which the Marine is discharged will be issued to all Marines without designation of component.

(b) Date. As shown in the following example: "on the 10th day of."

(c) Signature. The normal signature of the officer who signs will be made on the top line. The bottom line will be completed as shown in the following example: "J. P. JONES, MAJOR, USMC."

(4) Delivery

(a) Honorable and general discharge certificates will always be delivered in person by an officer and the delivery should be made by the Commanding Officer if practicable. If not, delivery should be accompanied by an expression of good wishes.

(b) In those instances where personal delivery cannot be made, the following action should be taken:

1 The commanding officer will mail the discharge certificate to the person concerned using first class mail with a return address on the envelope as follows:

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

2 Marine at Home Awaiting Results of a Physical Evaulation Board. Commanders will mail the discharge certificate to the Marine concerned using first class mail. Returned undelivered certificates will be forwarded to the Commandant of the Marine Corps (Code MSRB-20).

(c) The discharge certificate will not be delivered to the Marine until a Security Termination Statement (OPNAV 5511-14) is completed if such statement is required.

(5) Replacement of Lost or Destroyed Discharge Certificate, Enlisted or Officer

(a) Duplicate discharge certificates will not be issued, but upon request to the Commandant of the Marine Corps (Code MSRB-10), a DD 303 MC, Certificate in Lieu of Lost or Destroyed Discharge Certificate, will be issued.

(b) Certificates in lieu of lost or destroyed discharge certificates are of a value equal to original discharge certificates in the substantiation of entitlement to Federal, State or local benefits.

d. In addition to the discharge certificate and DD 214, Marines being discharged honorably or under honorable conditions who are not reenlisting, will be presented the following items at the time of separation.

(1) Honorable Discharge Button (which may be worn only with civilian attire).

(a) Members of the Marine Corps Reserve who have served on continuous active duty for 30 days or more should be presented one of these buttons upon discharge provided the character of service is at least under honorable conditions and the Marine is not reenlisting.

(b) A supply of these buttons should be maintained locally and may be obtained through normal supply channels under Federal stock number 8455-00-543-7096.

(2) Benefit Pamphlet. Each Marine separated honorably will be given a copy of DD Pamphlet "Once a Marine" (NAVMC 2537).

3. National Service Life Insurance and Insurance under the Insurance Act of 1951

a. In case a Marine held National Service Life Insurance, the Marine should receive the fourth copy of the notification of discontinuance of allotment for National Service Life Insurance, Form VA 29-1546.

b. Each Marine carrying National Service Life Insurance should receive explicit notice that the Marine may pay premiums direct to the Veterans Administration, District Office, P. O. Box 7787, Philadelphia, Pennsylvania 19101, if the Marine wishes to continue this insurance.

c. Each Marine covered by the Insurance Act of 1951 should be carefully counseled regarding the postservice insurance available. The time limitation on applying for this insurance should be emphasized (38 U.S.C. 701-724, 781-784).

4. Counseling/Advice Prior to Separation

a. Career Advisory Interviews

(1) Prior to discharge each Marine will be interviewed by the career planning personnel, who will, if the Marine is considered desirable for reenlistment, point out the benefits of continued service in the Marine Corps. If the Marine has definitely decided not to reenlist, interest should be aroused in the Marine Corps Reserve by pointing out the benefits to be derived.

(2) Marines should also be instructed to apply to the nearest recruiting officer, should they desire to reenlist at some subsequent date. Recruiting officers have all the necessary information and can answer questions in much less time than if inquiry is made direct to the Commandant of the Marine Corps. Recruiting officers may refer individual cases to the Commandant of the Marine Corps (Code MRRE) in accordance with the current edition of MCO 1130.58, when necessary.

b. Address of Director, Marine Corps Reserve Support Center. Each Marine discharged and not reenlisted in the Regular Marine Corps will be informed that the Director, Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, Kansas 66211 may be consulted on questions relative to Marine Corps Reserve service. In this regard, attention is directed to the current edition of MCO 1001.39.

c. Warning to Marines not Eligible for Reenlistment

(1) Every Marine discharged who is not eligible for reenlistment will be informed that:

(a) Fraudulent enlistment in any branch of the service will undoubtedly be detected by fingerprints, and

(b) If concealment of Marine's previous service and discharge results in the Marine's reenlistment, the Marine will be subject to disciplinary action.

(2) Marines who are not eligible or recommended for reenlistment will be so informed by their commanding officer. Any Marine assigned a reenlistment code of RE-3 or RE-4 will sign the following page 11 SRB entry:

"I have interviewed (grade and name of Marine) who is not recommended (or is recommended but not eligible) for reenlistment because _____ and has been assigned a reenlistment code of RE-4 (or RE-3__)". This entry will be signed by both the Marine and his Commanding Officer.

d. VA Dental Treatment Eligibilty. Public Law 97-35, the Omnibus Budget Reconciliation Act of 1982, limits the eligibility for outpatient dental treatment of service members being discharged or released from active duty to that provided by the Veterans Administration. The law further requires that a written explanation of the new eligibility criteria be provided to service members discharged or released from active duty. The following provisions apply.

(1) The veteran must have served not less than 180 days of active duty to be eligible for dental treatment provided by VA.

(2) Application for VA dental treatment must be made within 90 days of discharge or release from active duty.

(3) The veteran will not be eligible for dental treatment if the Certificate of Release or Discharge From Active Duty (DD Form 214) contains a statement that the veteran was provided a complete dental examination and all appropriate dental services and treatment within 90 days prior to discharge or release from active duty.

(4) All service members who have completed at least 180 days of service at the time of separation must be provided a written explanation of eligibility requirements. This statement will be signed by the member acknowledging receipt, and filed on the document side of the OQR/SRB. If the member refuses to sign the statement, a certification from the commanding officer that the member was provided an explanation will be filed on the document side of the OQR/SRB. Sample entry follows:

> "I Marine's Name, have been counseled concerning the VA dental treatment eligibility requirements. I understand that application for VA dental outpatient treatment must be made within 90 days of discharge/separation from active duty. I further understand that if a complete dental examination and all appropriate dental services and treatment were completed within 90 days of discharge/separation from active duty, I will not be eligible for VA dental outpatient treatment.
>
> _____
> Marine's Signature"

(5) The statement pertaining to member's dental examination and treatment within 90 days prior to discharge or release from active duty will be made in item 18 (Remarks Section) of the DD Form 214 as prescribed in section 2 of this chapter.

e. BCNR/NDRB Advice. During the separation processing of all members, except when the separation is due to an immediate reenlistment, the purpose and authority of the Navy Discharge Review Board and the Board for Correction of Naval Records shall be explained with a written fact sheet. It shall include an explanation that a discharge under other than honorable conditions, resulting from a period of continuous unauthorized absence of 180 days or more, is a conditional bar to benefits administered by the Veterans Administration notwithstanding any action by the Discharge Review Board. These requirements are a command responsibility and not a procedural entitlement. Failure on the part of a member to receive and to understand the explanation required by this paragraph does not create a bar to separation or characterization. A fact sheet for this purpose is provided at figure 1-2.

5. Government Property, Uniforms and Clothing

a. Government property in possession of enlisted Marines or on charge to them will be recovered prior to discharge. In the case of shortages, commanders will take appropriate action to determine responsibility in accordance with current instructions.

b. Uniforms and Clothing

(1) The instructions relating to uniform clothing of Marines being discharged are contained in the current edition of MCO P10120.28, Individual Clothing Regulations

(2) Individual uniform clothing, less worn underclothing, gloves, and footwear, will be recovered from individuals discharged from the Marine Corps for reasons of unsatisfactory performance, homosexuality, misconduct, good of the service, security or sentence of courts-martial. Clothing to be recovered includes all uniform coats, raincoats, overcoats, liners, trousers, utility uniforms, caps and hats in the Marine's possession, together with all grade and service insignia, service stripes and uniform buttons. In addition to the preceding, the following items will be recovered from women Marines: duffel bag, rain cap, cover, hood for raincoat, necktie, and scarfs.

(3) Civilian clothing, supplemented by certain articles of uniform clothing, may be issued, when necessary, when the reason for separation requires recovery of clothing. Funding and allowances are contained in current edition of MCO P4400.19.

c. Wearing of Uniform After Discharge. Marines whose character of discharge is honorable or under honorable conditions except when discharge is for unsatisfactory performance, homosexuality, misconduct, good of the service, or security may retain and wear their uniforms from the place of discharge to their homes, within 3 months after the date of discharge. The phrase "from the place of discharge to their homes, within 3 months after the date of such discharge", refers to the period between the date of discharge and the date of the person's arrival at their home and does not permit the wearing of the uniform after arrival home, even though the 3-month period has not expired. If such personnel served during war, they shall, when not on active service, be entitled upon occasion of ceremony, to wear the uniform of the highest grade held by them during their war service.

6. Pay Accounts

a. The disbursing officer maintaining the Marine's account will be provided with a properly executed NAVMC Form 11060: Separation/Enlistment Voucher at least 5 working days prior to the date of separation from active duty (see the current edition of MCO P7220.31).

b. An enlisted Marine who is discharged for any reason with a dishonorable or bad conduct discharge, or a discharge under other than honorable conditions and who would be otherwise without funds to meet immediate needs, upon discharge shall be paid a sum not to exceed $25 or such portion thereof as, together with other funds available to the Marine concerned, will total $25. For detailed instructions regarding this cash allowance see DoD Military Pay and Allowances Entitlements Manual (DODPM).

7. Closing Out Service Record Book

a. The service record book and health record of each person separated will be completed and forwarded in accordance with the instructions contained in MCO P1070.12D, IRAM,

b. In order to avoid confusion and delay in final settelement, no transfers will be made or authorized after a Marine's accounts have been closed preliminary to discharge.

1102. AUTOMATION. Reserved for future use.

1103. NOTIFICATION TO IMMIGRATIONS AND NATURALIZATION SERVICE

1. Provision is made by law to revoke the citizenship of naturalized citizens who are discharged either dishonorably or under other than honorable conditions. The Immigration and Naturalization Service, Department of Justice, is responsible for the institution of proceedings for the revocation of citizenship in any such case.

2. In the event any naturalized citizen who is a member of the Marine Corps is being discharged either dishonorably or under other than honorable conditions, the commander of the dischargee shall forward immediately to the Commandant of the Marine Corps (Code JA) a report of such case in order that the required certification may be prepared and transmitted to the Immigration and Naturalization Service upon the Marine's discharge for determination as to the propriety of revocation of citizenship. This report will include the fact of discharge and the date thereof. The report will also include whatever information is shown on the dischargee's service records with respect to naturalization.

1104. SEPARATION OF ALIENS

1. Commanders are authorized to discharge an alien upon completion of obligated active service or active Reserve service, upon the written request of the Marine concerned, provided the Marine indicates that immediately subsequent to discharge the member will establish permanent residence in their native country or country other than the United States.

2. Aliens who have fulfilled their active duty obligation and who signify their intent to establish a permanent residence outside the United States may be retained in an obligor status at their request.

3. When Marines who are not citizens of the United States are to be separated within the United States or its territories or possessions, the nearest district office of the Immigration and Naturalization Service, Department of Justice, shall be notifed of such pending separation and the prospective date thereof. Such notification shall be submitted in sufficient time to permit the immigration authorities to take such action as they may deem appropriate prior to the date on which the Marine is to be separated.

4. Title 8 U.S.C. 1439 provides for expeditious naturalization of permanent resident aliens upon completion of 3 full years' service in the Armed Forces of the United States provided:

a. The alien has been lawfully admitted to the United States for permanent residence.

b. Was separated from the military service under honorable conditions.

c. Files a petition while still in the military service or within 6 months after the termination of such service, and

d. Can comply in all other respects with the provisions of Title 8 U.S.C. 1439 except that:

(1) No period of residence or specified period of physical presence in the United States or in the state in which the petition for naturalization is filed is required, and

(2) Residence within the jurisdiction of the court is not required.

5. In order to not jeopardize their eligibility for naturalization, permanent resident aliens serving on an enlistment or tour of extended duty of 3 years or more will not be discharged until completion of 3 full year's service solely for the convenience of the Government under the provisions of any early release program. Further, the above provisions will be explained to any alien who applies for discharge for hardship prior to completion of 3 years of service. The prescribed 3-year period may be satisfied by a combination of active duty and inactive duty in a Reserve status. Notwithstanding the foregoing an alien desiring discharge for the above reason, i.e., hardship or for the covenience of the Government under the provisions of an early release program, must include the following statement in the request for discharge.

"I understand that my requesting discharge prior to completion of 3 full years of service may jeopardize my eligibility for expeditious naturalization under Title 8 U.S.C., section 1439. However, understanding the above, I request early discharge."

6. The above policy should not be construed as giving aliens an entitlement to retention in service for at least 3 full years regardless of their military records. Adequate provisions are contained in this Manual for the separation of Marines whose performance of duty or conduct does not justify their continued retention in the service.

1105. DISCHARGE ADJUDGED BY SENTENCE OF COURTS-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 courts-martial is discussed in the MCM 1969 (Rev.), paragraphs 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 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, the Marine shall be transferred to a disciplinary command if the established criteria for transfer to such a command is met; otherwise the Marine 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 paragraph 1104.6, 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.

SECTION 2

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214); CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214WS) (WORKSHEET) AND CORRECTION TO DD FORM 214, CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 215)

1201. GENERAL

1. The DD Form 214ws (WORKSHEET), Certificate of Release or Discharge from Active Duty is a single sheet standard form provided to facilitate the separating activity's preparation of the Certificate of Release or Discharge from Active Duty (DD Form 214). Utilization of the worksheet is not compulsory; if used, it may be destroyed or retained for not more than 6 months at the discretion of the separating activity. It is recommended, however, that the worksheet be utilized to implement followup procedures on any incomplete DD Form 214 issued by the separating activity as required in paragraph 1202.4i below.

2. The DD Form 214 is a multicopy standard form designed to provide:

a. The Marine Corps and other division/departments within Department of Defense with a source of information relating to a Marine or former Marine for administration purposes and for making determinations of eligibility for enlistment/reenlistment or for appointment/reappointment.

b. The recipient with a brief, clear-cut record of their term of active duty with the Marine Corps at the time for transfer, release or discharge, and when they have certain changes in status or component while remaining on active duty.

c. Appropriate governmental agencies with an authoritative source of information which is required in the administration of Federal and State laws applying to Marines who have been discharged, otherwise released, or transferred to a Reserve component of the Marine Corps.

3. The DD Form 215 is a multicopy standard form intended for:

a. Utilization by the separating activity to furnish information to the separatee on items which were not available when the DD Form 214 was prepared and delivered to the separatee. It should be noted that the separating activity is responsible for furnishing the separatee with a DD Form 215 on items of the DD Form 214 which were not completed at time of separation and such action is to be accomplished without a request being initiated by the separated Marine (see paragraph 1203.2 below).

b. Utilization by the Commandant of the Marine Corps; Director, Marine Corps Reserve Support Center (MCRSC), Overland Park, Kansas and Marine Corps Liaison Officer, GSA National Personnel Records Center, St. Louis, Missouri to correct a completed DD Form 214 after the separatee has received the DD Form 214 and departed from the separation point and/or the copies of the form have been distributed (see paragraph 1203 below).

1202. MARINE CORPS POLICY AND GUIDANCE ON THE ISSUE, PREPARATION AND DISTRIBUTION OF DD FORM 214 SERIES

1. The Marine Corps activity which effects separation of the Marine will assure that every Marine, excluding those listed in paragraph 1202.3 below, being separated from a period of active duty is given a completed DD Form 214 describing relevant data regarding their service and the circumstances of termination.

2. The DD Form 214 will be prepared and physically delivered to Marines upon:

a. Release from active service. Except as provided in paragraph 1202.3, below, a DD Form 214 will be furnished to each Marine at the time of separation from a period of active duty with an Armed Force. This includes separation from a period of actual or apparent (de jure or de facto) service as well as release from an enlistment that is void by reason of minority.

b. Release from a period of active duty for training of 90 days or more. However, personnel being separated for physical disability and those who have been serving on an initial period of active duty for training under a special Reserve enlistment program will be furnished a DD FORM 214 regardless of the length of time actually served on active duty (see paragraph 1202.5 below, item 18e).

c. Continuation of active duty when status or component changes for the following reasons:

(1) Discharge for immediate enlistment or reenlistment.

(2) Termination of enlisted status to accept a permanent appointment to warrant or commissioned officer grade.

(3) Termination of Reserve component status to integrate into a Regular component of the Armed Forces.

(4) Termination of temporary appointment to accept a permanent warrant or commissioned status in the Marine Corps or Marine Corps Reserve.

(5) Termination of an officer appointment in the Marine Corps to accept appointment in one of the other Armed Forces.

d. The DD Form 214, once issued, will not be reissued except:

(1) When directed by appropriate appellate authority, executive Order or by direction of the Secretary of the Navy.

(2) When it has been determined by the Commandant of the Marine Corps that the original DD Form 214 cannot be properly corrected by issuance of a DD Form 215 or if the correction would require issuance of more than two DD Form 215's.

(3) When two DD Form 215's have been issued and additional correction is required.

e. Whenever circumstances require the administrative issue or reissue of the DD Form 214, an appropriate entry stating that fact and the date of such action will be recorded in item 18, Remarks, unless specifically denied by the authority referenced in paragraph 1202.2d(1) above.

3. DD Form 214 will not be furnished to:

a. Marines found physically disqualified upon reporting for active duty and who do not enter actively upon duties in accordance with orders.

b. Marines whose active duty, active duty for training or full-time training duty is terminated by death.

c. Marines released from a period of less than 90 days active duty for training except as specified in paragraph 1202.2b above.

d. Enlisted Marines receiving temporary appointment to warrant or commissioned officer grade.

e. Marines who have temporary officer status terminated and remain on active duty (these Marines will receive a DD Form 214 upon separation from enlisted status for purpose of transferring to the FMCR 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 Tit e 10 U.S.C. section 1161 or 6408.

h. Personnel being removed from the TDRL.

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 (i.e., 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 paragraph 1202.6 below. 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/resigned 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 PEB 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 paragraph 1202.5 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 PEB, 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 18, 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 active duty training under a special Reserve enlistment program as specified in paragraph 1202.2b above.

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 (Code MPI-60).

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 the Commandant of the Marine Corps (Code MSRB-10), Headquarters, U.S. Marine Corps, Washington, D.C. 20380, and should include the Marine's full name, rank and pay grade, SSN and effective date of separation. By specific instructions of the Commandant of the Marine Corps the Director, Marine Corps Reserve Support Center (MCRSC), Overland Park, Kansas has been granted permission to issue DD Form 215's when certain errors are detected on the DD Form 214 in service records forwarded to the MCRSC for retention. Requests from the separatee for correction to the form will be addressed only to Headquarters, U.S. Marine Corps, Washington, D.C. 20380, even though the service record is being retained by the above activity.

(3) For replacement of lost or destroyed DD Form 214 submit request to the Commandant of the Marine Corps (Code MSRB-10).

i. Special Followup Procedures. Department of Defense instructions require that each item of the DD Form 214 be completed prior to delivery to the separatee. In cases where item(s) cannot be completed at the time of delivery, the separating activity must establish followup procedures to obtain the missing data and issue a DD Form 215 to the separatee at the earliest possible date. The importance of establishing these procedures can not be overstressed. Department of Defense policy requires the Marine Corps separating activity to issue a DD Form 215 to complete item(s) not available at time of separation without any request being generated by the separated Marine.

j. Forms Control. Blank copies of the DD Form 214 and DD Form 215 will be kept in the custody of the commander, who is responsible for their safekeeping, accountability, and proper issue. When an organization is disbanded, forms on hand will be returned to the local forms control point.

5. Detailed Preparation Instruction for DD Form 214 and DD Form 214ws

Item

1. LAST NAME - FIRST NAME - MIDDLE NAME. Enter full name in order indicated, including "Jr.," "Sr.," "I," etc. Where there is no middle name or letter, nothing will be entered. If the Marine uses initials in lieu of a first or middle name, indicate by enclosing the initial or initials in quotation marks. Type last name in UPPERCASE letters.

2. DEPARTMENT, COMPONENT AND BRANCH. Enter component in which Marine was a member while on active duty followed by a hyphen and the component code as published in the current edition of MCO P1080.20. Examples: USMC-11, USMC-SS-13, FMCR-AL, USMCR(K4)-CC, etc.

3. SOCIAL SECURITY NUMBER. Deviation from established Marine Corps procedures is necessary in recording SSN on these forms. Enter the number in the same sequence as shown on the Marine's social security card, less hyphens, in the blocks provided. For example: "458 38 8870."

4a. GRADE, RATE OR RANK. Enter the abbreviation for the grade in which separated.

4b. PAY GRADE. Self-explanatory.

5. DATE OF BIRTH. Enter date in year, month, and day order. Each element of the date will consist of two digits,; single digits will be prefixed by a zero: for example: 7 November 1952 would be entered 521107. This instruction shall be used as a guide for recording dates required elsewhere on the DD Form 214 and DD Form 215.

Item

6. PLACE OF ENTRY INTO ACTIVE SERVICE (City, State, and ZIP Code). Self-explanatory.

7. LAST DUTY ASSIGNMENT AND MAJOR COMMAND. Enter the last unit or similar element to which assigned for duty rather than the element of which a Marine was a part of while moving to a separation point. The title and/or number the organizations will be recorded precisely as indicated in the service record. For this purpose, Marines who are joined by an organization for record or administrative purposes, i.e., hospitalization or medical reasons, administration of discipline, awaiting transportation or in transit from overseas units to the United States for separation are all considered as being in movement to a separation point. Therefore, a Marine could have been accounted for by a separating activity for an extended period of time while awaiting final disposition, however, if the Marine is never officially assigned to a T/O billet in the separating activity, the time spent at the separating activity could not be reflected as the last duty assignment.

8. STATION WHERE SEPARATED. Enter reporting unit title and the reporting unit code (RUC) number.

9. COMMAND TO WHICH TRANSFERRED. When a Marine resigns, is discharged or retires and there is no further obligated service to the Marine Corps or Marine Corps Reserve enter "N/A". For Marines who are released from active duty or transferred to the Marine Corps Reserve or the FMCR enter the title and RUC of the Reserve organization, i.e., "Marine Corps Reserve Support Center (MCRSC), Overland Park, Kansas" or the appropriate title and RUC of the Reserve organization transferred to. For Marines who immediately reenlist and are transferred to another organization, enter "Title and RUC of the organization". If a Marine is immediately reenlisted and retained by an organization, enter "Retained".

10. SGLI COVERAGE. Enter the amount or place an "X" in the box indicating no SGLI coverage.

11. PRIMARY SPECIALTY NUMBER, TITLE AND YEARS AND MONTHS IN SPECIALTY. (Additional specialty numbers and titles involving periods of 1 year or more.)

12. RECORD OF SERVICE

a. DATE ENTERED ACTIVE DUTY THIS PERIOD. The date entered will be a 6-digit numerical form by year, month, and day.

b. SEPARATION DATE THIS PERIOD. The date entered will be in 6-digit numerical form by year, month, and day.

c. NET ACTIVE SERVICE THIS PERIOD. Enter in years, months, and days the net active service for this period. These figures represent total active service this period, less time lost as defined in current directives.

d. TOTAL PRIOR ACTIVE SERVICE. Enter in years, months, and days, all prior active service. If the Marine has no prior active service enter zeros: "00 00 00".

e. TOTAL PRIOR INACTIVE SERVICE. Enter in years, months, and days the total prior inactive service. If the Marine has no prior inactive service enter zeros: "00 00 00".

f. FOREIGN SERVICE. Enter in years, months, and days, the time spent on foreign service during current active service period. Foreign duty areas are defined in DoDPM. If the Marine has no foreign service enter zeros: "00 00 00".

Item

g. SEA SERVICE. Enter in years, months, and days, the time spent on sea service during the current active service period as defined in DoDPM. Service performed outside the continental United States while on maneuvers will not be included in this item. If the Marine has no sea service enter zeros: "00 00 00".

h. EFFECTIVE DATE OF PAY GRADE. Enter the year, month, and day of effective date of promotion to the present pay grade (rate or rank).

i. RESERVE OBLIGATION TERMINATION DATE. Enter the year, month, and day of the Reserve obligation termination.

13. DECORATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED. Enter all decorations, medals, badges, commendations, citations, campaign ribbons awarded or authorized during the current period of active duty, omitting authorities therefore. For campaign or expeditionary medals, include the area of operation. (Example: Vietnam, Dominican Republic.) If no decorations were awarded or authorized during the current period of active service, enter "None". In the case of discharge or retirement all decorations, medals, badges, commendations, citations and campaign ribbons awarded or authorized during the entire length of service, including service in other branches of the Armed Forces, will be included.

14. MILITARY EDUCATION. To assist the separated member in employment placement and job counseling, formal inservice training courses successfully completed during the period covered by the form will be listed in this item. For example, medical and dental, electronics, supply, administration, personnel, or heavy equipment operations. Training courses for combat skills will not be recorded.

15. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VEAP. Self-explanatory.

16. HIGH SCHOOL GRADUATE OR EQUIVALENT. Self-explanatory.

17. DAYS ACCRUED LEAVE PAID. Entries for this item will be made as follows:

a. If lump-sum settlement is paid for a certain number of days, enter the number of days showing regular leave balance and sick leave balance, i.e., RLB 21 SLB 10 or RLB 43 SLB 00.

b. If no lump-sum settlement is due, enter the word "None".

c. If a lump-sum settlement is due but has not yet been settled enter the word "Due". A DD Form 215 will be issued by the separation activity when the number of days is known and settlement is made (see paragraph 1202.4i).

18. REMARKS. Continue in this space items that cannot be completed within the space provided. In such cases cross-reference must be used to indicate the item being continued. (Example: 14 continued.) If additional space is required, enter the word "continued" in the last line of this space and complete the entries on a continuation sheet of bond paper.

a. For the purpose of reemployment rights, all extensions of service, except extensions to make good time lost (10 U.S.C. 972), are considered to be at the request and for the convenience of the Government. In cases where extensions have been executed and served, item 18 will be annotated as follows: "Extension of service was at the request and for the convenience of the Government."

ITEM

b. If information for any item(s) is not available when the form is prepared and delivered to the separatee, a remark will be entered in this item as follows: "Information for item(s) not available at time of completion, a DD Form 215 will be issued when missing information becomes available." (See paragraph 1202.4i.)

c. Comply with the current edition of MCO P7220.31 (JFPM I) as pertains to the recording of Readjustment Pay, Contract Cancellation Pay and Allowances, Disability Severance Pay and Severance Pay.

d. Enter the following remarks as appropriate:

(1) Enlisted in the United States Marine Corps/Reserve.

(2) Reenlisted in the U.S. Marine Corps/Reserve.

(3) Is undecided about reenlistment.

(4) Accepted Regular commission/warrant.

(5) Not available for signature.

(6) Separatee refused to sign form.

(7) Good Conduct Medal period commences (6-digit numerical date).

(8) Certain Marine Corps orders require entries to be made under "Remarks." Ensure that those appropriate entries are made.

e. The following notations will be made for Marines who are released or separated from active duty training under 10 U.S.C. 511(d), formerly "Reserve Forces Act of 1955 a special Reserve enlistment program."

(1) "Res Spl Enl Prog."

(2) "Not a final discharge."

f. When a discharge has been upgraded, the DD Form 214 will be annotated on copies 2 through 8 in Block 18 to indicate the character of service has been upgraded; the date the application for upgrade was made; and the effective date of the corrective action.

g. A statement that the Marine's dental examination and treatment (was) (was not) provided within 90 days prior to discharge or release from active duty.

19. MAILING ADDRESS AFTER SEPARATION (Street, RFD, City, County, State and (ZIP Code). Information for this item shall be obtained by interview with the Marine being separated. Complete home address, that is, the place where the Marine intends to reside permanently following separation, shall be entered in this item.

20. MEMBER REQUESTS COPY 6 BE SENT TO THE STATE DIRECTOR OF VETERANS AFFAIRS. Complete by entering an "X" in the "YES" or "NO" block of this item. If "Xed" in the "YES" block, complete by entering the state name or abbreviation of the state in the space provided.

21. SIGNATURE OF PERSON BEING SEPARATED. The signature of the Marine being separated should be signed with a black ink ballpoint pen to ensure that all copies bear a legible signature. If not available for signature or if the Marine refuses to sign, enter "See Remarks". In item 18, "REMARKS" a brief statement will be inserted indicating that the separatee was

unavailable or refused to sign the form. In the event a continuation sheet is used, the Marine's signature, date, and the authorizing official's signature is required.

Item

22. TYPE NAME, GRADE, TITLE AND SIGNATURE OF OFFICER AUTHORIZED TO SIGN. A black ink ballpoint pen will be used to ensure that a legible signature appears on all copies. Typographical strike-overs on the record and subsequent copies of the form make it unreadable by the recepient and must be avoided. Each copy must contain a legible signature before distribution is accomplished. In the event a continuation sheet is used, the Marine's signature, date, and the authorizing official's signature is required.

23. TYPE OF SEPARATION. Enter one of the following:

a. Discharged.

b. Transferred to the Marine Corps Reserve.

c. Transferred to the FMCR.

d. Temporarily retired.

e. Retired.

f. Released from active duty.

g. Released from initial tour of active duty for training (in the case of reservists assigned to a special Reserve enlistment program).

h. Entry level separation

24. CHARACTER OF SERVICE. Enter in capital letters the appropriate entry which represents the character of service. For Marine officers and enlisted Marines in the grades of E-5 through E-9, the "Character of Service" will be HONORABLE unless otherwise indicated by the Commandant of the Marine Corps (Code MMSR or Code MMOA) in orders directing the discharge, retirement or release from active duty. The "Character of Service" for enlisted Marines may be:

a. HONORABLE.

b. UNDER HONORABLE CONDITIONS (GENERAL).

c. UNDER CONDITIONS OTHER THAN HONORABLE.

d. ENTRY LEVEL SEPARATION.

e. BAD CONDUCT DISCHARGE.

f. DISHONORABLE DISCHARGE.

The "Character of Service" for enlisted Marines in the grade of corporal and below will be determined by the time in service average shown on the Record of Service (ROS) page in the SRB. The ROS also provides averages of conduct and duty proficiency markings for the time in grade and in enlistment. Enlisted Marines in the grade of corporal or below, retired, discharged or released from active duty, will be appropriately characterized in accordance with paragraph 1004. This instruction also applies to corporals and below released from initial tour of active duty for training with a special Reserve enlistment program with the Selected Marine Corps Reserve. In any case where doubt exists as the correct

"Character of Service" to be recorded, instructions shall be requested from the Commandant of the Marine Corps (Code MMSR). When a discharge has been upgraded, a new DD Form 214 will be issued, in block 18 of copies 2 through 8 a remark will be made indicating that the "Character of Service" has been upgraded, the date the application for upgrade was made, and the effective date of the corrective action.

Item

25. SEPARATION AUTHORITY. The separation authority is the appropriate paragraph authority cited from appropriate chapters of this Manual which by law or agreement permits the Marine Corps to separate an individual from a term of service with the Marine Corps or Marine Corps Reserve. Enter the abbreviation "MARCORSEPMAN" and the specific paragraph authority for the type of separation being accomplished and referred in the combination table 1-2 for item 28, below.

26. SEPARATION CODE. The separation code (Separation Program Designator) is a four position alpha numeric code which reflects the specific authority for the type of separation being accomplished. The Commandant of the Marine Corps (Codes MMSR or MMOA) will provide the code to be used for officer separations. The combination table 1-2 will be used to obtain the code for enlisted separations.

27. REENLISTMENT CODE. The below-listed codes are to provide specific information concerning eligibility for reenlistment in the Marine Corps. Complete for Marine officers, IADT's and Reserve Special Enlistment Program by entering "N/A", for other enlisted Marines the appropriate code as shown below:

REENLISTMENT CODES

Code	When Assigned	Remarks
[redacted]		

REENLISTMENT CODES

Code	When Assigned	Remarks
[redacted]		
RE-3P	Failure to meet physical (medical) standards. (includes pseudo-folliculitis/and weight standards).	Recommended by CO upon removal of disqualifying factor. CMC authority required for reenlistment.
[redacted]		

6. Distribution Instructions. Distribution of the DD Form 214 and DD Form 215 will be made as indicated below. To provide for immediate distribution of copy number 6, the mailing addresses of the State Directors of Veterans' Affairs are provided in table 1-3.

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. For discharged alien deserters, enter place of birth in item 18 and provide one reproduced copy to:

U.S. DEPARTMENT OF STATE, Visa Office -SCA/VO
State Annex No. 2
Washington, D.C. 20520

(2) Copy No. 2 (SRB/OQR or HQMC)

(a) Marines Discharged or Retired. Place in closed-out SRB or OQR prior to forwarding in accordance with the current edition of MCO P1070.12, IRAM, table 4-1.

(b) Marines Released or Transferred to the Marine Corps Reserve. Forward this copy to the Commandant of the Marine Corps (Code MSRB-20.)

(c) Marines who are Immediately Reenlisted. Attach this copy to the Reenlistment Contract and forward in accordance with the current edition of MCO P1070.12, IRAM, table 4-2.

(3) Copy No. 3

(a) Marines who are Immediately Reenlisted. Insert this copy as a document in the service record book.

(b) Marines who are Being Separated and Transferred to a VA Hospital. A reproduced copy will accompany the photostatic copies of the clinical and treatment records forwarded to that hospital.

(c) Marines who Have Completed VA Form 21-256e, Veterans Application for Compensation or Pension at Separation from Service. A reproduced copy will accompany the photostatic or typewriter copies of the health record (less cover) when they are forwarded to the VA Regional Office having jurisdiction over the member's permanent address. Stress to the Marine who plans to apply for veteran's compensation or pension that faster processing generally may be expected if application is completed at time of separation. See table 1-3 for jurisdiction and address.

(d) In all cases excluding immediate reenlistment, this copy is to be forwarded to the Veterans' Administration, Data Processing Center (214), 1615 East Woodward Street, Austin, Texas 78772.

(4) Copy No. 4

(a) Will be physically delivered to the Marine upon separation if the Marine has so requested by having initialed block 30 of the form.

(b) If the Marine has not requested this copy, it will be inserted as a document in the OQR/SRB, to be available in case the Marine requests a copy later.

(5) Copy No. 5. Forward this copy to the U.S. Department of Labor, Unemployment Insurance Systems Design Center, P.O. Box 44246, Capital Station, Baton Rouge, Louisiana 70804.

(6) Copy No. 6. If the Marine has "Xed" the yes block in item 20 and indicated the appropriate state, then this copy will be forwarded to the Director of Veterans Affairs for the state stipulated. Mailing addresses for the Veterans Affairs offices are provided in table 1-3. If this copy is not utilized for the above purpose it should be destroyed.

(7) Copy No. 7

(a) For a Marine discharged while in an appellate leave status, forward this copy to the Marine Corps Finance Center (Code CPJ-1), Kansas City, Missouri 64197.

(b) In all other cases, forward this copy directly to the Reserve unit closest to the Marine's future address.

(8) Copy No. 8

(a) Marines being transferred to inactive duty whose records will be forwarded to Marine Corps Reserve Support Center (MCRSC), Overland Park, Kansas Insert this copy as a document in the SRB or OQR for concurrent fowarding.

(b) In all other cases, this copy is not utilized and will be destroyed.

1203. PREPARATION INSTRUCTION FOR DD FORM 215, CORRECTION TO DD FORM 214, CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY. DD Form 215 will be prepared as follows:

1. Except for the date (item 6) and items being corrected, all identification data, including name, department, component, branch, SSN and mailing address on the DD Form 215 will be completed as they appear on the original DD Form 214.

2. Corrections. Separation date on the DD Form 214 being corrected is completed by entering the date in year, month, and day order. The separation date is recorded in item 12b of the DD Form 214, and should be entered in the same format. Enter under "ITEM NO." the block number of the item(s) which are to be corrected or were omitted when the DD Form 214 was prepared and delivered to the separatee. Opposite the item number under "CORRECTED TO READ" insert the corrected or missing information required:

ITEM	CORRECTED TO READ
4b	E5
17	21

3. Date. Enter the date in year, month, and day order. Each element of the date will consist of two digits, single digits will be prefixed by a zero.

4. Type the name, grade and title of the official authorized to sign. The authenticating officer will sign directly above the typed information using a black ink ballpoint pen. Each copy of the DD Form 215 must contain a legible signature before distribution is accomplished.

5. Distribution Instructions. Although the general distribution instructions are reflected on the DD Form 215, the specific Marine Corps distribution instructions are provided in paragraph 1202.6 above. The original and copy 4, if applicable, will be forwarded to the separatee at the address shown in item 4 with instructions that this form should be attached to the original DD Form 214 and copy 4, if applicable. Distribution of the remaining copies of the DD Form 215 will be the same as for the original of the DD Form 214 when it was prepared and distributed.

1204. SAFEGUARDING SEPARATION INFORMATION

1. The DD Form 214 and DD Form 215 are sources of significant and authoritative information used by civilian and Government agencies for a variety of purposes such as VA benefits, reemployment rights, unemployment insurance, etc. As such, they are valuable forms, and therefore, vulnerable for fraudulent use. To preclude fraudulent use, certain features have been designed into the DD Form 214 and DD Form 215. Blocks 1, 3, 4, 12 and 18 through 30 of the DD Form 214 as well as blocks 1, 3, and 5, and of the DD Form 215 have been surprinted with security ink to make alterations readily discernible.

2. In addition to design safeguards, the following control and accounting features will be implemented by commanders of each unit or activity authorized to requisition, store and issue DD Form 214 and DD Form 215:

a. Appoint a commissioned officer, warrant officer or a staff noncommissioned officer in the grade of gunnery sergeant or above to act as the agent who is responsible for the requisition, control and issue of blank DD Form 214 and DD Form 215.

b. The agent will approve the requisition of blank forms.

c. Verify total number of forms received against the requisition.

d. Furnish adequate storage to provide for strict security of blank forms at all times.

e. Ensure that all obsolete forms are destroyed.

f. Ensure that all forms discarded, including those which are blank or partially completed, and reproduced copies of the DD Form 214, will be destroyed. No forms will be discarded intact.

g. Ensure that blank forms used for educational instructional purposes, and forms maintained for such uses, are clearly voided in an unalterable manner.

h. Ensure that the DD Form 214-ws "WORKSHEET" receives the same safeguards, controls, accountability, discard and destruction procedures as the DD Form 214 and DD Form 215.

i. The commander will monitor and periodically review the above procedures to ensure compliance. In addition, the above procedures may be subject to review and evaluation for compliance by members of the Inspector General's field administrative staff.

1205. SPONSORSHIP OF DD FORM 214 SERIES. Department of Defense (Assistant Secretary of Defense, Manpower, Reserve Affairs and Logistics (ASD) (MRA&L)) sponsors the DD Form 214, DD Form 214ws and DD Form 215 which are used by all branches of the Armed Forces of the United States. Each service is required to publish preparation and distribution instruction under the guidance of DoD. Deviation in format or modification of content is not authorized without prior approval of DoD. Requests to add or delete information will be coordinated with the other military services in writing, prior to submission to the (ASD) (MRA&L).

1206. RESPONSIBILITY FOR ASSIGNMENT OF SEPARATION PROGRAM DESIGNATOR (SPD). The standard codes for officer and enlisted personnel were developed under the direction of DoD and are published in MCO 1080.20. The Departments of Air Force and Army have been assigned responsibility for assignment and maintenance of uniform lists and definitions of SPD's for officer and enlisted member, respectively, and with providing copies of such lists to all services. Requests for additions, deletions or modifications to SPD's shall be addressed to the Commandant of the Marine Corps (Code MPI-60).

TABLE 1-1 CHARACTERIZATION OF SERVICE

RULE	If the separating Marine (not a release from active duty)	Characterize service	Issue
1	is under 17 years of age	uncharacterized	Order of release from custody or control of military service
2	is between 17 and 18 and has served less than 180 days	Entry level separation	DD 214 only
3	over 18 years of age and has served less than 180 days	Entry level separation 1	DD 214 only
4	over 18 years of age and has served more than 180 days, is a corporal or below and has average conduct and proficiency markings of 4.0/3.0 or better	honorable 1	Honorable discharge certificate and DD Form 214
5	over 18 years of age has served more than 180 days, is a corporal or below and has average conduct and proficiency markings below 4.0/3.0	under honorable conditions 1	General discharge certificate and DD Form 214
6	is a sergeant or above	honorable 1	Honorable discharge certificate and DD Form 214
7	has requested separation in lieu of court-martial	under other than honorable conditions 1	Other than honorable conditions discharge certificate and DD Form 66
8	is being separated under a provision of chapter 6	as directed by separation authority	appropriate certificate based upon discharge authority's decision and DD Form 214

NOTE 1. Unless unusual circumstances warrant other characterization and other characterization is approved by GCM authority or higher.

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
(B)(2)		

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
(B)(2)		

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
(B)(2)		

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
(B)(2)		

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
(B)(2)		

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
(B)(2)		

TABLE 1-2 SPD CODES

Separation Authority	Narrative Reasons	Separation Code
(B)(2)		
MARCORSEPMAN Par. 8401	Physical disability with severance pay	JFL1
	Physical disability w/entl to severance pay, severance pay not paid, less than 6 mos adcu	(B)(2)
	Physical disability with severance pay, existed prior to entry but aggravated by service	
	Physical disability w/entl to severance pay, existed prior to entry but aggravated by service, severance pay not paid, less than 6 mos acdu	
(B)(2)		

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices

TERRITORY ALLOTTED TO	VA REGIONAL OFFICE
ALABAMA All cities and counties	Aronov Building 474 South Court Street Montgomery, Alabama 36104
ALASKA All cites and counties	Goldstein Building Juneau, Alaska 99801
ARIZONA All cities and counties	Federal Building 230 North First Avenue Phoenix, Arizona 85025
ARKANSAS All cities and counties	Federal Office Building 700 West Capital Avenue Little Rock, Arkansas 72201
CALIFORNIA Counties: Inyo, San Bernadino Kern, San Diego Imperial, San Luis Obispo Los Angeles, Santa Barabara Orange, Ventura Riverside	1380 S. Sepulveda Blvd. Los Angeles, California 90073
Alpine, Modoc Lassen, Mono	Veterans' Administration Center 1000 Locust Street Reno, Nevada 89504
All other counties	49 Fourth Street San Francisco, California 94103
CANAL ZONE Entire zone	Veterans' Benefits Office 2033 M Street, N.W. STOP 339 Washington, D.C. 20421
COLORADO All cities and counties	Denver Federal Center Denver, Colorado 80225
CONNECTICUT All cities and counties	450 Main Street Hartford, Connecticut 06103
DELAWARE All cities and counties	1601 Kirkwood Highway Wilmington, Delaware 1989[illegible] (Mailing address: P.O. B[illegible] 1266)
DISTRICT OF COLUMBIA Entire district	Veterans' Benefits Office 2033 M Street, N.W. STOP 339 Washington, D.C. 20421
FLORIDA All cities and counties	P.O. Box 1437 St. Petersburg, Florida 33731
GEORGIA All cities and counties	441-449 W. Peachtree Street, N.E. Atlanta, Georgia 30308
GUAM AND HAWAII Entire islands	680 Ala Moana Blvd. Honolulu, Hawaii 96801 (Mailing address: P.O. Box 3198)

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices--Continued

TERRITORY ALLOTTED TO	VA REGIONAL OFFICE
IDAHO All cities and counties	Fifth and Fort Streets Boise, Idaho 83707
ILLINOIS All cities and counties	2030 W. Taylor Street Chicago, Illinois 60612
INDIANA Counties:	
Lake La Porte Porter	2030 W. Taylor Street Chicago, Illinois 60612
All other cities and counties	36 South Pennsylvania Street Indianapolis, Indiana 46209
IOWA All cities and counties	Veterans' Administration Center Des Moines, Iowa 50308
KANSAS Counties:	
Atchison, Brown, Jackson, Jefferson, Johnson, Doniphan, Douglas, Leavenworth, Namaha, Wyandotte	Federal Building Room 4705 1520 Market Street St. Louis, Missouri 63103
All other counties	Veterans' Administration 5500 East Kellogg Wichita, Kansas 67218
KENTUCKY All cities and counties	1405 W. Broadway Louisville, Kentucky 40201
LOUISIANA All parishes	701 Loyola Avenue New Orleans, Louisiana 70113
MAINE All cities and counties	Veterans' Administration Center Togus, Maine 04333
MARYLAND Counties:	
Montgomery Prince Georges	2033 M Street, N.W. STOP 339 Washington, D.C. 20421
All other counties	St. Paul & Fayette Streets Baltimore, Maryland 21202
MASSACHUSETTS Cities and towns-Bristol County:	
East Mansfield	Veterans' Administation Regional Office John Fitzgerald Kennedy Federal Building Government Center Boston, Massachusetts 02203

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices--Continued

TERRITORY ALLOTTED TO	VA REGIONAL OFFICE
All other cities and towns in Bristol County:	Federal Building Kennedy Plaza Providence, Rhode Island 02903
Cities and towns-Plymouth County:	
Carver, Lakesville, Marion, Mattapoisett, Middleboro, Rochester, Wareham	Federal Building Kennedy Plaza Providence, Rhode Island 02903
All other cities and towns in Plymouth County:	Veterans' Administration Regional Office John Fitzgerald Kennedy Federal Building Boston, Massachusetts 02203
Counties:	
Barnstable Dukes Nantucket	Federal Building Kennedy Plaza Providence, Rhode Island 02903
All other counties	Veterans' Administration Regional Office John Fitzgerald Kennedy Federal Building Boston, Massachusetts 02203
MICHIGAN All Cities and counties	210 Gratiot Avenue at Library Detroit, Michigan 48231
MINNESOTA Counties:	
Becker, Beltrami, Clay, Clearwater, Kittson, Lake of the Woods, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Roseau, Wilkin	Veterans' Administration Regional Office Fargo, North Dakota 58102
All other counties	Fort Snelling St. Paul, Minnesota 55111
MISSISSIPPI All cities and counties	1500 East Woodrow Wilson Drive Jackson, Mississippi 39216
MISSOURI All cities and counties	Federal Building Room 4705 1520 Market Street St. Louis, Missouri 63103
MONTANA All cities and counties	Veterans' Administration Center Ft. Harrison, Montana 59636
NEBRASKA All cities and counties	220 South 17th Street Lincoln, Nebraska 68508

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices--Continued

TERRITORY ALLOTTED TO	VA REGIONAL OFFICE
NEVADA Counties:	
Clark Lincoln	1380 South Sepulveda Blvd. Los Angeles, California 90073
All other counties:	1000 Locust Street Reno, Nevada 89504
NEW HAMPSHIRE All cities and counties	497 Silver Street Manchester, New Hampshire 03103
NEW JERSEY All cities and counties	20 Washington Place Newark, New Jersey 07102
NEW MEXICO All cities and counties	517 Gold Avenue, S.W. Albuquerque, New Mexico 87101
NEW YORK Counties:	
Albany, Bronx, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Kings, Montgomery, Nassau, New York, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, Westchester	252 Seventh Avenue New York, New York 10001
Other Counties:	
Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Cortland, Erie, Genesee, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, St. Lawrence, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming, Yates	1021 Main Street Buffalo, New York 14203
NORTH CAROLINA All cities and counties	310 W. Fourth Street Winston-Salem, North Carolina 27102

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices--Continued

TERRITORY ALLOTTED TO	VA REGIONAL OFFICE
NORTH DAKOTA All cities and counties	Veterans' Administration Center Fargo, North Dakota 58102
OHIO All cities and counties	1240 East 9th Street Cleveland, Ohio 44199
OKLAHOMA All cities and counties	Second and Court Streets Muskogee, Oklahoma 74401
OREGON All cities and counties	208 S.W. Fifth Avenue Portland, Oregon 97204
PENNSYLVANIA Counties: Adams, Berks, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, York	5000 Wissahickon Avenue Philadelphia, Pennsylvania 19101 (Mailing address: P.O. Box 8079)
All other counties: Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland	1000 Liberty Avenue Pittsburgh, Pennsylvania 15222
PHILLIPINES, Republic of the entire islands	1131 Roxas Blvd. Manila, Philippine Islands (Mailing address: APO, San Francisco 96528)

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices--Continued

TERRITORY ALLOTTED TO	VA REGIONAL OFFICE
PUERTO RICO, Commonwealth of Puerto Rico, including Virgin Islands	520 Ponce de Leon Avenue San Juan, Puerto Rico 00901
RHODE ISLAND All cities and counties	Federal Building Kennedy Plaza Providence, Rhode Island 02903
SAMOA Entire Island	Veterans' Benefits Office 2033 M Street, N.W. STOP 339 Washington, D.C. 20420
SOUTH CAROLINA All cities and counties	1801 Assembly Street Columbia, South Carolina 29201
SOUTH DAKOTA All cities and counties	Veterans' Administration Center Sioux Falls, South Dakota 57101
TENNESSEE All cities and counties	U.S. Courthouse 801 Broadway Nashville, Tennessee 37303
TEXAS City of:	
Texarkana	Federal Office Building 700 West Capitol Avenue Little Rock, Arkansas 72201
Counties:	
Angelina, Aransas, Atascosa, Austin, Bandera, Bee, Bexar, Blanco, Brazoria, Brewster, Brooks, Fort Bend, Frio, Galveston, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Houston, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Crockett, De Witt, Dimmit, Duval, Edwards, Medina, Menard, Montgomery, Newton, Nueces, Orange, Pecos, Polk, Real, Refugio, Sabine, San Augustine, San Jacinto, San Patricio, Schleicher, Shelby, Starr, Sutton	515 Rusk Avenue Houston, Texas 77061

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices--Continued

TERRITORY ALLOTTED TO		VA REGIONAL OFFICE
Kendall	Terrell	515 Rusk Avenue Houston, Texas 77061
Kenedy	Trinity	
Kerr	Tyler	
Kimble	Uvalde	
Kinney	Val Verde	
Kleberg	Victoria	
La Salle	Walker	
Lavaca	Waller	
Liberty	Washington	
Live Oak	Webb	
Mason	Wharton	
Matagorda	Willacy	
Maverick	Wilson	
McCulloch	Zapata	
McMullen	Zavala	
Counties: continued		
Anderson	Delta	1400 North Valley Mills Drive Waco, Texas 76710
Andrews	Denton	
Archer	Dickens	
Armstrong	Donley	
Bailey	Eastland	
Bastrop	Ector	
Baylor	Ellis	
Bell	El Paso	
Borden	Erath	
Bosque	Falls	
Bowie	Fannin	
Brazos	Fayette	
Briscoe	Fisher	
Brown	Floyd	
Burleson	Foard	
Burnet	Franklin	
Callahan	Freestone	
Camp	Gaines	
Carson	Garza	
Cass	Glasscock	
Castro	Gray	
Cherokee	Grayson	
Childress	Gregg	
Clay	Hale	
Cochran	Hall	
Coke	Hamilton	
Coleman	Hansford	
Collin	Hardeman	
Collingsworth	Harrison	
Comanche	Hartley	
Concho	Haskell	
Cooke	Hemphill	
Coryell	Henderson	
Cottle	Hill	
Crane	Hockley	
Culberson	Hopkins	
Dallam	Howard	
Dallas	Hudspeth	
Dawson	Hunt	
Deaf Smith	Hutchinson	
Irion	Presidio	
Jack	Rains	

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices--Continued

TERRITORY ALLOTTED TO	VA REGIONAL OFFICE
Jeff Davis Johnson Jones Kaufman Kent King Knox Lamar Lamb Lampasas Lee Leon Limestone Lipscomb Llano Loving Lubbock Lynn Madison Marion Martin McLennan Midland Milam Mills Mitchell Montague Moore Morris Motley Navarro Nolan Ochiltree Oldham Palo Pinto Panola Parker Parmer Potter Randall Reagan Red River Reeves Roberts Robertson Rockwall Runnels Rusk San Saba Scurry Shackelford Sherman Smith Somervell Stephens Sterling Stonewall Swisher Tarrant Taylor Terry Throckmorton Titus Tom Green Travis Upshur Upton Van Zandt Ward Wheeler Wichita Wilbarger Williamson Winkler Wise Wood Yoakum Young	1400 North Valley Mills Drive Waco, Texas 76710
UTAH All cities and counties	125 South State Street Salt Lake City, Utah 84111
VERMONT All cities and counties	Veterans' Administration Center White River Junction, Vermont
VIRGINIA Cities of:	
Alexandria Arlington Fairfax	Veterans' Benefits Office 2033 M Street, N.W. STOP 339 Washington, D.C. 20420
All other cities and counties	211 W. Campbell Avenue Roanoke, Virginia 24011
VIRGIN ISLANDS (Listed under Commonwealth of Puerto Rico)	520 Ponce de Leon Avenue San Juan, Puerto Rico 00901
WASHINGTON All cities and counties	Sixth and Lenora Building Seattle, Washington 98121

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices--Continued

TERRITORY ALLOTTED TO:	VA REGIONAL OFFICE
WEST VIRGINIA Counties:	
Brooke Marshall Hancock Ohio	1000 Liberty Avenue Pittsburgh, Pennsylvania 15222
All other counties:	502 Eighth Street Huntington, West Virginia 25701
WISCONSIN All cities and counties:	342 N. Water Street Milwaukee, Wisconsin 53202
WYOMING All cities and counties:	2360 East Pershing Blvd. Cheyenne, Wyoming 82001

11. State Directors of Veterans' Affairs mailing addresses:

ALABAMA
Director
Department of Veterans' Affairs
P.O. Box 1509
Montgomery, AL 36106

ALASKA
Director
Division of Veterans' Affairs
Pouch DA
Juneau, AK 99801

ARIZONA
Director
Department of Economic Security
P.O. Box 6123
Phoenix, AZ 85005

ARKANSAS
Director, Veterans' Services Office
1200 West 3d
Little Rock, AR 72201

CALIFORNIA
Director, Department of Veterans' Affairs
P.O. Box 1559
Sacramento, CA 95807

COLORADO
Director, Veterans' Affairs Section
Department of Social Services
1575 Sherman Street, Room 103
Denver, CO 80203

CONNECTICUT
Commandant, Veterans' Home and Hospital
287 West Street
Rocky Hill, CT 06067

DELAWARE
Director
Veterans' Services Division
Department of Finance
Emily P. Bissell Hospital
3000 Newport Gap Pike Bldg.
Wilmington, DE 19808

DISTRICT OF COLUMBIA
Chief, Office of Veterans' Affairs
941 N. Capitol Street, N.E.
Room 1211 F
Washington, D.C. 20421

FLORIDA
Director
Division of Veterans' Affairs
P.O. Box 1437
St. Petersburg, FL 33731

GEORGIA
Director, Department of Veterans' Services
Veterans' Bldg., State Capitol
Atlanta, GA 30334

HAWAII
Director, Department of Social Services, Veterans' Affairs Section
P.O. Box 339
Honolulu, HI 96809

IDAHO
Director, Division of Veterans' Services
P.O. Box 7765
Boise, ID 83707

ILLINOIS
Director, Department of Veterans' Affairs
P.O. Box 7765
126 W. Jefferson Street
Springfield, IL 62705

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices--Continued

INDIANA
Director
Division of Veterans' Services
707 State Office Building
100 N. Senate Bldg.
Indianapolis, IN 46204

IOWA
Executive Secretary
Bonus Board
State Capitol
Des Moines, IA 50319

KENTUCKY
Manager
Kentucky Center for Veterans' Affairs
600 Federal Place, Room 136J
Louisville, KY 40202

MAINE
Commissioner
Bureau of Veterans' Services
Camp Keys
Augusta, ME 04333

MARYLAND
Director,
Veterans' Commission
113 Federal Bldg., Room G-07
31 Hopkins Plaza
Baltimore, MD 21201

MASSACHUSETTS
Commissioner
Veterans' Services
100 Cambridge St., Room 1002
Leverett Saltonstall Bldg.
Boston, MA 02202

MISSOURI
Director
Division of Veterans' Affairs
P.O. Drawer 147
Jefferson City, MO 65101

MONTANA
Administrator
Veterans' Welfare Commission
P.O. Box 1702
Henlena, MT 59601

NEBRASKA
Director
Department of Veterans' Affairs
First Floor, State Capitol
Lincoln, NE 68509

NEVADA
Commissioner
Veterans' Affairs
1201 Terminal Way
Reno, NV 89502

NEW HAMPSHIRE
Director
State Veterans' Council
100 State House Annex
Concord, NH 03301

NEW JERSEY
Director
Division of Veterans' Programs
and Special Services
143 E. State Street
P.O. Box 1237
Trenton, NJ 08608

NEW MEXICO
Director
Veterans' Services Commission
P.O. Box 2324
Santa Fe, NM 87503

NEW YORK
Director
Division of Veterans' Affairs
194 Washington Avenue
5th Floor
Albany, NY 12210

NORTH CAROLINA
Director
Department of Veterans' Affairs
227 E. Edenton Street
Raleigh, NC 27602

NORTH DAKOTA
Commissioner
Department of Veterans' Affairs
P.O. Box 1287
Fargo, ND 58102

OHIO
Chief
Division of Soldier's Claims &
Veterans' Affairs
11 State House Annex
Columbus, OH 43215

OKLAHOMA
Director
Department of Veterans' Affairs
P.O. Box 53067
Capitol Station
Oklahoma City, OK 73105

Table 1-3: Jurisdiction and Addresses of Veterans' Administration Regional Offices--Continued

OREGON
Director
Department of Veterans' Affairs
1225 Ferry Street, S.E.
Salem, OR 97310

PENNSYLVANIA
Deputy, Adjutant General
Office of Veterans' Affairs & Assistance
Fort Indiantown Gap
Anniville, PA 17003

PUERTO RICO
Director
Veterans' Office
1332 Jesue T. Pinero Avenue
Puerto Neuvo, PR 00921

RHODE ISLAND
Chief
Soldier's Welfare Services
46 Aborn Street
Providence, RI 2903

SOUTH CAROLINA
Director
Department of Veterans' Affairs
227 Brown Building
1205 Pendleton Street
Columbia, SC 29201

SOUTH DAKOTA
Director
Division of Veterans' Affairs
P.O. Box 298
State Capitol Building
Pierre, SD 57501

TENNESSEE
Commissioner
Department of Veterans' Affairs
215 8th Avenue, North
Nashville, TN 37203

TEXAS
Director
Veterans' Affairs Commission
Box 12277, Captiol Station
Austin, TX 78711

UTAH
Director
Department of Social Services
Office of Veterans' Affairs
150 West North Temple
P.O. Box 2500
Salt Lake City, UT 84110

VERMONT
Director
State Veterans' Affairs Section
City Hall, Main Street
Montpelier, VT 05602

VIRGINIA
Director
Division of War Veterans' Claims
210 Franklin Road, S.W.
Roanoke, VA 24011

VIRGIN ISLANDS
Director
Department of Veterans' Affairs
Christiansted
St. Croix, VI 00820

WASHINGTON
Director
Department of Veterans' Affairs
P.O. Box 9778
Olympia, WA 95804

WEST VIRGINIA
Director
Department of Veterans' Affairs
612 Atlas Building
Charleston, WV 25301

WISCONSIN
Secretary
Department of Veterans' Affairs
77 North Dickinson Street
Madison, WI 53702

WYOMING
No DVA

CERTIFICATE IN LIEU OF ORDERS (1900)
NAVMC 11062 (1-90)
SN: 8000-00-006-7820 U/I: PADS OF 100

NAME (Last, First, Middle Initial)	GRADE	SSN	DATE

PART I

☐ 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	RESERVE
HOME OF RECORD AT LAST ENLISTMENT (City and State)	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

☐ 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

☐ 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

☐ 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

☐ 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:

☐ 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

☐ LAST PLACE MARINE WAS REIMBURSED OR TRANSPORTATION REQUEST WAS FURNISHED AND USED FOR TRANSPORTATION OF DEPENDENTS (City and State):

PART VI

ACCOUNTING AND APPROPRIATION DATA — ACCOUNTING CLASSIFICATION

APPROPRIATION SYMBOL AND SUBHEAD	OBJECT CLASS.	BUREAU CONT. NO.	SUB. ALLOT.	AUTH'N. ACCT'G. ACTY.	TRANS. TYPE	PROPERTY ACCT'G. ACTY.	COST CODE

DATE	TYPED NAME AND SIGNATURE OF CERTIFYING OFFICER	ISSUING ACTIVITY

Figure 1-1.--Certificate In Lieu of Orders.

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

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

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

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

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

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

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

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

Figure 1-2.--Information Concerning the Regulations and Procedures of the Board for Correction of Naval Records and the Navy Discharge Review Board.

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

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

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

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

The evidence before the board which may be considered in connection with a particular discharge document will normally be restricted to that which is relevant and material to the former member's particular term of Marine Corps service or during that term of Marine Corps service, or at the time of separation.

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

Figure 1-2.--Information Concerning the Regulations and Procedures of the Board for Correction of Naval Records and the Navy Discharge Review Board.--Continued

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

Applications for review and explanatory matter may be obtained by writing the Navy Discharge Review Board, Department of the Navy, Washington, D.C. 20370.

STATEMENT OF THE INDIVIDUAL

I have been advised of the purpose and procedure for making application to the Board for Correction of Naval Records and the Navy Discharge Review Board.

_____
Signature

_____
Witness

Figure 1-2.--Information Concerning the Regulations and Procedures of the Board for Correction of Naval Records and the Navy Review Board.--Continued