Headquarters, U.S.
Marine Corps

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL (SHORT TITLE: MARCORSEPMAN)

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MMSR
30 May 2001

From: Commandant of the Marine Corps
To: Distribution List

Subj: MARINE CORPS SEPARATION AND RETIREMENT MANUAL (SHORT TITLE: MARCORSEPMAN)

Ref: (a) Title 10, United States Code
(b) SECNAVINST 1412.9A of 13 Sep 1985 (Continuation of LDO and CWO)
(c) SECNAVINST 1811.3M of 15 Nov 1989 (Active Duty Retirement)
(d) SECNAVINST 1820.2B of 1 Mar 1999 (Reserve Retirement)
(e) SECNAVINST 1850.4D of 23 Dec 1998 (DoN Disability Evaluation)
(f) SECNAVINST 1900.7G of 30 Jul 1991 (Separation Pay)
(g) SECNAVINST 1910.4B of 29 May 1996 (Enlisted Admin Separations)
(h) SECNAVINST 1920.7A of 12 Feb 1998 (Active Duty Continuation)
(i) SECNAVINST 1920.6B of 13 Dec 1999 (Admin Separation of Officers)

Encl: (1) LOCATOR SHEET

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

2. Cancellation. MCO P1900.16E.

3. Background. Separation and retirement processing continues to evolve through changes in law, service policy, and the increased use of automated data processing technology at the unit, HQMC, and the Defense Retiree and Annuitant Pay System (DRAS).

4. Summary of Key Revisions. This revision contains a substantial number of changes and should be completely reviewed. A complete listing of changes is contained in Appendix M. Matters that pertain to more than one chapter are consolidated in chapter 1 or in the applicable appendix. The scope of chapter 4 (Administrative Separation of Officers for Cause) remains limited to Marine Corps policies with users directed to reference (i) for Department of the Navy policies and procedures. Chapter 6 (Enlisted Administrative Separations) has been updated according to reference (g). Chapter 8 (Separation and Retirement for Physical Disability) has substantially changed based on reference (e).

a. Guidelines pertaining to characterization of service have been updated in paragraph 1004. All general discharges are characterized as "general (under honorable conditions)" for conformity with Department of the Navy guidelines.

b. Time and place of separation has been updated in paragraph 1006. Marines stationed in Hawaii will now separate in Hawaii. Marines that are residents of the Commonwealth of Puerto Rico will now separate from their command or a CONUS separation site if stationed overseas.

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c. The computation of retired pay is based upon when a Marine first entered military service and several other factors. See paragraph 1405 for a complete explanation.

d. Enlisted Marines at service limits under the Enlisted Career Force Controls (ECFC) Program may request consideration for promotion and transfer to the FMCR in certain instances. Review of the annual MARADMIN announcing the latest ECFC policy and MCO P1400.32C (ENLPROMAN) is crucial for processing these requests.

e. Numerous changes have been made in the criteria for enlisted administrative separation, to include: limitations on separation and reduction in grade, personality disorder, homosexual conduct, sexual harassment, weight control failure, drug abuse, and pregnancy.

f. New guidance and acknowledgement of counseling and rehabilitation (paragraph 6105) is established.

g. Appendix K lists government benefits at separation based upon characterization of service.

h. Appendix L is an outline and checklist for enlisted involuntary administrative separations with forms to be used at the discretion of the commander, with SJA recommendation, that may assist in the processing of these cases.

i. Appendix M is a listing of all revisions to this Manual from the previous edition.

j. Appendix N is a sample of the Certificate of Appreciation to be presented to Marines who are separating with an honorable characterization of service.

(Note: Throughout this Manual, references to United States Code will be represented as the number of the title of law, U.S.C. and the pertinent section; e.g., 10 U.S.C. 6323.)

5. Recommendation. Changes to this Manual are invited and should be submitted to the CMC (MMSR) via normal correspondence procedures or from the U.S. Marine Corps' webpage, via the Separation and Retirement Branch web site.

6. Action. Commanders will ensure that they and their designated representatives comply with the contents of this Manual. Separation proceedings will be completed based upon the separation manual in effect on the date the respondent was notified of processing. **This Manual is effective 1 September 2001 for all administrative separation proceedings initiated on or after that date.**

7. Certification. Reviewed and approved this date.

/s/ *T. P. Murray*
T. P. MURRAY
By direction

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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 Entered	Signature of Person Incorporated Change

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CONTENTS

CHAPTER

1 GENERAL INSTRUCTIONS ON SEPARATIONS

2 RETIREMENT OF OFFICERS ON ACTIVE DUTY

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

4 ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

5 OFFICER RESIGNATIONS AND INVOLUNTARY DISCHARGES AS A RESULT OF A SECOND FAILURE OF SELECTION FOR PROMOTION WHILE ON THE ACTIVE DUTY LIST

6 ENLISTED ADMINISTRATIVE SEPARATIONS

7 RETIREMENT OF ENLISTED MARINES AND TRANSFER TO THE FLEET MARINE CORPS RESERVE (FMCR)

8 SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

APPENDIX

A SEPARATION PROGRAM DESIGNATORS (SPD)

B DETAILED INSTRUCTIONS FOR DD FORMS 214, 214W5, AND 215

C CHECKLIST FOR SEPARATIONS

D INFORMATION CONCERNING THE REGULATIONS AND PROCEDURES OF THE BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR) AND THE NAVAL DISCHARGE REVIEW BOARD (NDRB)

E AUTOMATED PROCESSING OF SEPARATION AND RETIREMENTS UNDER THE MARINE CORPS TOTAL FORCE SYSTEM (MCTFS)

F STATE DIRECTORS OF VETERANS AFFAIRS

G JURISDICTION AND ADDRESSES OF VA REGIONAL OFFICES

H RETIRED PAY DATA FORM (DD FORM 2656)

I REENLISTMENT CODES

J RETIREMENT PREAPPLICATION CHECKLIST

K BENEFITS AT SEPARATION (BASED ON CHARACTERIZATION OF SERVICE)

L INVOLUNTARY ADMINISTRATIVE DISCHARGE OUTLINE, CHECKLIST, AND FORMS

M SUMMARY OF REVISIONS

N CERTIFICATE OF APPRECIATION (Marines with honorable service)

INDEX

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

	PARAGRAPH	PAGE
GENERAL	1001	1-3
DEFINITIONS	1002	1-3
TYPES OF SEPARATIONS	1003	1-9
CHARACTERIZATION OF SERVICE	1004	1-10
DISCHARGE FOR EXPIRATION OF ENLISTMENT OR FULFILLMENT OF SERVICE OBLIGATION	1005	1-15
TIME AND PLACE OF SEPARATION	1006	1-15
EFFECTIVE TIME OF SEPARATION	1007	1-20
RETENTION BEYOND DATE DUE FOR SEPARATION	1008	1-21
TRAVEL UPON SEPARATION	1009	1-23
ACCRUED LEAVE	1010	1-24
MEDICAL QUALIFICATION FOR SEPARATION & PHYSICAL EXAMINATIONS	1011	1-26
RETIREMENT CEREMONY	1012	1-29

SECTION 1: ADMINISTRATIVE MATTERS RELATIVE TO SEPARATION

ADMINISTRATIVE PROCEDURES AND REQUIREMENTS	1101	1-30
AUTOMATION	1102	1-38
NOTIFICATION TO IMMIGRATION AND NATURALIZATION SERVICE	1103	1-39
SEPARATION OF ALIENS	1104	1-39
DISCHARGE ADJUDGED BY SENTENCE OF COURT-MARTIAL	1105	1-40

SECTION 2: CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214); CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY WORKSHEET (DD FORM 214WS); AND CORRECTION TO DD FORM 214, CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 215)

GENERAL 1201 1-42

ISSUE, PREPARATION, AND DISTRIBUTION OF DD FORM 214 . . . . . 1202 1-42

SAFEGUARDING SEPARATION INFORMATION 1203 1-47

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

	PARAGRAPH	PAGE
SPONSORSHIP OF THE DD FORM 214 SERIES	1204	1-48
RESPONSIBILITY FOR ASSIGNMENT OF SEPARATION PROGRAM DESIGNATOR (SPD)	1205	1-48

SECTION 3: ENTITLEMENT TO SEPARATION PAY

GENERAL	1301	1-49
DEFINITIONS	1302	1-49
RATES OF SEPARATION PAY	1303	1-49
MARINES ELIGIBLE FOR SEPARATION PAY (NONDISABILITY)	1304	1-50
MARINES LIMITED TO HALF SEPARATION PAY (NONDISABILITY)	1305	1-51
MARINES NOT ELIGIBLE FOR SEPARATION PAY	1306	1-51
REPAYMENT OF SEPARATION, SEVERANCE OR READJUSTMENT PAY	1307	1-52
DISBURSEMENT OF SEPARATION PAY	1308	1-52

SECTION 4: ENTITLEMENT TO RETIRED/RETAINER PAY

GENERAL	1401	1-53
RETIRED/RETAINER PAY	1402	1-53
PAY ACCOUNTS	1403	1-54
CHANGE OF ADDRESS AND RESIDENCE OF RETIRED MARINES AND MEMBERS OF THE FMCR	1404	1-55
CALCULATING RETIRED/RETAINER PAY	1405	1-55

FIGURE

1-1 DISCHARGE LETTER IN LIEU OF DISCHARGE CERTIFICATE 1-58
TABLE

TABLE

1-1 CHARACTERIZATION OF SERVICE 1-59

CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

1001. GENERAL

1. This Order/Manual provides procedures for separating Marines:

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

b. Before completion of service obligation by reason of administrative separation, both voluntary and involuntary; disciplinary action, disability; failure of selection for promotion; and resignation for cause in the case of certain officers.

2. This chapter provides definitions, information, rules of interpretation, and prescribes procedures and policies applicable throughout this Manual, and where applicable to more than one chapter, unless otherwise noted.

3. For the purposes of this Manual, the term "separation" will include retirement and transfer to the FMCR and the term "retirement" will include transfer to the FMCR, except when otherwise specified.

1002. DEFINITIONS

1. Active Commissioned Service. Service on active duty as a commissioned officer in a grade above warrant officer.

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

3. Active Duty for Training. Active duty for Reserve training with automatic reversion to inactive duty upon completion.

4. Active Duty List. Lists required to be maintained by the Secretary of the Navy of active duty officers per 10 U.S.C. other than those excepted by section 641. Section 574 discusses warrant officers and section 620 all other officers. Additional information on active duty lists is contained in MCO P1400.31B, Officers Promotion Manual.

5. Active Service. Service performed on active duty. One of the prime factors upon which initial retirement eligibility is based.

6. Active Status. The status of a Reservist who is a member of the Ready Reserve or the Active Status List of the Standby Reserve, including Reserve officers on the active-duty list.

7. Administrative Separation. Discharge or release from active duty upon or before expiration of enlistment, period of induction, or other required period of service, in the manner prescribed in this Manual, 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.

8. Bisexual. A person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

9. Broken Service. Active duty or active duty for training in any branch of military service of the United States broken by any period greater than 24 hours and after completing a minimum of 12 consecutive weeks of active duty or active duty for training, unless such service results in continuous service as defined below.

10. Characterization of Service. Classification of the quality of service rendered.

11. Commander/Commanding Officer. A commissioned officer or warrant officer who, by virtue of rank and assignment, exercises primary command authority over a military organization or prescribed territorial area that, under pertinent official directives, is recognized as a “command.”

12. Commissioned Officer. An officer in any of the military services who holds a grade and office under a commission signed by the President, and who is appointed as a Regular or Reserve officer. For the purposes of this Manual the term commissioned officer is used to differentiate unrestricted and restricted officers from warrant officers, since the laws and policies governing the separation and retirement of these officers may be different.

13. Commissioned Service. All periods of service as a commissioned officer or commissioned warrant officer, (CWO-2 and above), in the Army, Navy, Air Force, Marine Corps, or Coast Guard while on active duty or in an inactive status.

14. Continuous Service

a. For Officers. Military service unbroken by any period greater than 24 hours.

b. For Enlisted Personnel

(1) Service in the Regular Navy or Naval Reserve or 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 the date of discharge or release from active duty, is reenlisted “within 3 months.”

(2) Reenlistment “within 6 months” following discharge or release from active duty provided the member is classified RE-1, recommended for preferred reenlistment, and holds an MOS listed as a “reenlistable” MOS. A member who reenlisted on the same day of the month, 6 calendar months from the date of discharge or release from active duty, is reenlisted “within 6 months.”

15. Convening Authority. (1) The separation authority or (2) a commanding officer empowered to convene a special court martial, who has been authorized by the Secretary of the Navy to process a case for final action and who otherwise has the qualifications to act as a separation authority.

16. Counsel. A lawyer qualified and certified under Article 27(b), Uniform Code of Military Justice (UCMJ), assigned to represent a service member during separation processing, or a civilian lawyer retained at the member’s expense.

17. Discharge. Complete severance from all military status gained by appointment, enlistment, or induction.

18. Dismissal. Separation of a commissioned officer, effected by sentence of a general court-martial, or in commutation of such a sentence, or, in time of war, by order of the President, or separation of a warrant officer (WO-1) who is dismissed by order of the President in time of war. A complete severance from all military status.

19. Drop From the Rolls. A complete severance of military status pursuant to a specific statutory authority, without characterization of service.

20. Effective Date of Retirement. All retirements, except those by reason of physical disability and Reservists who are retiring with pay at age 60, are effective on the 1st day of the month. In the case of mandatory retirements, retirements will be effected on the 1st day of the month following the month in which the officer meets the statutory limit.

21. 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 service break following more than 92 days of active service. A member of a Reserve component who was not on active duty or 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: (1) 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, (2) 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 of active duty. For the purposes of characterization of service or description of separation, the member's status is determined by the date of notification as to the initiation of separation proceedings. The period of entry level status is not interrupted by unauthorized absence or desertion.

22. Expiration of Active Service (EAS). The day active service terminates, including voluntary extensions of enlistment, convenience of the Government legal (CofGL), or convenience of the Government medical (CofGM), for Marines voluntarily retained on active duty.

23. Expiration of Current Contract (ECC). The date the current contract expires, excluding voluntary extensions of enlistment thereof that have not become effective.

24. Expiration of Obligated Service (EOS). The termination of the obligation under the terms of the Military Selective Service Act (MSS Act).

25. Homosexual. A person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

26. Homosexual Acts

a. Any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and,

b. Any bodily contact that a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in the preceding paragraph.

27. Homosexual Conduct. A homosexual act or a statement by the service member that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted homosexual marriage.

28. Homosexual Marriage or Attempted Marriage. When a member has married or attempted to marry a person known to be of the same biological sex.

29. Illegal Drug Involvement. Wrongful or improper use, possession, manufacture, sale, transfer or distribution of any psychoactive substance to include: amphetamine or similarly acting sympathomimetics; cannabis; cocaine; hallucinogens; inhalants; opiates; phencyclidine (PCP) or similarly acting arylcyclohexylamines; and sedatives, steroids, hypnotics, anxiolytics, or other controlled substances or drug paraphernalia. The term "Controlled Substances" 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 published under the provisions of that Act.

30. Inactive Service. Duty authorized for Reserve officers by appropriate authority and performed on a voluntary basis in connection with prescribed training or maintenance activities of assigned units.

31. 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), UCMJ.

32. Mandatory/Involuntary Retirement. Retirement required by law or as a result of actions by a selective early retirement board.

33. Mandatory Separation Processing. A general term used to ensure the commander initiates the involuntary separation process, to the separation authority. This term does not mean that a board hearing is mandatory or that the separation of the respondent is mandatory.

34. Marine. An officer or enlisted member of the Regular or Reserve establishment of the Marine Corps.

35. Member (also Service member). A member of the Regular or Reserve components of the Marine Corps.

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

37. Nonprobationary Officers. A commissioned officer other than a probationary commissioned officer.

38. Obligated Service. All service prescribed in the officer program through which an officer was accessed and incurred by the officer in consideration of being tendered an initial appointment, or any additional obligation incurred.

39. 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; aviation cadet; or other person in an officer candidate status similar to any one or more of the foregoing.

40. Prior Enlistment or Period of Service

a. Service in the regular or reserve component of the Armed Forces, including the Coast Guard, under a DD Form 4 (enlistment contract) or an extension of an enlistment contract and which was terminated by issuance of a DD Form 214, discharge certificate, certificate of service, or report attesting to the type and character of service rendered during that period.

b. In determining characterization for separation from the reserve component, “Prior Enlistment of Period of Service” does not include service, pursuant to orders or an agreement by a member of the reserve component on active duty for training or active duty for special work, even if the end of that service is memorialized by a DD Form 214 indicating release from active duty.

41. Probationary Commissioned Officer

a. A commissioned officer on the Active Duty List with less than 5 years of active commissioned service; or,

b. A Reserve commissioned officer with less than 5 years of commissioned service. However, a Reserve commissioned officer serving in an active status before 1 October 1996 who was in a probationary status before that date, is a probationary commissioned officer for a period of 3 years from the date of his or her appointment as a Reserve commissioned officer.

42. Propensity. Propensity to engage in homosexual acts means more than an abstract preference or desire to engage in homosexual acts; it indicates a likelihood that a person engages in or will engage in homosexual acts.

43. Qualified Resignation. A resignation for which the least favorable characterization of service allowed is general (under honorable conditions).

44. 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).

45. Resignation. The request, by an officer, to be divested of his or her commission or warrant. Such requests may be classified as "Unqualified," "Qualified," or "For the Good of the Service" as defined in this chapter. Upon acceptance by the Secretary and completion of all administrative procedures, it represents a complete severance from all military status.

46. Resignation for the Good of the Service. A resignation for which the least favorable characterization of service allowed is under other than honorable conditions.

47. Respondent. A Marine who is the subject of separation proceedings.

48. Retention on Active Duty. The continuation of an individual in an active duty status in the Regular Marine Corps or Marine Corps Reserve.

49. Revocation of Appointment/Revocation of Commission/Termination of Appointment. A complete termination of the military service status of an officer.

50. Separation. A general term which includes dismissal, dropping from the rolls, revocation of an appointment or commission, termination of an appointment, release from active duty, release from custody and control of the Marine Corps, or transfer from active duty to the: IRR, Fleet Marine Corps Reserve, Retired List, Temporary or Permanent Disability List, or Retired Reserve and similar changes in an active or reserve status.

51. Separation Authority. The Secretary of the Navy or an official authorized by the Secretary of the Navy to take final action with respect to a specified type of separation.

52. Separation Processing. Processing is initiated on the date a command receives a written request for separation from a member, or on the date a command delivers a member notice of separation proceedings per section 3 of chapter 6. Processing is not completed until the appropriate separation authority takes final action.

53. Sexual Harassment. A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's job, pay, or career; or,

b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or,

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or

offensive environment.

Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

54. Sexual Orientation. An abstract sexual preference for persons of a particular sex, as distinct from a propensity or intent to engage in sexual acts.

55. 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).

56. Statement That a Member is a Homosexual or Bisexual, or words to that effect. Language or behavior that a reasonable person would believe was intended to convey the statement that a person engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts.

57. The Secretary. The Secretary of the Navy; includes the Under Secretary of the Navy or an Assistant Secretary of the Navy.

58. Unqualified Resignation. A resignation for which the only characterization of service allowed is honorable.

59. Voluntary Retirement. Retirement effected as a result of a request from a Marine.

1003. TYPES OF SEPARATION. The most common types of separations are listed below. The first six are administrative separations and may be awarded per 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. In certain cases, service upon separation may be uncharacterized.

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

1004. CHARACTERIZATION OF SERVICE

1. Importance of Proper Characterization

a. Characterization is recognition of the quality of a Marine's performance and conduct. Determining the proper characterization should not be underestimated. Characterization serves as a goal for each Marine and as a meaningful endorsement to potential employers.

b. Most Marines serve honorably. In fairness to those Marines, commanders and separation authorities should ensure that undeserving Marines receive no higher characterization than is due.

2. Types of Characterization or Description. Characterization of service or description of separation based upon administrative action is authorized as follows:

a. Honorable. This is the highest quality of characterization.

(1) Honorable upon EAS separation. Honorable characterization is appropriate when the quality of the member's service has met the standards of accepted conduct and performance of duty for military personnel. Therefore, characterization will be honorable for Marines with average proficiency marks of 3.0 or higher and average conduct marks of 4.0 or higher.

(2) Honorable upon involuntary separation under chapter 6 or separation in lieu of trial by court-martial. Honorable is appropriate only if the Marine’s service, notwithstanding the basis for separation, is otherwise so meritorious that any other characterization would be clearly inappropriate. See paragraph 1004.3 and the specific basis in chapter 6.

b. General (Under Honorable Conditions). This is the second highest quality of characterization.

(1) General upon EAS separation. Characterization will be general for Marines with average proficiency marks below 3.0 and average conduct marks below 4.0.

(2) General upon involuntary separation under chapter 6 or separation in lieu of trial by court-martial. General (under honorable conditions) is appropriate if the member's service has been honest and faithful but significant negative aspects of the member's conduct or performance outweigh positive aspects of the member's military record. See also paragraph 1004.3 and the specific basis in chapter 6.

c. Under Other Than Honorable Conditions (OTH). This is the least favorable characterization.

(1) OTH upon EAS separation. Not authorized.

(2) OTH upon involuntary separation under chapter 6 or separation in lieu of trial by court-martial. OTH is appropriate when the basis for separation is commission or omission of an act that constitutes a significant departure from the conduct expected of a Marine. 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 special positions of trust; disregard of customary senior-subordinate relationships; acts or omissions endangering the security of the Marine Corps; deliberate acts or omissions

seriously endangering the health and safety of others; and drug abuse. OTH characterization is authorized only if (1) the member has been afforded the opportunity to request an administrative board, or (2) the member requests separation in lieu of trial by court-martial under paragraph 4104 or 6419.

(3) When an enlisted Marine serving in pay grade E-4 or above is administratively separated with an other than honorable characterization of service, the Marine shall be administratively reduced to pay grade E-3, with such reduction to become effective upon separation.

d. Uncharacterized. See paragraph 1004.5.

3. Guidelines for Determining Characterization for Involuntary Separations Under chapter 6. A board or separation authority may consider the following factors and any other relevant factors in determining characterization:

a. Standards of performance and conduct as determined by MCO P1610.7E, Performance Evaluation System, MCO P1070.12K, Individual Records Administration Manual (IRAM), and customs of the service form the primary basis for determining characterization of service. Minimum acceptable average proficiency and conduct markings during an enlistment are 3.0 and 4.0 respectively. Failure of a Marine to achieve either of these standards is evidence of significant negative aspects, outweighing all but the most meritorious military records. Marines who do not achieve these standards should not receive an honorable discharge.

b. The reason for separation.

c. The type of behavior which is the basis for separation. Generally, characterization will be based on a pattern of behavior rather than an isolated incident, although a single instance of misconduct or poor performance may be the basis for characterization.

d. The limitations on characterization in paragraph 1004.4 and sections 2 and 4 of chapter 6.

e. The member's age, length of service, grade, aptitude, and physical and mental condition.

f. Conduct in the civilian community, whether or not such conduct is subject to the UCMJ, which brings discredit to the service or prejudices good order and discipline.

4. Limitations on Characterization

a. Prior enlistment or period of service

(1) Characterization. Characterization of the current enlistment or period of service is determined by conduct, actions, or performance during that enlistment or service plus any extensions prescribed by law or regulations or effected with the consent of the member. Thus, positive or negative conduct, acts, or performance during a period of prior military service--including court-martial, nonjudicial punishment, absence without leave, misconduct for which a reenlistment waiver was granted, or commission of other offenses for which punishment was not imposed or adjudged--cannot be considered in determining the characterization to be recommended for the current enlistment. The issuance of a DD Form 214 to a member of the selected Marine Corps Reserve (SMCR) or Individual Ready Reserve (IRR) after any period

of active duty in determining characterization of separation from the reserve component.

(2) Retention. Prior conduct, acts, or performance can be considered in determining whether the board or separation authority will recommend or decide retention or separation. If such matter is considered on the issue of retention or separation, the record shall include a statement that the separation authority did not consider such matter on the issue of characterization.

b. Pre-service activities. Pre-service activities, including misconduct for which an enlistment waiver was granted, may not be considered in determining characterization except in a proceeding concerning fraudulent entry into the Marine Corps. Evidence of pre-service misrepresentations about matters that would have precluded, postponed, or otherwise affected the member's eligibility for enlistment or induction may be considered.

c. Serious offense. When separation is based solely upon a serious offense or serious offenses (including a violation of Article 112a, UCMJ) which resulted in a conviction by a special or general court-martial that did not adjudge a punitive discharge, and the general court martial convening authority (GCMCA) recommends a characterization of service as under other than honorable conditions under the guidance in sections 1 and 2 of chapter 6, separation and characterization must be approved by the Secretary of the Navy on a case-by-case basis. For the purpose of this paragraph, summary courts-martial, nonjudicial punishments, and other misconduct considered at a special or general court-martial do not, thereby, become part of the serious offense(s) resulting in conviction. Referral to the Secretary is not required when the Marine is notified of processing based upon misconduct in addition to the serious offense(s) of which convicted at special or general court-martial, when the additional misconduct would form the basis, in whole or in part, for an other than honorable characterization of service.

d. Conduct by Reservists. Conduct in the civilian community by a member of the inactive reserves (including the Individual Ready Reserve) who, at the time of the conduct, 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 directly affects the performance of military duties (service related). Such conduct may form the basis of characterization as general (under honorable conditions) only if such conduct adversely affects the overall effectiveness of the Marine Corps including military morale and efficiency.

e. Drug Abuse. Confirmed illegal drug use requires mandatory administrative separation processing. If processing is based solely upon evidence that may not be considered in determining characterization of service, the separation authority may direct retention, or approve an honorable or general (under honorable conditions) characterization of service as warranted by the respondent's service record. In all other administrative separation proceedings based on drug abuse, the GCMCA may act as the separation authority and take final action in accordance with paragraph 6309 (except in cases that must be forwarded to the Secretary of the Navy or the

CMC under subparagraph 1004.4c or paragraph 6307). See SECNAVINST 5300.28C for a detailed discussion.

(1) Using urinalysis results. Evidence obtained from an involuntary urinalysis taken under Military Rules of Evidence 312-316 (bodily or medical

examinations or intrusions, inspections, search, or seizure) may be used in determining characterization and can support OTH characterization. Urinalysis results obtained during fitness for duty examinations, if not based on probable cause or valid medical purpose, cannot be used as the basis for unfavorable characterization except when used for impeachment or rebuttal in any proceeding in which evidence of drug abuse has been first introduced by the Marine.

(2) Rehabilitation. A Marine's voluntary submission to a DoD treatment and rehabilitation program, and evidence voluntarily disclosed by the Marine as part of the course of treatment in such a program, may not be used against the Marine on the issue of characterization of service. In such cases, the separation authority may only direct or approve an honorable or general (under honorable conditions) characterization of service as warranted by the respondent's service record if the separation authority does not direct retention. This limitation does not apply to:

(a) Introducing evidence for impeachment or rebuttal in any proceeding in which evidence of drug abuse has been first introduced by the Marine; or

(b) The taking of action based on independently derived evidence, including evidence of continued drug abuse after initial entry into a treatment and rehabilitation program; information disclosed by the Marine to persons other than military substance abuse program personnel; or information disclosed in connection with investigation or disciplinary proceedings.

f. The separation authority for all Marines with 18 or more years of active/active constructive service is the CMC. The characterization of service for these Marines is normally honorable. However, characterization of service for Marines in this category, who are separated as a result of misconduct, may be less than honorable. In cases which warrant such a characterization, the command must forward a recommendation to the CMC (MMSR-3), with supporting documentation and endorsements for a determination.

5. Uncharacterized Separations

a. Uncharacterized. An uncharacterized description shall be used as follows: (Note: With respect to nonservice related administrative matters, i.e., Department of Veteran Affairs (DVA) benefits, civilian employment, etc., an uncharacterized separation shall be considered as the equivalent of an honorable or general, [under honorable conditions] characterization.)

(1) When a separation is initiated while a member is in an entry level status (see paragraph 1002.21), except in the following circumstances:

(a) When separation for misconduct, fraudulent enlistment, or homosexual conduct is authorized and when characterization under other than honorable conditions is warranted by the circumstances of the case;

(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 (CoG), disability, or Secretarial plenary authority.

(2) When a Marine with broken service is separated while in indoctrination training for failure to satisfactorily complete such training; or

(3) When a Marine is separated while in the Delayed Entry Program because of ineligibility for enlistment. Separation is effected per 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 shall be uncharacterized. The separation shall be described as an order of release from custody or control of the service concerned. When a constructive enlistment arises, characterization is required.

(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; or

(d) If the person tests positive for drugs or alcohol during the entrant drug and alcohol test, follow the procedures in paragraph 6211.

(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 mental competency and minimum age qualifications at the time of voluntary submission to military authority;

(c) Received military pay or allowances; and

(d) Performed military duties.

(3) If an enlistment is void at its inception and is followed by a constructive enlistment within the same term of service, characterization of service, or description of separation, shall be per paragraphs 1003 and 1004. 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 CMC, in an appropriate case, from either retaining or separating the Marine on any basis for separation provided in this Manual.

1005. DISCHARGE FOR EXPIRATION OF ENLISTMENT OR FULFILLMENT OF SERVICE OBLIGATION

1. Commanders are authorized to discharge enlisted Marines upon expiration of enlistment, extension of enlistment, or period of induction. The expiration of enlistment for any of the above is the date of the month immediately preceding the appropriate anniversary of the date of enlistment as adjusted for any time lost. Refer to subparagraph 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 before their expiration of active service are afforded the same benefits as though they were discharged at their EAS except as stated in MCO 7220.24M, Selective Reenlistment Bonus (SRB) Program. The 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 the military service obligation prescribed in 10 U.S.C. 651, will not be discharged upon expiration of enlistment. They will be released from active duty and transferred to the IRR. Marines separated before their expiration of enlistment will be transferred to the IRR subject to the guidance in paragraphs 6311.3 and 6401.5.

4. When a Reservist is released from extended active duty vice initial active duty for training and transferred to the Reserve component vice discharged (e.g., recruiter's aide assigned to temporary active duty), use MBK4 as the separation program designator (SPD) code. See appendix A.

1006. TIME AND PLACE OF SEPARATION

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

a. When the unit is located outside the limits of the United States or in Alaska. (Marines stationed in Hawaii will be separated in Hawaii);

b. When the CMC (MMSR) directs transfer for separation elsewhere based upon humanitarian or hardship circumstances; or

c. When the Marine is in an unauthorized absence (UA) status on the effective date of separation, unless the Marine meets the criteria of paragraph 6312.

2. There may be occasions in which assignments and deployment schedules cause a unit to have an excess number of first term Marines, resulting in lack of billeting spaces and equipment that negatively impact the quality of life and morale of the command. In these instances, commanding generals, endorsed by the appropriate commander, Marine Forces, may request that Headquarters Marine Corps (HQMC) authorize the separation of selected first term Marines

within 90 days of their EAS. Such requests should be forwarded to the Director, Personnel Management Division (MM/MMEA) with an information copy to the Director, Manpower Plans and Policy Division (MP/MPE) and include the grade, name, SSN/MOS, and EAS of the affected Marines. If approved, these Marines should be separated from their unit location unless prior coordination and approval is received from a regional separations site.

3. In no case will Marines be separated more than 90 days before their EAS without approval by HQMC (MMSR-3). Requests for separation more than 90 days before EAS require Secretary of the Navy approval under paragraph 6421.

4. Marines will be separated in the United States unless other provisions in this Manual allow separation outside the United States. Commanding officers of units overseas must transfer Marines pending separation to the nearest Marine Corps activity in the continental United States (CONUS) which has government messing, quarters, medical, and Marine Corps disbursing facilities. Commanders will ensure Marines arrive at the separation location as close to, but not less than 10 days before the effective date of separation; coordinate with MMEA and MMOA as required. Marines returning from permanent overseas duty stations who are within 90 days of completing their active service obligations may request separation upon return. Upon the Marine completing the administrative requirements of this paragraph, voluntary separation may be effected pursuant to paragraphs 6401 and 6420.

a. Criteria for Early Separation Upon Return to the United States

(1) The 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 the United States. The intent of this paragraph is to discharge Marines no earlier than 90 days from their established EAS. If no leave has accrued the EAS would be adjusted to the date of separation by up to 90 days. If the Marine had accrued leave and/or PTAD, EAS would be adjusted from the date of departure from the separation site to give the Marine credit/pay for those accrued days;

(2) Marine consents in writing as outlined in subparagraph 1006.4e;

(3) Marine is not indebted to the Government;

(4) Marine does not intend to reenlist;

(5) Marines transferring to the Retired List/FMCR are not eligible for early separation under the provisions of this paragraph; and

(6) The provisions of this paragraph will not be used in conjunction with other special early release programs.

b. Military Service Obligation (MSO). Separation should be consistent with the MSO of the Marine. Enlisted Marines whose total obligated service

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 immediately reenlist will not be separated under this authority.

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

d. Early Separation Overseas. A Marine who is entitled to and elects early separation overseas may do so provided the Marine meets the criteria of paragraph 1006.4a, 1006.8 and the following:

(1) The Marine consents to such separation in writing as outlined in paragraph 1006.4e; and

(2) It is more economical to the Government. Commanders will advise the CMC (MMEA/MMOA) by message at least 10 days before separation so that appropriate orders may be issued.

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

"I hereby consent to be (discharged) or (released) on (date) in lieu of my normal or established date of discharge or release on (date). My enlistment (including any extension thereof) or period of extended active duty will expire 90 days or less after the date of my arrival in the United States. I am not indebted to the U.S. Government. I do not intend to reenlist. I am not transferring to the Retired list/Fleet Marine Corps Reserve. 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) If the Marine does not consent to early separation, the Marine will be discharged or released, as appropriate, upon the expiration of obligated active service (EAS).

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

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

g. Recall Status. During a recall, Marines separated early under 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 per this paragraph shall be granted a waiver (contact CMC - MMMA) not to exceed the actual number of days that the early release is effected, provided they are otherwise eligible for this award.

i. Separation of Members Pending Foreign Criminal Jurisdiction Proceedings. Subject to the provisions of paragraph 1008.2d of this Manual and the Secretary of the Navy Instruction (SECNAVINST) 5820.4 series, a member in custody or confinement in a foreign country may be separated from the naval service OCONUS while in custody or confinement.

5. Separation Locations

a. Marines returning to the United States for immediate retirement, transfer to the FMCR, or for separation (per appendix A of the Joint Federal Travel Regulations [JFTR]) may select one of the following locations for separation processing, regardless of availability of Government billeting and messing:

MCCDC QUANTICO VA	012	MCSA KSC	W25

MCAS YUMA AZ	027	MCB CAMPEN CA	014
MCLB BARSTOW CA	019	MAGTFTC TWENTYNINE PALMS CA	015
MCRD SDIEGO	017	MCB CAMLEJ NC	013

MCAS NEW RIVER NC	024	MCAS CHERPT NC	022
MCRD PISC	016	MCAS BEAUFORT SC	026
MCLB ALBANY GA	063	MATSG PENSACOLA	G78
HQ 1ST MCD GCTY	902	HQ 4TH MCD NEW CUMBERLAND PA	904
HQ 8TH MCD NRLNS	910	HQ 9TH MCD KANSAS CITY MO	912
CAMP H.M. SMITH, HI	110	MCB HAWAII	091

b. The commanding officer at the old duty station shall:

(1) Counsel the member on the Survivor Benefit Plan (SBP) per MCO P1741.11B;

(2) Ensure that the service record and medical records (health and dental) accompany the member to the separation activity;

(3) Ensure a separation physical is completed;

(4) Submit to the separation activity, before the Marine's detachment, biographical information on the member suitable for reading at a retirement ceremony, should the Marine desire one at the separation site;

(5) Advise the Marine that dislocation allowance (DLA) and proceed are not authorized in conjunction with travel to the home of selection (HOS), or in the execution of orders (MCC W95) to a CONUS based separation site; and

(6) Comply with instructions in paragraphs 1101; 2004 (retiring officers); and 7005 and 7007 (retiring enlisted).

6. Exceptions. Marines stationed overseas who are eligible for separation and who desire separation at a Marine Corps activity not listed in paragraph 1006.5, will request (MCC W95) orders via naval message from the CMC (MMEA/MMOA) for separation at that activity. Marines with family members in Government quarters at a CONUS site must request separation at that site.

a. These requests will not normally be approved unless a humanitarian/hardship situation exists and Government billeting, messing, medical, and Marine Corps disbursing facilities are available.

b. Required Paragraph in Orders. Orders issued by the CMC (MMOA/MMEA) authorizing Marines to proceed to a station not listed in paragraph 1006.5 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 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 then to your home of selection, home of record, or place entered on active duty, as applicable; dislocation allowance; or proceed time. Travel time in

excess of that authorized for the direct travel will be charged as leave. If you do not desire to bear this expense, this authorization is revoked and you will report as directed in your basic orders. JFTR, paragraphs U5125 or U5130, as applicable, and MCO P4650.37C Marine Corps Travel Instructions Manual (MCTIM) apply."

7. Marines stationed outside the continental United States (OCONUS) desiring to request voluntary separation, are required to request a date within 60 days after completion of their RTD, or they will be required to serve a minimum of 1 year at a new duty station. These 60 days are designed to allow Marines to take terminal leave after completion of all outprocessing at a separation center. Marines pending mandatory retirement are not required to serve 1 year at a new duty station. Marines will not be assigned temporary additional duty (TAD) at the separation center awaiting outprocessing. Marines who have no accrued leave or are selling back leave will check into a separation center as close to, but not less than 10 working days before their retirement/transfer FMCR date. Marines desiring to take terminal leave will check into a separation center as close to, but not less than 10 working days, plus the number of days for leave (not to exceed a total of 60 days) before the retirement/transfer FMCR date. The preceding does not account for any permissive temporary additional duty (PTAD) to which the Marine may be authorized.

8. Separation OCONUS

a. Marines serving overseas whose permanent residence is OCONUS may request separation at the Marine Corps activity nearest their home rather than returning to the United States. A Marine stationed in Alaska may request separation at that duty station. Marines who are residents of, and stationed in, Hawaii or Alaska will separate at their duty station. Commanding officers must ensure the Marine is properly counseled about travel allowances and shipment of personal property/household goods and time limitations on exercising these entitlements.

b. Marines serving in a foreign country may request separation at their duty station under the following conditions:

(1) The Marine is eligible for separation under honorable conditions;

(2) The country in which the Marine is separating is nonbelligerent;

(3) The Marine has a passport and permission to remain in the country; and

(4) To approve such requests, the commanding officer may accept a written statement from the appropriate consular or diplomatic representative certifying that the Marine has applied for, and is eligible to receive, a passport upon separation. A written statement from the foreign government authorizing a Marine permission to travel or reside in the country will suffice for proof of permission to remain in the country. For enlisted Marines, approval authority under this paragraph rests with the commanding officer. Officers desiring separation under this paragraph must forward their requests and supporting documents to the CMC (MMSR-3).

1007. EFFECTIVE TIME OF SEPARATION

1. A discharge or separation takes effect upon delivery of a valid discharge or separation document. Members of the Marine Corps Reserve who are separated under other than honorable conditions, or with a bad conduct or dishonorable discharge, will be issued a copy of the letter in figure 1-1 by the command.

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 CMC (MMSR) unless the Marine meets the criteria in paragraph 6312.

3. For the purpose of entitlement benefits administered by the DVA, 38 U.S.C. 106(c) provides that 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 DVA 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 re-entry into any component of the Armed Forces, the discharge certificate will be dated as of the day immediately preceding such entry or re-entry.

5. When the date of discharge is not indicated, an approved administrative discharge 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 of a Reservist from active duty is effective at the expiration of authorized travel time. The discharge of a Reservist as the result of expiration of enlistment or fulfillment of service obligation will be effective on the date shown on the discharge certificate.

7. Discharge certificates or other separation documents and final pay or a substantial portion of final pay will be prepared and delivered to the Marine on the date of discharge or release from active duty.

a. Do <u>not</u> deliver discharge certificates before the date of discharge for Marines who do not desire to extend or reenlist.

b. Marines desiring to extend or reenlist will be required to execute a reenlistment contract or extension of enlistment on or before the date their current enlistment contract expires; they will not be discharged early under this paragraph. The reenlistment contract or extension must be effective on the day after the date of discharge or expiration of enlistment.

c. Consistent with the Marine's military service obligation, 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 separation date falls on one of those days, provided the Marine concerned consents in writing per paragraph 1006.4e.

d. Paragraph 1006.4 contains instructions for early discharge or release of Marines.

1008. RETENTION BEYOND DATE DUE FOR SEPARATION

1. A Marine may be retained for the Convenience of the Government beyond the established separation date in the following cases:

a. Hospitalized, Undergoing Medical Treatment, or Not Physically Qualified for Release (see paragraph 1011). A Marine on active duty who is hospitalized, undergoing medical treatment, or who is found not physically qualified for release will, with the Marine's written consent, be retained on active duty until disposition of the case is made by medical authorities except in the case of:

(1) An officer subject to mandatory separation. In such cases, only the Secretary of the Navy, acting within specific limited guidelines may authorize deferral of a mandatory separation for medical reasons.

(2) An enlisted Marine subject to selective early retirement or service limits. In such cases, only the CMC, acting within specific limited guidelines may authorize deferral of a mandatory separation for medical reasons.

(3) Marines receiving either an unsuspended punitive or administrative separation upon a basis that may result in an under other than honorable conditions characterization of service. See Navy Medical Publication P-117, Manual of the Medical Department (MANMED), article 18-23.

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, before release from active duty, may be retained on active duty. Once jurisdiction has been so attached, it continues for purposes of trial, sentence, and punishment. Additionally, personnel may be retained if subject to the initiation of a preliminary inquiry, subject to information of a discreditory nature that may lead to a preliminary inquiry or the assumption

of jurisdiction, to include, but not limited to, a restraining order against their person.

(2) Entitlement to pay and allowances for personnel retained after expiration of term of service in a disciplinary status is prescribed in the Department of Defense Financial Management Regulations (DoDFMR).

(3) Personnel retained beyond EAS due to serving a sentence or awaiting appellate review of a court-martial may be discharged under the provision of, and upon compliance with the Manual of the Judge Advocate General of the Navy (JAGMAN) and/or SECNAVINSTs in the 5815 series. Confinees who have completed the appellate review process and have had the opportunity to submit one clemency request to the Naval Clemency and Parole Board may be discharged while in confinement. Discharged Marines will be provided their discharge certificate and DD Form 214 at the time of their release from

confinement at expiration of their sentence, or upon their parole or transfer to a Federal institution.

2. Marines shall not be retained beyond their separation date in the following instances:

a. Witness. Marines will not be retained on active duty to be a witness before a court-martial or an investigative body. In appropriate cases, depositions should be obtained, taking into account the limitations upon their use in court-martial proceedings, or resort to the use of subpoenas of witnesses no longer subject to military orders.

b. Administrative Discharge. Marines undergoing administrative separation processing will not be involuntarily retained on active duty past their release date.

c. Indebtedness to the Government. Indebtedness to the Government will not bar release from active duty. However, every effort should be made to recoup all indebtedness to the Government before separation.

d. Marines awaiting disposition of criminal proceedings by a foreign jurisdiction are afforded statutory and regulatory protection and benefits attendant to their status as a member of the Armed Forces. The policy of the Marine Corps is to ensure both that the member is afforded the fullest possible protection and that the Marine Corps meets its international obligations. In implementing this policy, the following procedures will be applied in all cases where foreign criminal jurisdiction is being, or may be, exercised over a member of the naval service by action such as apprehension, arrest, investigation, or filing of charges that may result in trial and where the foreign criminal proceedings are not likely to be completed before the date of the member's release from service because of the expiration of the Marine's term of service.

(1) At least 1 month before EAS, a Marine will be offered the opportunity to extend his/her enlistment voluntarily for the duration of legal

proceedings and any subsequent punishment. Inform Marines of the protection and benefits they will receive as members of the Marine Corps during the foreign criminal proceedings; e.g., counsel may be provided at Marine Corps expense, court costs (but not fines) paid, and an interpreter made available. In most countries, the member will remain in the U.S., vice foreign custody at least during the trial proceedings. Also inform Marines that they will remain subject to the UCMJ and may be subject to processing for administrative discharge. In some situations, advice of Article 27b, UCMJ, counsel will be provided when exposure to military criminal charges is possible. Advise the member that an election not to extend voluntarily his/her enlistment shall result in the following:

(a) Foreign authorities will be advised of the impending EAS and the inability of the Marine Corps to guarantee the member's presence after discharge.

(b) Foreign authorities will be offered custody of the member at a mutually agreed upon time immediately before EAS. If the foreign authorities desire custody, the member will be transferred to the foreign authorities at the agreed upon time.

(c) Assuming custody is accepted by foreign authorities, the member will be discharged from the naval service as soon as practicable,

terminating any special considerations that the member would be entitled to if they were still a member of the Armed Forces. After such transfer of custody, the member's commanding officer will, at EAS, discharge the member and so notify the Navy JAG, the CMC (MMSR), and the U.S. Embassy or Consul.

(2) If the member elects to voluntarily extend his/her enlistment, such requests will be approved, and an appropriate page 11 entry will be made in the member's service record and acknowledged by the member.

(3) Should the foreign authorities, upon being notified of the member's impending EAS and the inability of the Marine Corps to maintain custody after discharge, state that the member need not be present within the jurisdiction and is not required nor desired to be available for any further criminal proceedings, the member should be returned to the CONUS for separation or discharge. In such cases, foreign authorities have in effect released the Marine Corps from any obligation to keep the member within the foreign jurisdiction or to make the member available for foreign authorities. The release should be in writing, if possible; if not, a memorandum for the record should be made to document the agreement.

(4) The foregoing policy does not apply to a member who is in the custody/confinement of foreign authorities before the approach of EAS. In such situations the provisions of SECNAVINST 5820.4G, Status of Forces Policies, Procedures, and Information, would continue to apply and, except under extraordinary circumstances and only with approval of the Secretary of the Navy, the member would not be discharged while in custody/confinement of foreign authorities.

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 JFTR and MCO P4650.37C (MCTIM). Certificates in lieu of orders are not authorized (see ALMAR 342/97).

2. When separated from active duty, Marines will be furnished the necessary forms and instructions, as follows, to enable them to file timely claims for personal/family member travel, upon completion of the travel:

a. Furnish the Marine a DD Form 1351-2, Travel Voucher or Subvoucher;

b. Furnish an envelope and provide instruction for the submission of claims after completion of travel;

c. Inform the Marine of the time limitations for completion of travel as provided in the JFTR;

d. Furnish a DD Form 1351-2C, Voucher or Claim for Dependent Travel and Dislocation or Trailer Allowance, if entitled to family member transportation;

f. If entitled to travel and travel allowances to their home of selection from the last duty station, the JFTR requires that the member be:

(1) Informed of the time limitations covering completion of travel; and

(2) Informed that once a home is selected and travel allowances are received for travel to such home, such selection is irrevocable.

g. If returned from an OCONUS permanent duty station for separation in CONUS at an activity elected under paragraph 1006.5, inform the member of entitlement to travel allowances as specified in the JFTR, paragraph U5l30-A3.

3. Counsel the Marine that all final travel claims must be submitted as follows:

a. Travel Completed Within 60 Days. Forward to the appropriate travel office at the last duty station.

b. Travel - All Other. Forward claims to:

DFAS-KC
Separation Division (Code PMCMS)
1500 East 95th Street
Kansas City, MO 64197-0001

Make telephonic inquiries to 1-816-926-7976.

c. At a minimum, two copies of the original orders, completed DD Form 1351-2, and DD Form 1351-2C (if appropriate), are required to settle the final travel claim.

d. To obtain an extension on filing a final travel claim and movement of household goods, forward a written request with appropriate justification, per current directives, to:

Commandant of the Marine Corps (LFT-4)
Headquarters, U.S. Marine Corps
#2 Navy Annex
Washington, DC 20380-1775

1010. ACCRUED LEAVE

1. Leave in conjunction with separation may be authorized under the provisions of MCO P1050.3H, Regulations for Leave, Liberty and Administrative Absence. 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 FMCR.

2. Terminal Leave. Terminal leave is accrued leave granted to both first-term and career Marines to ease the transition back to civilian life, but granted at the discretion of the commanding officer. Terminal leave is not an entitlement, it is a privilege. Terminal leave is not granted until all separation administrative and medical requirements are complete. Terminal leave runs continuously from the first day of leave until the date of EAS or

transfer to the Retired List/FMCR. The following policies apply in granting or requesting leave in conjunction with separation.

a. Leave is granted by the commander authorized to grant leave. Commanders will play an active role in ensuring that their Marines take adequate leave as a respite from the strenuous duties of military life

and specifically warn Marines not to accrue large leave balances for the purpose of selling back leave upon separation.

b. MCO P1050.3H allows the commander to approve up to 90 days terminal leave at a CONUS command and up to 60 days if at an OCONUS command. A greater period of terminal leave may be authorized by the CMC (MMEA/MMOA) on a case-by-case basis.

c. No replacement will be provided for a Marine in a separation leave status.

d. If leave is desired in conjunction with a request for separation, the appropriate separation request should be submitted at least 120 days plus the amount of desired leave (to include PTAD) before the effective date of separation. When the request is submitted via unit diary, enter the planned detachment date (PDD) as part of the unit diary request for separation. Departure on terminal leave will not be authorized until the request has been approved by the CMC and all required administrative and medical actions incident to separation have been completed; e.g., completion of separation physical, transition classes, etc. Marines will be advised that should they subsequently incur a previously undiagnosed illness or injury, they may be directed to return to duty at their last permanent duty station for medical treatment and further processing.

e. Do not approve leave in excess of the number of days which the member can accrue before the end of current contract (ECC). Leave taken beyond that which can be earned is excess leave and results in nonentitlement to pay and allowances. Marines anticipating terminal leave in conjunction with separation must inform the CMC (MMSR) of the date and duration of the desired leave upon submission of the request. (For separating Reserve officers [not retirement eligible] provide this information to the CMC [MMOA-3]. This ensures that the Marine is in receipt of orders before detachment). This is particularly critical when the Marine is OCONUS. The Marine will be transferred by service record to the CONUS command responsible for separation.

f. Dual pay is authorized per 5 U.S.C. 5534 during separation leave for a Marine who has accepted employment with the Federal Government or the District of Columbia.

g. Marines returning from OCONUS may be authorized leave in conjunction with separation from active duty upon return to the CONUS. In these cases, the commanding officer at the separation location may authorize leave, not to exceed 60 days upon completion of all checkout processing.

(1) Marines desiring to take terminal leave, will report to a separation center as close to, but not less than, 10 working days, plus the number of days for leave (not to exceed 60 days) and PTAD, before the separation date.

(2) Marines who have no accrued leave or are selling back leave, will check into a separation center as close to, but not less than 10 working days, plus PTAD, before the separation date.

(3) Marines will not be assigned temporary additional duty (TAD) while awaiting outprocessing at a separation center.

h. Terminal leave may be taken in conjunction with PTAD per MCO P1050.3H.

3. Accrued leave creditable upon separation may be liquidated by lump sum readjustment/payment subject to the provisions of DoDFMR. Marines separating, particularly those who have received prior-leave settlement, should determine the extent of their eligibility, if any, as a preliminary step to requesting terminal leave and a separation date.

1011. MEDICAL QUALIFICATION FOR SEPARATION AND PHYSICAL EXAMINATIONS

1. MANMED article 15-29 requires that a Marine being separated from active duty (i.e., statutory or voluntary retirement/transfer FMCR, discharge, expiration of enlistment, etc.) receive a thorough physical examination. A Marine evaluated by a medical evaluation board (MEB) incident to separation need not undergo further physical examination at the time of separation. A Marine must schedule a physical examination no more than 12, and not less than 6 months before the effective date of separation to allow time for necessary medical treatment or disability processing. It may take 6 to 8 months from the initial physical examination until final action for disability processing by the Secretary of the Navy. Exceptional cases may require longer periods of evaluation. Per the MANMED (and chapter 8 of this Manual) examinations are not required for Marines being discharged or retired upon the approved report of an MEB or the Secretary of the Navy Physical Evaluation Board (PEB). While every reasonable attempt will be made to provide a separating Marine with a final separation physical, it is recognized that there will be rare situations when it will be difficult or impossible to provide the physical.

a. The physical examination of Marines convicted by (and in the hands of) domestic civil authorities may be conducted and reported by any of the following: a medical officer of the Armed Forces or other Federal Government agency; credentialed civilian contract physicians; penal institution physician; or, in the absence of the foregoing, a certificate signed by the official in charge of the penitentiary reflecting an opinion about the present state of health of the Marine to be discharged.

b. When a Marine is otherwise beyond the control of the Marine Corps, (e.g., in the hands of foreign authorities) the separating command will contact the holding authority and request a physical be conducted. The

request for physical examination must be in writing and sent via certified mail, if available. If, after a reasonable amount of time (approximately 45 days) has elapsed, there is no response or a negative answer is received, the separating command will make a Page 11 entry in the Marine's service record book explaining the situation and why it was impossible to provide the physical. Page 11 will be similarly annotated for Marines separated under the conditions set forth in paragraph 6312. All documents and actions taken will be included in the service record book.

2. Deferral or Modification of Separation Date. Immediately notify the CMC (MMSR), via naval message if medical processing requires deferral of an approved separation date. Include pertinent details. The Marine Corps Total Force System (MCTFS) will not allow commands to modify a CMC approved separation date. Once a CMC approved separation date passes a Marine is dropped from the rolls without HQMC intervention.

a. Statutory/Mandatory Separation. Statutory/mandatory separation (i.e., twice failed of selection, service limits, age limits, selection for early retirement) may only be deferred by the Secretary of the Navy for a commissioned officer and the CMC for enlisted Marines for the following:

(1) The Marine is hospitalized;

(2) An MEB has been accepted by the President, PEB for disability evaluation processing; and

(3) A request for deferral of a statutory officer separation must be approved by the Secretary of the Navy before the effective date; otherwise the separation shall, by law, remain in effect. For enlisted Marines, the CMC must approve the deferral before the effective date, or the separation shall remain in effect.

b. Voluntary Separation. Only the CMC (MMSR) and the Secretary of the Navy may defer or change a CMC approved separation date for medical treatment.

(1) If the Marine is subsequently found qualified and the initial separation date has not passed:

(a) Notify the CMC (MMSR); and

(b) Effect the separation as scheduled.

(2) If the Marine is not fit to separate on the scheduled date, request disposition instructions from the CMC (MMSR).

(3) If the Marine is subsequently found qualified and the initial separation date has passed or the Marine is beyond EAS, the commanding officer shall:

(a) Officers. Request a new separation date (normally the first day of the month after being found physically qualified).

(b) Enlisted

1 Ensure the Marine is on a valid enlistment/extension; and

2 Immediately notify the CMC (MMSR) concerning both fitness for duty and the nature of the contract in effect. Marines in this category will normally be transferred to the FMCR on the last day of the month found physically qualified, or on the first day of the following month if retiring.

c. When a separation is held in abeyance pending disability evaluation, the command should employ the Marine to the fullest extent possible, as constrained by the injury or illness.

3. Separation 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. PEB Processing. Such processing is not considered completed until the Secretary of the Navy has taken final action on the board proceedings and the CMC has promulgated such action;

b. MEB action; or

c. Necessary, critical (non-routine) medical or dental treatment.

4. MANMED article 18-23 provides for separation without the benefit of the Disability Evaluation System when separation proceedings may result in a

characterization of service of under other than honorable conditions. Regulations further provide that service members will not be afforded an MEB action (unless directed by higher authority) when pending administrative separation based upon misconduct or a punitive discharge. See paragraph 8508 in this Manual.

5. If a Marine is found unfit by the PEB, notify the CMC (MMSR-2) for retirements and the CMC (MMSR-3) for resignations. Disability retirement orders will be issued by the CMC (MMSR-4) per chapter 8 of this Manual.

6. Orders are not required for physical examinations except when travel is required. Request TAD orders from the appropriate command per the JFTR. Travel costs are chargeable to the command issuing the orders.

7. An enlisted Marine on active duty whose term of enlistment expires while suffering from disease or injury incident to service and not due to their 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.

9. HIV Testing. HIV screening is required at least 90 days before separating Marines from active duty. Results must be recorded on the SF 88 before separation. HIV test results are included in the separating Marine's medical record. If the HIV test results are not available at the time of separation, the Marine will be informed by the Military Treatment Facility (MTF) that his/her medical and dental records will be closed in absentia.

a. Once HIV results are received:

(1) If the test is negative, the completed copies of the SF 88 and SF 93 will be sent to the Marine via certified mail.

(2) If the test is positive, every reasonable effort will be made by the MTF to inform the Marine in person and to hand deliver both the SF 88 and SF 93. Alternatively, the Marine will be informed via certified mail. The Marine will be advised to contact the DVA to initiate a determination of medical benefits and eligibility. The Marine will also be advised that punitive separations and other than honorable discharges may disqualify him/her for veteran’s benefits.

b. Current mailing address and phone number of the separating Marine and next of kin will be provided to the command and MTF. If the Marine has been placed on the Temporary Disability Retirement List (TDRL), the Marine will be advised in writing that a current mailing address and phone number must be provided to the PEB. Failure to provide an address could result either in the member's administrative removal from the TDRL or finalization of the case upon receipt of no response after attempted delivery to last known address by certified mail, return receipt requested.

c. The MTF will notify the separating command and the CMC (MMSB-16) via naval message that the Marine is fit/unfit for separation. Do not separate unfit Marines. Records will be held by the MTF pending HIV test results (or other medical data). An estimated forwarding date for the records will be provided in the message. Once the results are received, the MTF will forward the health records to the separating command in a sealed envelope with a cover letter listing the separating Marine's full name, SSN, date, and method the

Marine was notified of HIV test results. When the Marine cannot be informed in person and certified mail is returned, documents will be duly annotated. The records will then be closed and forwarded (as above) with an accompanying cover letter to include a statement that the Marine could not be notified.

d. Marines will not be held on active duty awaiting HIV test results.

10. The CMC will direct that an MEB be dictated and forwarded to either the CMC (MMSR-4) or to the PEB when a Marine with an approved voluntary separation will not complete treatment of a medical condition within 30 days after the approved separation date.

11. Marines held beyond their approved separation date due to medical treatment or evaluation will be separated when they are found qualified.

1012. RETIREMENT CEREMONY

1. An appropriate retirement ceremony is to be held within the capabilities of the command for Marines retiring (includes transfer to the FMCR, TDRL, and PDRL), unless the Marine desires otherwise.

2. The commander will personally interview and discuss plans for the ceremony with the Marine. Should the Marine desire no ceremony, the Marine's wishes will be honored.

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

4. Commanding officers should take appropriate steps to duly recognize the spouse of a retiring Marine (e.g., by the presentation of a spouse's letter of appreciation.)

5. Refer to chapter 14 of NAVMC 2691, Marine Corps Drill and Ceremony Manual, for information on retirement parades.

6. A retirement certificate, letters, and USMC lapel pin are provided by the CMC (MMSR) for presentation upon retirement.

7. The Defense Authorization Act of 1999 directed that commanders present a United States Flag to active duty members upon their transfer to the Fleet Marine Corps/Navy Reserve or retired list on or after 1 October 1998. The Defense Authorization Act of 2000 directed that commanders present a United States Flag to reserve members upon their transfer to the retired list awaiting pay on or after 1 October 1999. Commanders are directed to use local operating funds to procure flags (NSN 8345-00-656-1435 or 8345-00-656-3234).

CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

SECTION 1: ADMINISTRATIVE MATTERS RELATIVE TO SEPARATION

1101. ADMINISTRATIVE PROCEDURES AND REQUIREMENTS

1. General. This section covers administrative procedures and requirements for separating Marines. See MCO P1754.5 regarding separation transition.

a. Separation Counseling. The transition process from active duty to civilian life is a complex undertaking. There are three mandatory transition assistance events that a separating/retiring Marine will complete before separation: (1) completion of the pre-separation checklist (DD Form 2648), (2) attend a pre-separation counseling brief (SEPS), and (3) attend the three-day transition assistance program (TAP) seminar. The installation Transition Assistance Management Program (TAMP) sponsors SEPS/TAP classes.

b. Pre-separation Counseling.

(1) Under 10 U.S.C. 1142, pre-separation counseling (appendix C) is required to occur no later than 90 days before separation. It is strongly recommended that a Marine set up his/her pre-separation counseling appointment at least 180 days before separation. See appendix C or Form Flow DD Form 2648 for the pre-separation checklist.

(2) The completed DD Form 2648, signed by the separation/retiring Marine shall be forwarded to MMSB-20 for inclusion in the Marine’s OMPF.

c. Pre-separation Counseling Brief

(1) All separating Marines must attend a pre-separation counseling brief. This brief provides specific, detailed information on the following 10 items that are listed in the pre-separation counseling checklist: education assistance/Montgomery GI Bill, reserve affiliation, job search, spouse job search, relocation and transition assistance, medical and dental coverage, career change, financial planning, vocational rehabilitation, and creation of an individual transition plan (ITP).

(2) The unit transition counselor shall direct the separating Marine to Marine Corps Community Services for the mandatory brief. If a Marine is stationed at another service’s installation or is on independent duty, he or she shall attend the TAP/SEPS brief at the nearest transition assistance office. Marines will attend the brief no later than 90 days before EAS, regardless whether a request for reenlistment or extension is pending. Unit commanders of Marines scheduled to deploy during this period are encouraged to have Marines scheduled for briefs before deployment. Camp Lejeune and Camp Pendleton have established TAMP Afloat programs designed to deliver the TAP workshops to Marines deployed with Marine Expeditionary Units.

d. Transition Assistance Program (TAP) Seminar

(1) All separating Marines must attend a TAP workshop. TAP workshops and other employment related workshops provide information on the following topics: labor market information, civilian workplace requirements, employment opportunities, resume preparation, self-assessment and job analysis

techniques, interviewing skills and federal, state, and local programs that may be of assistance to service members after separation.

(2) Marines separating/retiring with a medical discharge are required to attend the disability transition assistance program (DTAP). Length of DTAP varies; however, it usually ranges from 2-4 hours of instruction. Marines must still attend the regular TAP workshop in conjunction with DTAP.

(3) Retiring Marines shall attend the retirement transition assistance seminar. The retirement seminars teach all of the same information as a regular seminar; however, a greater emphasis is placed on various topics that have a larger impact on retirees than those Marines who have completed just one or two enlistments. These areas include, but are not limited to, financial planning, self assessment, medical briefings, and second career/job search assessment.

2. Separating Documents

a. DD Form 214. Upon release from active duty all Marines, except as specified in paragraph 1202.3, will be issued a Certificate of Release or Discharge from Active Duty (DD Form 214) prepared per section 2 of this chapter and appendix B.

b. Discharge Certificates (DD Form 256 and 257). Discharge certificates will not be issued unless the Marine is being discharged or reenlisted after completion of the eight-year service obligation or through involuntary administrative separation proceedings.

(1) Custody

(a) Discharge certificates shall be kept in the custody of the commander or a designated representative responsible for their safekeeping, accountability, and proper issue.

(b) When an organization is disbanded, unused discharge certificates shall be forwarded by registered mail to the Navy Cognizance I Supply System under instructions contained in the Introduction to NAVSUP Pub 2002.

(2) Preparation

(a) Discharge certificates will be prepared by the organization having custody of the service record.

(b) The character of discharge is determined per paragraph 1004.

(c) Regular and Reserve Marines separated under honorable or general (under honorable conditions) will receive the appropriate discharge certificate. Regular Marines separated under other than honorable, bad conduct, and dishonorable conditions will not be issued a discharge certificate. Reserve Marines separated under other than honorable, bad conduct, or dishonorable conditions will be issued a copy of the letter in figure 1-1. Place a copy of the letter on the document side of the service record before forwarding per MCO P1070.12K, IRAM.

(3) Completion of the Discharge Certificate

(a) Name. Grade, full name in capital letters (beginning with the first name), followed by the social security number (SSN). In the case of Reservists, no additional statement will be placed on the discharge certificate. The requirement for listing the middle name is waived for the Commanding General, Marine Corps Reserve Support Command (MCRSC), a middle initial, if applicable, must be included. Do not indicate component (USMC or USMCR).

(b) Date. As shown in the following example: on the “l0th” day of “June 2001”.

(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) Every effort should be made to deliver honorable and general (under honorable conditions) discharge certificates in person by an officer, preferably the commanding officer. Delivery should be accompanied by an expression of good wishes.

(b) In those instances where personal delivery cannot be made, the following action will be taken:

(1) The commanding officer will mail the discharge certificate to the person concerned using first class mail with the return address:

Commanding General, Marine Corps Reserve Support Command
15303 Andrews Road
Kansas City, MO 64147-1207

(2) Marines at Home Awaiting Results of a Physical Evaluation Board. Commanders will mail the discharge certificate to the Marine concerned using first class mail. Returned undelivered certificates will be forwarded

to the Commanding General, Marine Corps Reserve Support Command as specified in the preceeding paragraph.

(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

(a) Enlisted Marines. Upon request, a replacement discharge certificate will be issued by the CMC (MMSB-10).

Commandant of the Marine Corps (MMSB-10)
Headquarters, U.S. Marine Corps
2008 Elliot Road
Quantico, VA 22134

(b) Officers. Upon request, a replacement discharge certificate will be issued by the CMC (MMSR-3).

c. In addition to the discharge certificate and DD Form 214, Marines receiving an honorable or general (under honorable conditions) character of service, who are not reenlisting, will be presented the following items at separation:

(1) Honorable Discharge Lapel Pin (only worn 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 a lapel pin upon discharge, provided the character of service is at least general (under honorable conditions) and the Marine is not reenlisting.

(b) A supply of pins should be maintained locally and obtained through normal supply channels under Federal Stock Number 8455-00-543-7096.

(2) Benefits Pamphlet. Each Marine separated honorably will be given a copy of “Federal Benefits for Veterans and Dependents,” (last version 1999).

(3) Certificate of Appreciation. In recognition of their true and faithful service, as determined by their commanding officer, Marines honorably separated at the end of their active service requirement and being transferred to the Inactive Ready Reserve, will be presented a Certificate of Appreciation. An appropriate ceremony will be held within the capabilities of the command, unless the Marine desires otherwise. Certificates are available through the supply system (NAVMC 11352), NSN 0109-LF-983-1400 (see appendix N).

3. Servicemen's Group Life Insurance (SGLI)

a. Marines on active duty entitled to full-time SGLI coverage can convert to Veteran's Group Life Insurance (VGLI) by submitting the premium within 120 days following the date of separation from service.

b. The Marine normally receives an application and notification of terminating SGLI coverage from the DVA following separation. If an application is not received, request information by contacting the local DVA office or writing to:

Office of Servicemen's Group Life Insurance
P.O. Box 6249
Carol Stream, IL 60197-6249

Or, call 1-800-419-1473.

4. Additional Counseling/Advice Before Separation. Before separation each Marine will be afforded pre-separation counseling. See appendix C.

a. Career Advisory Interviews. Before discharge each Marine will be interviewed by a career planner and advised of:

(1) The benefits of continued service in the Marine Corps, if the Marine is considered eligible.

(2) The benefits of affiliation with the Marine Corps Reserve, if the Marine does not desire to reenlist.

(3) Procedures for applying to the nearest recruiting station, should reenlistment become an option at a later date. Recruiters have the latest information on prior service opportunities. Recruiters may refer individual cases to the CG, MCRC (MRRE) per MCO 1130.58D, Reenlistment of Prior Service Marines.

(4) Ensure completion of any Marine Corps Exit and Retention Survey if one is currently being conducted.

b. Address of Commanding General, Marine Corps Reserve Support Command. Each Marine discharged and not reenlisted in the Regular Marine Corps will be informed that questions relating to Marine Corps Reserve service may be obtained from the address below. See MCO 1001.39, Separation Counseling on Marine Corps Reserve Participation.

Commanding General, Marine Corps Reserve Support Command
15303 Andrews Road
Kansas City, MO 64147-1207

Or, call 1-800-255-5082.

c. Marines Not Recommended or Recommended But Not Eligible for Reenlistment.

(1) Marines not recommended, or recommended but not eligible, for reenlistment per MCO P1040.31H, Career Planning and Development Guide, will be counseled by their commanding officer. Record the following entry on page 11 of the service record when an RE-4 or RE-3 reenlistment code is assigned.

"I have been informed by my CO that I am (not recommended or recommended but not eligible) for reenlistment because (state reason) and will be/has been assigned a reenlistment code of (RE-4 or RE-3).

_____ _____

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

NOTE: Also use this entry when the CMC assigns a reenlistment code of RE-lB; the specific reason will be provided.

d. Warning to Marines Not Eligible for Reenlistment. Every Marine discharged who is not eligible for reenlistment will be informed that concealment of prior service and subsequent fraudulent enlistment in any branch of the Armed Forces is punishable under the UCMJ.

e. DVA Dental Treatment Eligibility. 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 DVA. The law further requires that a written explanation of the new eligibility criteria be provided to service members discharged or released from active duty. This paragraph, 1101.4e suffices for that written explanation.

(1) The veteran must have served not less than 180 days of active duty to be eligible for dental treatment provided by DVA.

(2) Application for DVA 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 DD Form 214 contains a statement that the veteran was provided a complete dental examination and all appropriate dental services and treatment were completed within 90 days before separation from active duty.

(4) 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 document will be signed by the member acknowledging receipt and a copy filed on the document side of the service record. If the member refuses to sign the statement, the commanding officer should so note that fact on the statement and file it in the service record. Additionally, on block 18 (Remarks Section) of the DD Form 214, indicate that the member was counselled, but refused to sign an acknowledgement.

"I (Marine's Name), have been counseled concerning the DVA dental treatment eligibility requirements. I understand that application for DVA dental outpatient treatment must be made within 90 days of 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 separation from active duty, I will not be eligible for DVA dental outpatient treatment.

_____

Marine's Signature Date"

(5) The statement pertaining to a member's dental examination and treatment within 90 days before separation from active duty will be made in block 18 of the DD Form 214 as prescribed in appendix B.

f. BCNR/NDRB Advisory. Explain in writing (see appendix D) the purpose and authority of the Board for Correction of Naval Records (BCNR) and the Naval Discharge Review Board (NDRB) to all Marines during separation processing, except when the separation is due to an immediate reenlistment. 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 DVA notwithstanding

any action by the NDRB. These requirements are a command responsibility and not a procedural requirement. Failure on the part of a member to receive and understand the explanation required by this paragraph does not create a bar to separation or characterization.

g. Unemployment Compensation for Ex-Service Members (UCX Program). Marines who have completed their first term of service and are separated from active duty may be eligible for up to 13 weeks of unemployment compensation. Additionally, Marines who have served in excess of 179 days and are separated because of medical disqualification, pregnancy, parenthood, hardship, service-incurred disabilities, convenience of the government, or denied further service may also be eligible. Entitlement to benefits is based upon the circumstances of separation. Final determination on applications rests with the state.

h. Selective Service Registration. Marines are automatically registered upon enlistment or comissioning. No action is required at separation.

i. Montgomery G.I. Bill (MGIB) - Active Duty. Marines who entered active duty after 30 June 1985 and enrolled in the new MGIB while in the service may be eligible for benefits. Write any DVA office or the following regional office for further information:

Department of Veterans Affairs
400 South 18th Street
St. Louis, MO 63103

j. Permanent Mailing Address (PMA). The PMA of the Marine after separation is an address where mail can be delivered to, picked up by, or forwarded to the Marine. It also serves for potential mobilization and is a prerequisite for initiation/receipt of retired pay.

(1) Advise each Marine that failure to provide a valid PMA upon separation will result in IRS Forms W-2 and safekeeping bonds being returned to the Defense Finance and Accounting Service (DFAS) as undeliverable. To receive active duty W-2s contact:

DFAS-KC (KU)
1500 East 95th Street
Kansas City, MO 64197-0001

(2) To contact DFAS, Kansas City within 1 year of separation date to receive information relating to the last year of active duty, write to:

DFAS-KC (PMCMA)
1500 East 95th Street
Kansas City, MO 64197-0001

Or, call (816) 926-7050; Internet address www.dfas.mil. Follow the links to the Marine Corps site.

(3) Retired Marines failing to maintain a current PMA with the Defense Finance and Accounting Service, Cleveland, OH risk termination of retired pay. Send address changes to:

DFAS-CL (Code PRRA)
P.O. Box 99191
Cleveland, OH 44199-1126

Or call (800) 321-1080. Fax (800) 469-6559. Internet address www.dfas.mil. Follow the links to the Marine Corps site. Telephonic, self-service address changes are also possible through the employee/member self-service, personal identification number (EMSS-PIN) sytem at (800)-390-2348.

5. Government Property, Uniforms, and Clothing

a. Government Property. Recover before discharge all Government property held by or charged to a Marine. If a shortage exists, commanders will take appropriate action to determine responsibility per current instructions.

b. Uniforms and Clothing

(1) Specific guidelines and instructions apply for the uniform clothing of separating Marines and are contained in MCO P10120.28F, Individual Clothing Regulations (ICR). Marines separated with a remaining service obligation (IRR personnel) must be counseled to maintain their uniforms throughout their obligation.

(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, homosexual conduct, misconduct, good of the Service, security, or sentence of court-martial regardless of characterization (ICR, paragraph 1501). Clothing to be recovered includes all uniform coats, raincoats, overcoats, liners, trousers, utility uniforms, caps and covers, all grade and service insignia, service stripes, and uniform buttons in the Marine's possession. Additionally, the following items will be recovered from women Marines: rain cap, cover, hood for raincoat, necktie, and scarves.

(3) Civilian clothing, supplemented by certain articles of uniform clothing, may be issued, when necessary, when the reason for separation requires recovery of clothing. MCO P10120.28F (ICR) addresses funding and allowances.

(4) Wearing of the Uniform After Separation. Wearing of the uniform requires maintaining the high standards of the Marine Corps Uniform Regulations (MCO P1020.34F) and meeting the provisions specified in paragraph 11002 of those regulations regarding authorization and occasion of wear.

(a) After Discharge. Marines whose character of discharge is honorable or general (under honorable conditions), except when discharge is for unsatisfactory performance, homosexual conduct, misconduct, good of the Service, or security may retain and wear their uniforms from the place of discharge to their home, within 3 months after the date of such discharge. The phrase "from the place of discharge to their home, within 3 months after the date of such discharge" refers to the period between the date of discharge and the date of 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. Marines who served honorably during a declared or undeclared war shall, when not on active service, be entitled, upon occasion of ceremony, to wear the uniform of the highest grade held during their war service.

(b) FMCR and Retired Marines. These Marines are entitled to wear the prescribed uniform of the grade held on the retired list when wear of the uniform is appropriate under the provisions of MCO P1020.34F, paragraph 8003.

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 10 working days before the date of separation from active duty. See MCO P7220.31, Automated Pay Systems Manual and the MCTIM.

b. All separating Marines must report to the disbursing officer not less than 5 working days before separation with a completed Separation Travel Allowances Election Certificate. At that time the Marine will receive an explanation of travel and travel allowance entitlements, receive claim submission instructions, and be provided the required forms for claim submission (see the MCTIM).

c. An enlisted Marine discharged under other than honorable, bad conduct, or dishonorable 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, totaling $25. For detailed instructions refer to the DoDFMR.

7. Closing Out the Service Record

a. Close out and forward the service record and health (medical and dental) record of each Marine separated per MCO P1070.12K (IRAM). DD Form 2648 (Preseparation Counseling Checklist) and the retirement/FMCR request are to be forwarded to MMSB-20 when completed, vice waiting for record close out.

(1) Service Records: Include a copy of the DD Form 214, and the orders transferring the Marine to the Retired List/FMCR for inclusion in the OMPF and forward to:

Commandant of the Marine Corps (MMSB-20)
Headquarters, U.S. Marine Corps
2008 Elliot Road
Quantico, VA 22134-5030

(2) Health Records: Include a copy of the DD Form 214 and forward to:

Department of Veterans Affairs
Records Management Center
P.O. Box 150950
St. Louis, MO 63115-8950

b. To avoid confusion and delay in the final pay settlement, no financial transfers or allotments will be made or authorized after a Marine's pay accounts have been closed immediately before separation.

1102. AUTOMATION

1. Background. During July 1994, the Marine Corps implemented the Defense Retiree and Annuitant Pay System (DRAS). This is a DoD mandated consolidation of all retiree and annuitant pay accounts to a single DoD system. To support this initiative, extensive modifications to the Marine Corps Total Force System (MCTFS) were necessary. The outcome is a significant technological step forward in the processing of separations. Separation data is fed directly to the parent and command reporting units by using the unit diary system in MCTFS.

2. Overview. DFAS-KC transfers data to DFAS-CL triggered by a command running a successful unit diary “drop” entry. CMC approvals are generated to the parent command and responsible order writing unit exclusively via the unit diary. See appendix E for detailed procedures. Naval messages are not issued granting authority to release Marines for routine separation. A diary

advisory is generated to the command reporting unit code (CRUC) with the responsibility to issue orders and an information copy is provided to the reporting unit code (RUC). Reporting units must coordinate with the higher headquarters (CRUC) to ensure timely issuance of orders. Compliance with established directives will minimize or eliminate late payment of retired pay. Proper and timely drops are critical to the success of the process.

3. Summary. A primary objective in the DRAS implementation and the MCTFS modifications was to decrease the administrative burden of field commands. Additionally, the modifications were developed to streamline processing and decentralize execution of separations once approved. See appendix E for further details.

1103. NOTIFICATION TO IMMIGRATION AND NATURALIZATION SERVICE. Provisions are made by law to revoke the citizenship of naturalized citizens discharged under other than honorable, bad conduct, or dishonorable conditions. The commanding officer shall immediately forward to the CMC (SJA) a report of such a case so that the required certification may be prepared and transmitted to the Immigration and Naturalization Service (INS) and Department of Justice upon the Marine's discharge. This report will include the reason for discharge and the date. The report will also include any information in the Marine's service record with respect to naturalization. The INS is responsible for the institution of proceedings for the revocation of citizenship in these cases..

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 after 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 permanent residency outside the United States may be retained in an obligatory 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 INS shall be notified of such pending separation and the prospective date. Submit such notification in sufficient time to permit the immigration authorities to take such action as they may deem appropriate before the date on which the Marine is to be separated.

4. 8 U.S.C. 1439 requires expeditious naturalization of a permanent resident alien upon completion of 3 continuous years of active service in the Armed Forces of the United States, provided the alien:

a. 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 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 solely for the Convenience of the Government under the provisions of any early release program until completion of 3 years of service. Further, the above provisions will be explained to any alien who

applies for discharge for hardship before 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 preceeding reason (i.e., hardship or for the Convenience of the Government under the provisions of an early release program) must include the following statement in the request for discharge:

"I understand that requesting discharge before completion of 3 full years of service may jeopardize my eligibility for expeditious naturalization under 8 U.S.C. 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 COURT-MARTIAL

1. The word "discharge" as used in this paragraph refers to punitive (dishonorable and bad conduct) discharges adjudged by sentence of a court-martial.

2. It has been, and continues to be, Department of the Navy's (DoN) policy that convening and reviewing authorities should approve discharges only in those cases where a Marine's record and conduct show conclusively that he or she is not fit for retention, and where retention is clearly not in the Government's interest.

3. The appropriateness of a punitive discharge as the sentence, or as part of the sentence, of a court-martial is discussed in the Manual for Courts Martial (MCM 2000), Rules for Court Martial.

4. Personel retained beyond EAS serving a sentence or awaiting appellate review of a court-martial may be discharged, see paragraph 1008.1b(3).

5. Except when the discharge has been suspended and not vacated, the transfer of Marines sentenced to discharge who are serving OCONUS will be governed by the following instructions:

a. When an enlisted Marine sentenced to discharge is serving OCONUS, whether it is ashore or aboard ship, transfer will be made to the Marine Corps activity within the CONUS nearest the port of debarkation, for retention or redesignation of a place of temporary custody or confinement per current directives. Marines who are permanent residents of Alaska or Hawaii and serving in their respective state should not be returned to the CONUS.

b. Unless appellate leave has been granted and the action required by MCO P1050.3H completed, a Marine sentenced to a punitive discharge will not be transferred to the CONUS until a 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.

c. Transfer Marines to the CONUS after appropriate entries have been made in the service record to show the action taken by the convening authority when, pursuant to the JAGMAN, the record of trial is submitted directly to the

Office of the Judge Advocate General of the Navy without review by an officer exercising general court-martial jurisdiction.

d. When transfer to the CONUS is directed, forward a report to the Judge Advocate General of the Navy per the MCM 2000, with a copy to the CMC (SJA). Indicate 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 report date to the new activity. Upon the Marine's arrival at the new activity, the commander will immediately advise the Judge Advocate General of the Navy by naval message with a copy to the CMC (SJA). When a different activity or disciplinary command is redesignated as the place of temporary custody or confinement, this will be set forth in the report and the date of transfer will be stated.

e. No punitive discharge shall be effected OCONUS, except as directed by the Secretary of the Navy or the CMC.

6. When an enlisted Marine serving at a station within the CONUS is 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 disciplinary command, per regulations governing designation of places of confinement. When a Marine is

transferred to another station or to a disciplinary command, forward a report of the transfer to the Judge Advocate General of the Navy, with a copy to the CMC (SJA). See the current version of the MCM 2000.

7. When an enlisted Marine serving within the CONUS attached to a vessel or organization destined for a 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 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, transfer the Marine to the Marine Corps activity nearest to the port of departure before sailing. Report the transfer per paragraph 1105.6.

8. Where the execution of a portion of a sentence which adjudged a discharge is suspended subject to a probationary period, the suspension may be vacated pursuant to the procedures in the MCM 2000. Commanders must 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.

CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

SECTION 2: CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214); CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY WORKSHEET (DD FORM 214WS); AND, CORRECTION TO DD FORM 214, CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 215)

1201. GENERAL

1. DD Form 214WS. This is a single sheet standard form to aid the separating activity in preparing the DD Form 214. Its use is not mandatory; if used, it may be retained for not more than 6 months at the discretion of the separating activity.

2. DD Form 214. This is a multicopy standard form designed to provide:

a. The Marine Corps and other organizations within the DoD with information relating to a Marine or former Marine for administrative purposes.

b. The recipients with a record of their active service with the Marine Corps at the time of transfer, release or discharge, and changes in status or component while on active duty; and,

c. Appropriate governmental agencies with official information required in administering Federal and State laws applicable to Marines who have been discharged, otherwise released from active duty, transferred to a Reserve component of the Marine Corps, or retired.

3. DD Form 215. This is a multicopy standard form for use by:

a. The separating activity to provide the separating Marine information not available when the DD Form 214 was prepared and delivered. The separating activity will furnish the separated Marine with a DD Form 215 for items not completed on the DD Form 214 at the time of separation. A DD Form 215 will be provided without a request from the separated Marine. See appendix B.

b. The CMC, the Commanding General, Marine Corps Reserve Support Command (MCRSC), Kansas City, MO and the Marine Corps Liaison Officer, General Services Administration (GSA), National Personnel Records Center (NPRC), St. Louis, MO to correct a completed DD Form 214 after the Marine has received the DD Form 214 and departed from the separation point and/or the copies of the form have been distributed. See appendix B.

4. DoD has authorized use of computer generated DD Forms 214 and 215 and HQMC has disseminated electronic copies to forms management officers throughout the Marine Corps with guidance for the use of these forms.

1202. ISSUE, PREPARATION, AND DISTRIBUTION OF DD FORM 214

1. **The care in properly preparing this document cannot be over emphasized. This is the most important document of service a Marine possesses**. **DD Form 214 cannot be presented or mailed to the Marine until the actual date of separation**. Marine Corps activities effecting separations will ensure that

every Marine, excluding those listed in paragraph 1202.3, separated from a period of active duty is issued a completed DD Form 214. See appendix B for detailed instructions on completion of DD Form 214 and 215.

2. Prepare and physically deliver a DD Form 214 to Marines upon:

a. Release from Active Service. A DD Form 214 will be issued to each Marine, except as provided for in paragraph 1202.3, upon separation from a period of active duty. This includes:

(1) Separation from a period of actual (de facto) or apparent (de jure) service;

(2) Release from a voided minority enlistment; and

(3) Separation for physical disability.

b. Release of Reservists from a Period of Active Duty Service. A DD Form 214 will be issued in the following instances:

(1) Separation from an initial or subsequent period of Reserve Incremental Initial Active Duty for Training (IADT);

(2) Separation from a period of active duty or active duty for training (ADT) of 90 days or more; and

(3) Separation from active duty while in the Active Reserve (AR) Program.

c. Continuation of active duty when status or component changes for the following reasons:

(1) Discharge from the Marine Corps for immediate enlistment into a Reserve component of the Armed Forces;

(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; and

(5) Termination of an officer appointment in the Marine Corps to accept appointment in another branch of the 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 is determined by the CMC that the original DD Form 214 cannot be properly corrected by issuing a DD Form 215 or when the correction would require issuing more than two DD Forms 215; or

(3) When two DD Forms 215 have been issued and additional correction is required.

e. When circumstances require the issue or reissue of the DD Form 214, an appropriate entry stating the fact and the date of such action will be recorded in item 18, Remarks, unless specifically denied by the authority referenced in subparagraph 1202.2d(1).

3. DD Form 214 will not be issued to:

a. Marines discharged for the purpose of immediate reenlistment in the Marine Corps and remaining on active duty;

b. Marines found physically disqualified upon reporting for active duty and who do not enter actively upon duties per orders;

c. Marines whose active duty, active duty for training, or AR duty is terminated by death;

d. Marines released from a period of less than 90 days active duty for training, except as specified in subparagraph 1202.2b;

e. Enlisted Marines receiving temporary appointment to warrant or commissioned officer grade;

f. Marines who have temporary officer status terminated and remain on active duty as an enlisted Marine;

g. Personnel removed from the TDRL; or

h. Enlisted Reservists released from a period of active duty of less than 90 days or discharged from the Reserve component. Although not issued a DD Form 214, such Reservists will be assigned a reenlistment code from appendix I for record purposes (e.g., page 11 entries, discharge letters, statements of service) and MCTFS entries per MCO P1080.40B (MCTFSPRIM);

i. Reserve Officers released from a period of less than 90 days of active duty or active duty for training.

4. General Instructions

a. The original of the DD Form 214 will be physically delivered to the Marine before departure from the separation activity on the effective date of separation. Copy 4 of the DD Form 214 containing the statutory or regulatory authority, reenlistment code, separation program designator (SPD) code, and narrative reason for separation also will be physically delivered to the Marine before departure, if requested by initialing block 30. When emergency conditions preclude physical delivery or when the Marine departs in advance of the separation date (e.g., leave in conjunction with retirement or at home awaiting separation for disability), the original and copy 4 of the DD Form 214 will be mailed to the Marine not later than the effective date of separation. The commander must ensure that copies 2, 3, and 5 through 8 of the DD Form 214 are distributed no more than 5 working days following the effective date of separation and that each copy is forwarded to the appropriate unit or organization per appendix B.

(1) Failure by the separating activity to make prompt and correct distribution of each copy of the DD Form 214 results in a delay of services for deserving Marines from the DVA, potential employers, and financial institutions.

(2) The DVA requires that copy number 4 of DD Form 214 must be submitted with any application requesting veteran benefits.

(3) The decision to release this information rests with the Marine; however, providing this information will expedite the DVA process of verification, eligibility determination, and approval of benefits.

(4) For those Marines on terminal leave, a statement of service (SoS) may be provided as an interim working document before the issuance of a DD Form 214. The SoS allows Marines on terminal leave the ability to document previous military service when seeking a loan, or to provide such information to various government and civilian agencies as needed. Ensure that the following statement is contained in the remarks section of the SoS: "The above information is current as of (insert date terminal leave commences). The addressee is not actually scheduled for release from active duty until (insert date of discharge)."

b. The DD Form 214 is accepted as an official record of the Marine's military service by the DVA and the other agencies to which copies are furnished. Care must be exercised in the preparation of the form to ensure each copy is completely legible.

c. Avoid abbreviations since the form will be read by civilians who may not be familiar with military terms.

d. If more space is required for entering information, entries may be continued using item 18 of the form. If no detailed information is applicable for an entry, enter "None." When information for one or more of the items on the DD Form 214 is not available and the document is issued to the Marine, the applicable block(s) will be annotated "See Remarks." In such cases, block 18 will contain the entry "DD Form 215 will be issued to provide missing information." The same procedure applies for a release from a period of active duty for training of 90 days or more, or for Marines being separated from active duty for training under a Reserve Special Enlistment Program as specified in subparagraph 1202.2b. A continuation sheet, if required, will reference: the DD Form 214 being continued, information from blocks 1 through 4, the appropriate block(s) being continued, the Marine's signature, and date, and the authorizing official's signature. If a continuation sheet is used, enter "CONT" in block 18 and ensure a legible copy is placed with each copy of the DD Form 214.

e. The form contains spaces for all items deemed appropriate; therefore, no additional entries will be made unless specifically authorized by the CMC (MMSR).

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

g. In the event that a DD Form 214 is lost, destroyed, or requires alteration or correction, the following applies:

(1) Any unavoidable corrections or changes made in the unshaded areas of the form during the preparation shall be neat and legible on all copies and initialed by the authenticating official. No corrections will be permitted in the shaded areas. Once the original and copy 4, if applicable, have been delivered to the Marine, no corrections may be made to copies by the separation activity.

(2) The Marine will be cautioned not to make changes or alterations to the form; to do so will render it void. If an error is discovered by the Marine after receipt of the form and after departure from the separation activity, or distribution of copies has been made, correction or change will be made by the CMC on a DD Form 215. Requests for correction to DD Form 214 will be addressed to:

Commandant of the Marine Corps (MMSB-10)
Headquarters, U.S. Marine Corps
2008 Elliot Road
Quantico, VA 22134-5030

Requests should include the Marine's full name, grade, social security number (SSN), and effective date of separation. The CMC has granted the Commanding General, MCRSC, authority to issue the DD Form 215 when certain errors are detected on the DD Form 214 contained in service records forwarded to the MCRSC for retention. Requests from the Marine for correction to the form will be addressed only to the CMC (MMSB-10).

(3) For replacement of a lost or destroyed DD Form 214, submit a request to the CMC (MMSB-10).

h. Special Follow-Up Procedures. DoD instructions require that each item of the DD Form 214 be completed before delivery to the Marine. In cases where any item cannot be completed at the time of delivery, the separating activity must establish follow-up procedures to obtain the missing data and issue a DD Form 215 to the Marine at the earliest possible date. DoD policy requires the Marine Corps separating activity issue a DD Form 215 to complete any item not available at the time of separation without a request being generated by the separated Marine.

i. Exceptions. Marines Undergoing Disability Processing or Treatment in DVA Hospital.

(1) When a Marine has appeared before a Physical Evaluation Board (PEB), has accepted the findings of the PEB, and is placed in an "awaiting orders status" pending final action by the Secretary of the Navy on retention, retirement, or discharge for physical disability:

(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, per the instructions in appendix B before the departure of the Marine from the activity;

(b) When retirement or discharge is directed by the CMC, 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; and

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

(2) When a Marine is transferred to a DVA hospital for further treatment pending final action on the report of the PEB:

(a) The activity administering the Marine's records will complete items 1 through 11, 13 through 16, 18 through 21, and item 30, if applicable, before transfer from the medical treatment facility (MTF) in which the Marine

is hospitalized and forward the form to the Marine Corps activity responsible for maintenance of service records while the Marine is a patient at the DVA hospital.

(b) When retirement or discharge is directed by the CMC, 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.

1203. SAFEGUARDING SEPARATION INFORMATION

1. DD Forms 214 and 215 are official documents used by civilian and governmental agencies for determination of DVA benefits, reemployment rights, unemployment insurance, etc. To preclude fraudulent use, certain features have been designed into the paper DD Forms 214 and 215, version Feb 2000, which replaced all previous versions. Items 1, 3, 4, 12, and 18 through 30 of the paper DD Form 214, as well as items 1, 3, and 5, of the paper DD Form 215 have been surprinted with security ink to make alterations readily discernible. No corrections are permitted in the shaded areas of the paper Feb 2000 version. Computer generated DD Forms 214 and 215 have been approved and may be utilized by authorized commands in lieu of the paper DD Form 214 and 215. The computer generated form does not have shaded areas in order to enhance the digital storage of these forms.

2. The following control and accounting features will be implemented by commanders of each unit or activity authorized to requisition, store, and issue DD Forms 214, 214WS, and 215.

a. Appoint, in writing, a commissioned officer, warrant officer, staff noncommissioned officer in the grade of staff sergeant or above, or civilian employee (GS-7 or above) to act as the agent responsible for the requisition, control, and/or issue of the DD Forms 214, 214WS, and 215.

b. The agent will:

(1) Approve the requisition of blank forms;

(2) Verify total number of forms received against the requisition;

(3) Furnish adequate storage to provide strict security of blank forms at all times;

(4) Establish procedures for accountability of forms held and/or issued. Electronic forms will be serialized and the serial numbers will be maintained in either an electronic or paper log for accountability purposes;

(5) Ensure all forms are secured after duty hours;

(6) Ensure all obsolete forms are destroyed;

(7) Ensure all blank or partially completed forms are destroyed;

(8) Ensure reproduced copies of the DD Form 214 are destroyed;

(9) Ensure blank forms used for educational or instructional purposes, and forms maintained for such use, are clearly voided in an unalterable manner (i.e., overstamped “FOR INSTRUCTIONAL PURPOSES ONLY);”

(10) Ensure appropriate computer access and password protection is in place for use of electronic generated DD214 and DD215 forms; and

(11) Add additional security/accounting elements as deemed necessary.

c. No forms will be discarded intact.

d. The commander will monitor and periodically review the above procedures to ensure compliance. Additionally, the above procedures are subject to review and evaluation for compliance by members of the Inspector General of the Marine Corps (IGMC).

1204. SPONSORSHIP OF THE DD FORM 214/215 SERIES. The Assistant Secretary of Defense, Personnel and Readiness (ASD (P&R)) sponsors DD Forms 214, 214WS, and 215. Each service is required to publish preparation and distribution instructions under the guidance of DoD. Deviation in format or modification of content is not authorized without prior approval by the DoD. Requests to add or delete information will be coordinated with the other military services in writing, before submission to the ASD (P&R). Submit requests to modify these forms to the CMC (MMSR-3).

1205. RESPONSIBILITY FOR ASSIGNMENT OF SEPARATION PROGRAM DESIGNATOR (SPD). The standard codes for officer and enlisted personnel were developed under the direction of the DoD and are published in MCO P1080.20M, MCTFS Codes Manual. Address requests for additions, deletions, or modifications to SPD’s to the CMC (MMSR-3). See appendix A for a list of current SPDs. Frequently used officer SPDs are also listed in appendix A, however these codes are assigned by CMC (MMSR, MMOA) and will only be used when directed by the CMC.

CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

SECTION 3: ENTITLEMENT TO SEPARATION PAY

1301. GENERAL. Separation pay is intended to assist involuntarily separated members returning to civilian life. Separation pay will be paid to members involuntarily separated from active duty with more than 6 years of active service and on a second or subsequent contract. If a member later becomes eligible for retired or retainer pay, or disability compensation, separation pay is subject to recoupment at the time of retirement (see paragraph 1307). Entitlement to separation pay is contained in paragraphs 1304 and 1305. When final action is taken on administrative separations under chapter 6 of this Manual, the separation authority will include any entitlement to separation pay in that action. Disability severance pay is distinct from separation pay and is discussed in paragraph 8401.

1302. DEFINITIONS. The below phrases have special definition with reference to separation pay.

1. The phrase "involuntarily separated, discharged or released from active duty" includes: all forms of separation under conditions when the individual is released from active duty at any time before the completion of a stipulated period of active service or tour of active duty and not at the member's own request; or, when the individual is denied reenlistment or extension on active duty. Examples include, but are not limited to: release due to reduction in force (RIF), failure of selection for promotion, and release of Reserve members not accepted for an additional tour of active duty for which they volunteered.

2. The phrase "not accepted for an additional tour of duty for which they volunteered" refers to members who, before completing a tour of active duty or a stipulated period of active service, or upon notification of the intent to separate them from active duty, volunteer to remain on active duty but are not accepted. Reserve officers on the active duty list, excluding those under 10 U.S.C. 641, who twice failed to be selected for promotion under 10 U.S.C. chapter 36 and who are ineligible to apply for an additional tour of active duty under a service retention program need not request retention to be “not accepted for an additional tour of active duty for which they volunteered.”

1303. RATES OF SEPARATION PAY. Instructions for the calculation of separation pay for an individual are contained in the paragraphs below.

1. Full separation pay is computed as 10 percent of the product of (a) the member's years of active military service and (b) 12 times the monthly basic pay to which the member is entitled to at the time of discharge or release from active duty. The formula is:

Full Separation Pay = .1(a x b)

a. To determine years of active military service for use in computing separation pay, count each full year as a year and count each full month of service as 1/12 of a year. Disregard any remaining fractional part of a month.

b. Periods for which a service member previously has received separation, severance, or readjustment pay may be counted for eligibility purposes to ensure the member meets the minimum required years of active duty. These periods may not be used in the multiplier to determine the amount of separation pay for subsequent separation.

c. Do not count periods of unauthorized absence, confinement awaiting trial which resulted in conviction, time lost through disease or injury due to the member's misconduct, or service as a midshipman or cadet at a service academy or in an NROTC program.

2. One-half separation pay is one-half the amount computed under paragraph 1303.1.

1304. MARINES ELIGIBLE FOR SEPARATION PAY (NONDISABILITY)

1. SECNAVINST 1900.7G governs separation pay. Marines involuntarily separated from active duty whose separation is characterized as honorable and meet the criteria in the instruction, except for those excluded under paragraphs 1305 and 1306, are entitled to full separation pay. The Secretary of the Navy is the authority for all officer separation pay entitlement. The CMC (MMEA-6) is the authority for all separation pay entitlement for active duty enlisted members.

2. Minimum Service

a. Regular officers and enlisted members on the active duty list must have completed at least six years of active duty service before separation. The qualifying years do not have to be continuous; however, the last phase of the qualifying term must end immediately before the separation, discharge or release date.

b. Officers and enlisted members not on the active duty list must have completed at least six years of continuous active duty service immediately before separation. For purposes of separation pay, a period of active duty service is continuous if any break in service does not exceed 30 days.

3. Reserve Obligation. The service member must enter into a written agreement indicating willingness to serve in the Ready Reserve for a period of not less than 3 years following separation from active duty. A member who enters into this written agreement and is not qualified for appointment or

enlistment in the Ready Reserve need not be enlisted or appointed to be considered to have met this condition of eligibility for separation pay. If the member has a service obligation remaining when separated from active duty, the 3 year obligation begins on the day after the date on which the member completes the former obligation.

4. Enlisted members separated for high-year tenure are eligible for full separation pay, unless precluded by another provision of this Manual, provided other requirements of this instruction are met. It must be understood that due to manpower constraints, an individual Marine with an otherwise competitive record, may be denied reenlistment due to lack of allocations in a particular skill or grade. These Marines will <u>not</u> be deprived of full separation pay. Likewise, Marines twice failed of selection for promotion to the next higher grade may be granted full separation pay.

1305. MARINES LIMITED TO HALF SEPARATION PAY (NONDISABILITY)

1. Members not fully qualified for retention, but eligible for separation pay under paragraph 1304.2 and 1304.3, whose separation is characterized as honorable or general (under honorable conditions) and are involuntarily separated from active duty under the following criteria, and as prescribed by SECNAVINST's 1920.6B, 1910.4B, and 1210.5A, shall be limited to one half the rate of separation pay. See paragraph 1303. This includes members separated for high-year tenure and who are not qualified for advancement under policies established by the CMC (MMEA).

2. Criteria for Half Separation Pay

a. Expiration of service obligation.

b. Selected changes in service obligation.

c. Homosexual conduct not involving aggravating factors listed in paragraph 6207.5.

d. Alcohol abuse rehabilitation failure.

e. Retention is not consistent with the interest of national security.

f. Convenience of the Government.

g. Weight control failure.

3. The Secretary of the Navy may award full separation pay to individual members discharged under the above criteria. Such payments will only be granted in extraordinary instances when the specific circumstances of the separation and overall quality of the member's service are such that denial of full separation pay would be unjust. For example, a member with a congenital or hereditary disease who is involuntarily separated for convenience of the Government and not eligible for disability severance pay may be considered for full separation pay. Requests for full separation pay shall be submitted to the Secretary of the Navy, via the CMC (MMEA-6 for enlisted and MMSR-3 for officers) and the member's chain of command.

1306. MARINES NOT ELIGIBLE FOR SEPARATION PAY. See SECNAVINST 1900.7G for further guidance.

1. Active-duty list officers in the grades of first lieutenant and above who are discharged for twice failing of selection for promotion to the next higher grade, are not entitled to separation pay if any of these failures of selection for promotion was by the action of a selection board to which the officer submitted a request in writing to not be selected for promotion, or who otherwise directly caused his/her nonselection through written communication to the board. Active-duty list officers selected for promotion to the grade of colonel or below, but who decline the appointment will incur a

failure of selection for promotion and are not entitled to separation pay if the officer is discharged for twice failing of selection for promotion.

2. Any Marine separated under other than honorable conditions or by reason of misconduct, unsatisfactory performance of duty, or homosexual conduct that involves aggravating factors listed in paragraph 6207.5 is not eligible for separation pay.

1307. REPAYMENT OF SEPARATION, SEVERANCE, OR READJUSTMENT PAY. Provisions concerning repayment of separation, severance, or readjustment pay are covered in paragraph 12 of SECNAVINST 1900.7G. Per 10 U.S.C. 1174, a member who later qualifies for retired or retainer pay, or disability compensation shall have deducted from such payment an equal amount to the total amount of separation, severance, or readjustment pay.

1308. DISBURSEMENT OF SEPARATION PAY. The separation authority determines the amount of separation pay per SECNAVINST 1900.7G.

CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

SECTION 4: ENTITLEMENT TO RETIRED/RETAINER PAY

1401. GENERAL

1. Nondisability retired pay is an entitlement as provided under pertinent sections of 10 U.S.C.

2. For the purposes of this section the terms "retired pay" and "retainer pay" are used interchangeably, unless otherwise specified.

1402. RETIRED/RETAINER PAY

1. Retired Pay

a. Retired pay is computed according to specific provisions of law. The information in this paragraph applies only to nondisability retirements effected by the provisions of this Manual. Retired pay is calculated by multiplying the rate of pay explained in paragraph 1405 by the retired pay multiplier. All active service and retirement points earned as a member of a Reserve component are included in computing service for retirement and pay.

b. The retired pay of any warrant officer who is retired under any law cited within this Manual will be based upon the higher applicable monthly basic pay of either the grade held at the time of retirement or the grade to which the officer is advanced on the retired list.

c. A Marine who retires under the law with 30 or more years of active service is entitled to retired pay at the rate of 75 percent of the basic pay in the grade retired or the grade advanced to on the Retired List. Retired pay may not exceed 75 percent of the basic pay on which subject pay is based.

2. Retainer Pay

a. Marines transferred to the FMCR are entitled, when not on active duty, to retainer pay at the rate of pay explained in paragraph 1405. Retainer pay is based upon the basic pay at time of transfer to the FMCR muliplied by the retired pay multiplier.

b. Per Comptroller General Decision, extraordinary heroism pay only applies to enlisted members transferring to the FMCR, and those enlisted members completing 20 years of active service who are retiring with a disability. If the Marine has been credited by the Secretary of the Navy with extraordinary heroism, retainer pay will be increased by up to 10 percent. In

no case may retainer pay be more than 75 percent of the pay upon which the computation of retainer pay is based. If a determination of extraordinary heroism pay has not been made by the time processing has been completed, the member will be transferred on the date prescribed by the CMC. The decision of the Secretary of the Navy will be forwarded separately.

c. All active service, as defined in paragraph 7002.2, is included in computing service for transfer to the FMCR. To determine the number of years and months of service used as a multiplier to compute retainer pay, every

month is pro-rated (29 days or less are not included in the computation, per Public Law 98-94 of 1 Oct 1983). For example, at 20 years, 7 months and 16 days active service, the multiplier is based on 20 years and 7 months.

d. Eligible members of the FMCR transferring to the Retired List will be entitled to retired pay:

(1) At the applicable rate of pay of the advancement grade.

(2) At the rate described in paragraph 1405 of the basic pay of the advancement grade.

(3) Not to exceed 75 percent of the pay upon which it is based.

3. Service Creditable for the Retired Pay Multiplier. To determine the number of years and months of service to use as the multiplier in computing retired pay, every month is pro-rated. The following guidelines (based on law) for creditable service determine the retired/retainer pay multiplier (RPM).

a. Officers

(1) Before 31 May 1958. All service.

(2) After 31 May 1958

(a) All active duty service,

(b) NROTC cruises as a regular student up to 12 October 1964,

(c) Active duty for training, and

(d) Inactive duty points (excluding funeral honor points) not to exceed: 90 points for anniversary years closing on or after 30 October 2000; 75 points per year between 23 September 1996 and 29 October 2000; and 60 points per year for years ending before 23 September 1996. One day of credit is awarded for each retirement point earned as a member of a Reserve component after 31 May 1958 through: authorized attendance at drills; completion of correspondence courses; periods of equivalent instruction or appropriate duty performed as authorized by the CMC, COMMARFORRES, or the CG MCRSC; and 15 points per year credit gratuitous for Reserve membership.

b. Enlisted Personnel

(1) All service per paragraph 7002.2 and

(2) All service per paragraphs 1402.3a(2)(a),(c) and (d).

1403. PAY ACCOUNTS

1. Pay accounts of retired Marines are maintained at the Defense Finance and Accounting Service, Cleveland, OH. See paragraph 1101.4j(3)

2. Unless requested otherwise, all allotments will automatically continue after retirement, except allotments in amounts greater than the anticipated amount of retired pay and allotments to charitable organizations other than the Navy-Marine Corps Relief Society. Refer to MCO P7220.45.

1404. CHANGE OF ADDRESS OF RETIRED MARINES AND MEMBERS OF THE FMCR

1. Retired and FMCR Marines will:

a. Keep the Director, Defense Finance and Accounting Service informed at all times of their current check mailing address and current home mailing address using the address in paragraph 1403.1. All retired Marines must be on direct deposit.

b. Keep the CMC (MMSR-7) informed at all times of their current home mailing address. Provide address changes and submit with signature over the SSN for identification purposes. Report address changes to:

United States Marine Corps
Manpower and Reserve Affairs (MMSR-7)
3280 Russell Road
Quantico, VA 22134-5103

Make telephonic inquiries at 1-800-715-0968.

2. Subject to the above requirements and conditions stated in the Marine Corps Retirement Guide, NAVMC 2642, a retired or FMCR Marine may reside abroad.

1405. CALCULATING RETIRED/RETAINER PAY. In previous years, it was a simple task for Marines planning a nondisability retirement to determine the amount of retired/retainer pay they would receive for their active duty military service. Over recent years, however, major changes were made to the military retirement system. As a result, computation of retired/retainer pay now depends on when a Marine became a member of the military service, calculated from the date of original entry into the armed forces. Throughout this Manual the term "retired pay multiplier" will be used to refer to both retired and retainer pay multiplier. Twenty-nine days or less do not count for computation of a month. For more pay information see Internet Web sites:

www.dfas.mil and www.pay2000.dtic.mil.

1. METHOD 1. MARINES WITH A DATE INITIAL ENTRY MILITARY SERVICE (DIEMS) BEFORE 8 SEPTEMBER 1980. Use the following procedure to determine monthly gross retired/retainer pay for Marines in this category:

a. Step 1

(1) Retirement and Transfer FMCR. To determine the retired pay multiplier (RPM) for all officers and enlisted Marines with 20 years or more of active service, multiply the Marine's years (include fractional portions of a year) of active service by 2.5% (.025). The RPM cannot exceed 75%.

(2) Example 1: A Marine with 23 years and 8 months of active service. The 8 months constitute a fractional year which must be converted to a decimal equivalent and added to the 23 years. To convert a fractional year, divide the number of months by 12 (i.e., 8 months divided by 12 = .66). Accordingly, 23 years and 8 months = 23.66 for this Marine's number of years and fractional year of active service.

Multiply this figure by 2.5% (.025) to get the RPM (i.e., 23.66 X .025 = .5915).

b. Step 2. Multiply the RPM by the monthly basic pay in the grade the Marine is serving when transferring to the Retired List or the FMCR.

.5915 (RPM) X basic pay = retired/retainer pay

Note: Remember to convert percentages to decimal equivalents by moving the decimal point two places to the left before multiplication.

2. METHOD 2. MARINES WITH A DIEMS OF 8 SEPTEMBER 1980 THROUGH 31 JULY 1986 OR MARINES WITH A DIEMS DATE ON OR AFTER 1 AUGUST 1986 WHO HAVE NOT ELECTED A 15 YEAR CAREER STATUS BONUS. The Department of Defense Authorization Act of 1981 implemented a second method of calculating retired/retainer pay for any member of the Armed Forces who first became a member on or after 8 September 1980. The Defense Authorization Act of 2000 amended the retired pay system to include in this method of calculation, Marines who first became a member on or after 1 August 1986 and who have not elected a 15 year career status bonus. This method computes retired/retainer pay on the basis of the highest three years of basic pay and is commonly referred to as the "High-3" method. Use the following procedure to compute gross retired/retainer pay for Marines in this category.

a. Step 1. To determine the RPM, multiply the Marine's years (include fractional portions of a year) of active service by 2.5% (.025). This factor cannot exceed 75%. To compute a fractional year, see Example 1 above.

b. Step 2. To determine average monthly basic pay received during your highest 3 years (36 months) of active duty, add the 36 months of base pay in which your monthly basic pay was highest (normally your last 3 years of active duty) and divide by 36. This will give the “High-36 Average.”

c. Step 3. Multiply the high-36 average by the RPM.

3. METHOD 3. MARINES WITH A DIEMS ON OR AFTER 1 AUGUST 1986 WHO HAVE TAKEN A 15 YEAR CAREER STATUS BONUS. Retired/retainer pay for those who first became members of the Armed Forces on or after 1 August 1986, and who have taken the 15 year career status bonus, will be computed under a system established by the Military Reform Act of 1986. The career status bonus is contingent upon the Marine serving 20 active years. Failure to serve 20 years may require reimbursement of any unserved portion of the bonus. This method computes retired/retainer pay using a two-tier system. The first tier provides a reduced amount of retired/retainer pay for those who retire or transfer to the FMCR with less than 30 years of active service. The second tier recomputes the retired/retainer pay for those with less than 30 years of active service when they reach the age of 62. Marines who retire under this system with 30 years of active service will still be entitled to retired pay based on 75% of their basic pay. Use the following procedure to compute gross retired/retainer pay.

a. Step 1. To determine the RPM start with a base of 40% for 20 years of active service.

b. Step 2. For each additional full year of active service add 3.5% (.035). For each additional whole month between full years, add .3% (.003). The RPM cannot exceed 75%.

Example 2: To determine the retired pay multiplier for 23 years and 3 months of active service:

40% + 3.5% + 3.5% + 3.5% + .3% + .3% + .3% = 51.4%

c. Step 3. Determine the average monthly basic pay received during the highest 3 years (36 months) of active duty.

d. Step 4. Multiply high-36 average amount by the retired pay multiplier. .5140 X average basic pay = retired/retainer pay

e. Step 5. To determine retired pay at age 62, recompute the retired pay amount by using Method 2, paragraph 1405.2.

4. Retired/retainer pay is subject to federal income tax. State income tax is not automatically withheld. Check with the respective state tax commissioner concerning withholding. FICA (Social Security Tax) is not withheld from retired/retainer pay.

5. Retired/retainer pay is normally increased on an annual basis by an amount based on the Consumer Price Index (CPI). These annual raises are called cost of living allowances (COLAs). Marines whose retire/retainer pay is calculated using methods 1 or 2 will normally receive a raise based directly on the CPI. Marines whose retired/retainer pay is calculated using method 3 will receive raises based on the CPI minus 1%, if the CPI for that year is greater than or equal to 3%.

RETIRED/RETAINER PAY MULTIPLIER TABLE

Old Retired/Retainer Pay RPMs		New Retired/Retainer Pay RPMs	
Years 31 July 86 and Earlier or 1 Aug 86 or later if career status bonus NOT accepted		Years 1 August 86 and Later if accepting career status bonus at 15 years of service	
Years of Service	RPM	Years of Service	RPM
20	50.0%	20	40.0%
21	52.5%	21	43.5%
22	55.0%	22	47.0%
23	57.5%	23	50.5%
24	60.0%	24	54.0%
25	62.5%	25	57.5%

26	65.0%	26	61.0%
27	67.5%	27	64.5%
28	70.0%	28	68.0%
29	72.5%	29	71.5%
30	75.0%	30	75.0%

Figure 1-1. Discharge Letter in Lieu of Discharge Certificate

(Letterhead)

From: (Discharge Authority)
To: (Individual Marine)

Subj: DISCHARGE FROM THE UNITED STATES MARINE CORPS RESERVE

Encl: (1) Service Record page(s) (or other supporting documentation)

1. You are hereby discharged from the U.S. Marine Corps Reserve as of (time) on (date of discharge).

2. You are not recommended for reenlistment. Your characterization of service, as supported by enclosure (1), is _____.

3. Any inquiries that you may have concerning your military service should be addressed to the Commandant of the Marine Corps (MMSB-10), Headquarters, U.S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134-5030, who will have custody of your record for a period of 12 months from the date of your discharge. After the 12-month period has elapsed, address your inquiries to the National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132-5100. All written inquiries must include your full name, social security number, and date of discharge.

Figure 1-1. Discharge Letter in Lieu of Discharge Certificate

Table 1-1. Characterization of Service

RULE	If the separating Marine:	the characterization of service is:	the separating activity will issue:
1	is under 17 years of age	uncharacterized	an order of release from custody and control of the Marine Corps.
2	is between 17 and 18 and separation is w/in first 180 days	uncharacterized	a DD Form 214 only.
3	is over 18 years of age and separation is w/in first 180 days	uncharacterized	a DD Form 214 only.
4	is over 18 years of age and has served 180 days or more, is a corporal or below and has minimum average conduct and proficiency markings of 4.0/3.0, respectively	honorable (Except as provided in rules 7 and 8. See Note 1 and 2.)	an Honorable Discharge Certificate (DD Form 256 MC), a DD Form 214 and an honorable discharge lapel pin, Letter of Appreciation (NAVMC 11352).
5	is over 18 years of age and has served 180 days or more, is a corporal or below and has average proficiency and conduct markings below 4.0/3.0	general (under honorable conditions (Except as provided in rules 7 and 8. See note 1.)	a General(Under Honorable Conditions) Discharge Certificate (DD Form 257 MC) and a DD Form 214.
6	is a sergeant or above	honorable (Except as provided in rules 7 and 8.) See Note 2.	an Honorable Discharge Certificate (DD Form 256 MC), a DD Form 214 and an honorable discharge lapel pin, Letter of Appreciation (NAVMC 11352).
7	has requested separation in lieu of trial by court-martial	under other than honorable conditions	a DD Form 214 only.
8	is being separated under a provision of chapter 6	as directed by the separation authority	an appropriate certificate based upon discharge authority's decision, DD Form 214 and honorable discharge lapel pin, and Letter of Appreciation, if appropriate.

NOTE 1. To compute final average proficiency and conduct markings for separation, round to the nearest tenth as follows: if the average hundredth

figure is 5 or more, round up to the nearest tenth; otherwise, round down. For example, 3.95 rounds up to 4.0; whereas 3.94 remains at 3.9.).

NOTE 2. Honorable discharge certificates are only issued if the Marine has completed the 8 year service obligation.

Table 1-1. Characterization of Service

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CHAPTER 2

RETIREMENT OF OFFICERS ON ACTIVE DUTY

	PARAGRAPH	PAGE
GENERAL	2001	2-2
DEFINITIONS	2002	2-2
VOLUNTARY RETIREMENT	2003	2-3
ADMINISTRATIVE PROCEDURES	2004	2-6
MANDATORY RETIREMENT	2005	2-9
UNRESTRICTED OFFICERS	2005.2	2-9
LIMITED DUTY OFFICERS	2005.3	2-11
WARRANT OFFICERS	2005.4	2-13
LEAVE	2006	2-14
PHYSICAL EXAMINATIONS	2007	2-14
RETIREMENT CEREMONY	2008	2-14
RETIRED GRADE	2009	2-14
RETIRED PAY	2010	2-15
PAY ACCOUNTS	2011	2-15
CURRENT ADDRESS AND RESIDENCE OF RETIRED OFFICERS	2012	2-15

FIGURE

2-1 FORMAT FOR ORDERS TO RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE RETIRED LIST 2-16

CHAPTER 2

RETIREMENT OF OFFICERS ON ACTIVE DUTY

2001. GENERAL

1. This chapter outlines policies and procedures governing retirement of officers on active duty, on the Active Duty List. To be eligible for an active duty retirement, officers must meet the requirements of this chapter and SECNAVINST 1811.3M. Retirement of Reserve officers not on active duty and disability retirements are covered in chapters 3 and 8, respectively. For the purposes of this chapter the terms "statutory", "mandatory", and "involuntary" are used interchangeably.

2. The statutory authority for retirements rests in 10 U.S.C. as amended by Public Law 96-513, Defense Officer Personnel Management Act (DOPMA), which took effect 15 September 1981, and Public Law 102-190, Warrant Officer Management Act (WOMA), which took effect 1 February 1992. Grandfathering provisions of DOPMA mandate retirement, in certain instances, under pre-DOPMA law based on the individual case. Officers requesting voluntary retirement and those subject to statutory retirement are retired under the provisions of law that apply.

a. Retirement Under Prior Law (Pre-DOPMA). Lieutenant colonels and above commissioned prior to 15 September 1981 will be retired under provisions contained in pre-DOPMA law, unless continued on active duty under such regulations as the Secretary of the Navy may prescribe.

b. Retirement Under DOPMA. First lieutenants to majors commissioned prior to 15 September 1981, and first lieutenants and above, commissioned since 15 September 1981, will be retired under DOPMA.

c. Retirement Under WOMA. All active duty Marine Corps warrant officers will be retired under WOMA.

2002. DEFINITIONS

1. Advancement on the Retired List. Per 10 U.S.C. 6151, officers who previously served satisfactorily under a temporary appointment to a higher grade, upon retirement, will be advanced on the retired list to the highest grade satisfactorily held, as determined by the Secretary of the Navy. Warrant officers will be advanced to the highest grade served satisfactorily under 10 U.S.C. 6334, when active service plus service on the retired list totals 30 years. Retired pay will be based on the grade held at retirement, or to which advanced on the retired list, whichever results in higher pay.

2. Qualifying Service for Retirement. Officers who meet the following service criteria are eligible for voluntary retirement:

a. Commissioned Officers. Must serve 20 years and 1 day of active service, 10 years of which must be active commissioned service, per 10 U.S.C. section 6323. This applies to Regular commissioned officers and limited duty officers (LDO).

b. Warrant Officers. Must serve 20 years active service, per 10 U.S.C. 1293.

3. Safety Zone. The period mandated by law within 2 years of attaining retirement eligibility that requires Marines to be retained on active duty until qualified for retirement, unless sooner retired or discharged under another provision of law.

4. Total Commissioned Service

a. Pre-DOPMA. For lieutenant colonels and above and above, commissioned prior to 15 September 1981, commissioned service is measured from 30 June of the fiscal year in which an officer was appointed a commissioned officer. Per 10 U.S.C. 611, part C, section 624, all commissioned service, both inactive and active, prior to 15 September 1981 counts for this computation and in determining years of service for mandatory retirement. This definition only applies when determining the mandatory retirement date of lieutenant colonels and above who were commissioned prior to 15 September 1981. See paragraph 2001.2a.

b. DOPMA. For lieutenant colonels and above commissioned after 15 September 1981, only active commissioned service is used to determine the mandatory retirement date. See paragraph 2001.2b.

2003. VOLUNTARY RETIREMENT

1. Criteria. Officers with more than 20 years qualifying service may request retirement subject to the following criteria:

a. Service-in-Grade (SIG). Also referred to as time-in-grade (TIG). Officers must meet the applicable SIG requirements below:

(1) DOPMA/WOMA. Chief warrant officers, and commissioned officers in the grade of second lieutenant or above (time/service spent in a frocked status does not apply), must serve:

GRADE	REQUIREMENT
CWO-2 - CWO-5	2 Years
2dLt, 1stLt	6 Months
Capt, Maj	2 Years
LtCol - Gen	3 Years

(2) Waivers. The designated approval authority may waive any portion of the TIG requirement in individual cases involving extreme hardship or exceptional circumstances, except the minimum period for the grades specified as indicated below:

Grade	Approval Authority	Minimum TIG
CWO-2 - CWO-5	Secretary of the Navy	30 days
2dLt - Maj	Secretary of the Navy	6 months
LtCol & above	President	6 months

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.

(1) Service Schools

School	Service Obligation
20 weeks or more	2 years
Less than 20 weeks	1 year
MAWTS-1/WTI	2 years
Naval Fighter Weapons School	2 years
Operational support aircraft	2 years
Instructor (FRS, NATC)	2 years

Note: All service obligation begins upon completion of the school or training. The service requirement is applicable to any officer who fails to complete any such school and will start on the date of transfer from the course. For operational support aircraft the obligation is incured at the commencement of any training toward initial qualification and begins upon completion of initial training; in the case of failure to complete training the obligation begins on the date of transfer from the course.

(2) Education Programs

(a) Additional service obligation incurred incident to education programs are as prescribed by the appropriate Marine Corps directive in effect at the time of selection for the College Degree Program, Special Education Program, Advanced Degree, Funded Law Education Program, Excess Leave Program (Law), or other full-time, funded schooling.

(b) Tuition Assistance. Service requirement is 2 years from the date of completion of any course for which tuition assistance is provided. Commanders are responsible for identifying to the CMC (MMSR and MR) all officers having incurred a tuition assistance service obligation that voluntarily request retirement. Officers subject to this obligation may be considered for retirement if a request for waiver is submitted, and the officer pays back a pro-rated rate amount of the tuition assistance used. Officers subject to mandatory retirement are not obligated to pay back the tuition assistance used. For further information contact the CMC (MRV).

(3) Special Tours. A two-year service obligation is incurred upon completion of tour in an aviation or aviation ground exchange tour with a foreign military service or another branch of the US military service. These tours include but are not limited to USAF exchange tours, the Navy Flight Demonstration Team tour, Royal Navy exchange tours, Royal Australian Air Force exchange tours, Spanish Navy exchange tours, Italian Navy exchange tours, and Canadian Navy exchange tours.

c. Tour Length/Minimum Time on Station (TOS)

(1) CONUS. Officers must complete 2 years TOS, except for those returning from overseas which require 1 year TOS, based on the geographic location date the current tour began (GEODCTB) as established in MCTFS. Use the original GEODCTB in MCTFS for officers reassigned within the same

geographical area. When PCS orders are issued (no cost, low cost, or fully funded) and those orders result in a change of geo-location, the member incurs the requisite obligated TOS requirement per MCO P1300.8R.

(2) Overseas/Prescribed Tour Length. Officers serving overseas or on tours that are prescribed by MCO P1300.8R must complete a full tour.

d. PCS Orders

(1) Officers who have been issued, or notified they will receive PCS orders may request cancellation of the pending assignment provided a request for retirement is submitted per the following paragraphs.

(a) Officers eligible to retire may request a retirement date on or before the first day of the month after the effective date of their expected arrival at the new duty station.

(b) Officers not eligible to retire, but who will be eligible within 12 months of their expected date of arrival at the new duty station, may request a retirement date on the first day of the month after initial eligibility.

(c) Retirement requests involving cancellation of PCS orders must be forwarded to the CMC (MMSR-2) via naval message, with the CMC (MMOA) as an information addressee. Submit the request no later than 10 working days after receipt of orders. Requests that do not comply with this criteria will not normally be given favorable consideration.

(2) Officers with more than 12 months before initial eligibility for retirement will be required to execute PCS orders and complete the required minimum tour at the new duty station.

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

2. Waiver of Criteria

a. An officer requesting waiver of any criteria must submit a written request with justification via the chain of command to the CMC (MMSR-2).

b. Except as noted in paragraph 2003.2d, requests must be based upon hardship or humanitarian considerations and should include the information required by paragraph 6407. Only cases that 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 civilian employment does not warrant waiver of the criteria**.

c. Requests for waiver of the minimum TIG requirement must be submitted to the Secretary of the Navy via the CMC (MMSR-2) for approval; they will not normally be given favorable consideration.

d. Requests for retirement requiring other waivers may receive favorable consideration if an officer:

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

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

(3) Has been identified by the CMC as being of limited assignability, such as those whose general health has deteriorated, or due to a condition

beyond their control, or whose retention is clearly inconsistent with the interests of national security per SECNAVINST's 1920.6B and 5510.30A; or,

(4) Has an extreme hardship or exceptional circumstances of a long term nature and retirement would significantly alleviate the condition per the criteria of paragraph 6407.

3. Voluntary Retirement in a Lower Grade. Retirement requests submitted by officers who have not satisfied the minimum active duty TIG requirement for retirement in that grade, will only be approved if the Secretary of the Navy grants retirement in a lower grade based on criteria specified in SECNAVINST 1811.3M.

2004. ADMINISTRATIVE PROCEDURES

1. Submission of Requests. Submit requests for voluntary retirement, not requiring waivers, via the unit diary system in MCTFS per MCO P1080.40B (MCTFSPRIM). The officer requesting retirement is required to sign a copy of appendix J from this Manual for inclusion in the service record. Requests for retirement will be submitted not more than 14 months and not less than 4 months prior to the requested retirement date. Requests submitted outside this time frame are rejected by MCTFS and therefore must be submitted, with justification and appropriate endorsements, by separate correspondence or message to the CMC (MMSR-2).

2. Officers requesting retirement are cautioned not to make significant personal commitments (such as buying or selling a house or business, or accepting civilian employment) based upon mere submission of a request. Problems which may arise from such premature commitments will not be used as a basis for approving an officer's request, nor will they be considered a hardship.

3. An officer requesting waiver of criteria per paragraph 2003.2 must submit requests via separate correspondence or message with justification and

endorsements via the chain of command. Retirement requests requiring a waiver and submitted by unit diary or without justification and command endorsement will be filed without action and the officer so notified.

4. Officers serving overseas may request retirement effective the first day of the month and no more than 60 days following their RTD. See paragraph 1006.7 Officers stationed OCONUS, who desire retirement upon reaching their RTD, may return to CONUS to effect retirement at any one of the specified locations in paragraph 1006.5 and must indicate their selection (MCC) in the request. Return to CONUS orders (MCC W95) are issued by the CMC (MMOA).

5. Commanding Officer Responsibilities

a. Submission of Request

(1) Ensure the request is submitted 4 to 14 months from the effective date. Unit diary entries outside this window will not process.

(2) Ensure the requested retirement date meets the criteria in paragraph 2003.1.

(3) Sign the pre-application checklist (appendix J) to certify that the Marine has been advised of the ramifications of the request to retire prior to the request being submitted to Headquarters Marine Corps (HQMC).

b. Survivor Benefit Plan (SBP). Counsel the officer and spouse concerning options under the SBP. See MCO 1740.11B and the Separation and Retirement Branch web page for more information.

(1) The commanding officer is responsible, prior to the Marine's detachment from the command and at least 30 days prior to the effective date of retirement, for forwarding the DD Form 2656, Retired Pay Data Form, with SBP election, tax withholding information, and a permanent mailing address to:

DFAS-CL (Code PRRA)
P.O. Box 99191
Cleveland, OH 44199-1126

(2) A Marine is automatically enrolled in SBP with full coverage absent an election form with spousal concurrence for other than full coverage.

(3) SBP elections are made on the Retired Pay Data Form.

(4) An election not to participate in SBP, election for coverage of spouse and child, child only, or election for coverage on a reduced base amount, must be documented on the Retired Pay Data Form.

(5) Elections other than full coverage require spousal concurrence.

(6) If no election is made prior to effecting retirement, the Defense Finance and Accounting Service (DFAS) will automatically grant full SBP coverage and adjust the Marine's retired pay accordingly.

c. Defense Enrollment Eligibility Reporting System (DEERS). Failure to ensure that family member information in DEERS is current and accurate will result in a denial of medical benefits.

d. Counsel the Marine concerning their potential for recall to active duty and/or mobilization.

6. Once a retirement request is submitted, notify the CMC (MMSR-2) by message if the officer is:

a. Found not physically qualified; (Once contacted the CMC (MMSR-2) will provide additional guidance. See paragraph 1011 regarding deferral or modification of a retirement and chapter 8 for disability retirements).

b. Deceased;

c. Reassigned; or

d. Promoted (or selected).

7. Receipt and Processing at HQMC. See appendix E for detailed instructions on the use of the unit diary system in MCTFS for retirement processing.

a. Request Submission. Acceptance of the unit diary request will be indicated on the reporting unit's Diary Feedback Report (DFR) and the Transaction Researcher File (TRF). A "request" reenlistment-extension-

retirement (RER) flag will post in MCTFS indicating a request submission. Additionally, a planned reenlistment-retirement (PRR) date will post reflecting the requested retirement date. The officer should maintain liaison with the appropriate unit administrative personnel until the request is confirmed via the DFR.

b. Acknowledgment. A "request" RER flag does not indicate receipt at HQMC. The CMC (MMSR-2) acknowledges receipt of the request by entering a "pending" RER flag in the unit diary that reflects in the unit's DFR. Additionally, a preretirement package is mailed to the officer concerned via the parent unit within 10 working days of receipt of the request.

c. Approval Authority. The Secretary of the Navy is the approval authority for officer retirement requests. For routine retirements, this authority has been delegated to the Deputy Commandant, Manpower and Reserve Affairs. Staffing requires approximately 60 days to obtain approval, initiate billet replacement action, calculate a statement of service, and prepare necessary letters and certificates.

d. Effective Date. The effective date may be changed when, in the best interest of the Marine Corps, a delay is necessary to provide time for orderly relief, for completion of the current tour or an ordered tour of duty, or if the officer is subject to mandatory retirement.

e. Disapprovals. Should a retirement request be disapproved, notification of the disapproval will be reflected on the unit's DFR by a corresponding "disapproved" RER flag.

f. Approval Authority. The CMC (MMSR-2) posts approvals in MCTFS, which reflect on the unit's DFR with an "approved" RER flag. See paragraph 2004.9 regarding retirement orders.

g. Mandatory Retirements. The CMC (MMSR-2) will issue authority to retire via unit diary for all mandatory retirements no later than 4 months prior to the effective date, when the officer concerned fails to otherwise request voluntary retirement.

8. Modification or Cancellation of Requests

a. Submit requests to modify or cancel a retirement, with justification and endorsements, via separate correspondence or message to the CMC (MMSR-2) not later than 45 days prior to the effective date of retirement. Requests for modification or cancellation can not be submitted by unit diary. Approval will be based on the following criteria:

(1) Bona fide humanitarian or hardship circumstances.

(2) A critical need exists for the officer's grade and MOS.

(3) Needs of the service.

(4) Selection for promotion.

b. Requests for modification or cancellation from officers whose request for retirement resulted in either cancellation or nonissuance of orders will not be favorably considered.

c. Modification of any duration may be requested; however, as a general rule, the effective date of the requested modification should not exceed 14 months from the date of submission of the original request. If the new date is outside this window, request cancellation vice modification.

d. Modifications or cancellations requested after an officer has started separation leave, or after replacement action by HQMC has been initiated, will only be considered if a bona fide humanitarian or hardship circumstance exists.

9. Retirement Orders

a. Colonels and generals are issued orders from the CMC (MMSR-2). Lieutenant colonels and below receive orders from their command upon receipt of authority to retire via the unit diary approval entry from the CMC (MMSR-2). See figure 2-1 for an example of orders.

b. Once a request has been approved, only the CMC (MMSR) may authorize revocation or modification. Such action must take place prior to the effective date of retirement. Once the effective date of retirement has passed, the retirement is effective.

c. Certificate-in-Lieu of Orders. Certificates-in-lieu of orders are not authorized. See ALMAR 342/97.

2005. MANDATORY RETIREMENT

1. Since numerous statutes govern mandatory retirement, officers must understand which statutes apply in their case and the distinction between active commissioned service, active service, and total commissioned service. Paragraphs 1002 and 2002.4 define these terms. This paragraph is separated according to unrestricted officers, limited duty officers, and warrant officers as different laws govern these officers' service and retirement.

2. Unrestricted Officers

a. Generals, Lieutenant Generals, and Major Generals. Per 10 U.S.C. 636, generals, lieutenant generals, and major generals shall, if not earlier retired, be retired on the first day of the month after their fifth anniversary of appointment to that grade, or upon completion of 40, 38, or 35 years of commissioned service respectively, whichever is later. Subject to the needs of the service and 10 U.S.C. 637 and 1251, the President may defer the retirement of major generals and above, but not later than the first day of the month following the month in which the general reaches age 64.

b. Brigadier Generals. Per 10 U.S.C. 635, brigadier generals, who are not on a list of officers recommended for promotion, shall if not earlier retired, be retired on the first day of the month after their fifth anniversary of appointment to that grade, or upon completion of 30 years of active commissioned service, whichever is later.

c. Colonels. Per 10 U.S.C. section 634, colonels, who are not on a list of officers recommended for promotion, shall if not earlier retired, be retired on the first day of the month after the month in which they complete 30 years of active commissioned service. However, colonels subject to mandatory retirement who were commissioned prior to 15 September 1981, shall

be retired no later than 1 July of the year following the month in which they reach 30 years of total commissioned service. See paragraph 2002.4.

d. Lieutenant Colonels. Per 10 U.S.C. 633, lieutenant colonels, who are not on a list of officers recommended for promotion, shall if not earlier retired, be retired on the first day of the month after the month in which they complete 28 years of active commissioned service. However, lieutenant colonels subject to mandatory retirement who were commissioned prior to 15 September 1981, shall be retired no later than 1 July of the year following the month in which they reach 28 years of total commissioned service. See paragraph 2002.4.

e. Majors, Captains, and First Lieutenants. Per 10 U.S.C. 632 and 631, majors, captains, and first lieutenants who have twice failed selection for promotion to the next higher grade shall be discharged or retired not later than the first day of the seventh month after the month in which the President or delegated authority approves the report of the board on which they failed selection a second time.

(1) If they are not eligible for retirement, but are within two years of qualifying for retirement, they will be continued until retirement eligible, unless sooner discharged or retired under another provision of the law. See paragraph 2002.3 (Safety Zone).

(2) If they are not within two years of qualifying for retirement they will be involuntarily separated (see chapter 5), unless they are continued per 10 U.S.C. 637, as detailed in paragraph 2005.2(f) below.

f. Continuation of Commissioned Officers. The continuation of officers subject to discharge or involuntary retirement is included in DOPMA as a discretionary provision to permit the services to meet manpower requirements. DOPMA prescribes that continuation boards may be convened at the discretion of the Secretary of the Navy. Officers in the grade of captain and above, subject to discharge or involuntary retirement under pre-DOPMA or DOPMA, are eligible. An officer not considered or selected will be discharged or retired as prescribed by law. Unless solicited by the CMC, individual requests for selective continuation will not be considered or forwarded. Absent a Marine Corps-wide program, individual requests are filed without further action. The maximum period a commissioned officer may be continued on active duty under DOPMA after the decision of a continuation board is:

(1) Captains. A period not to extend beyond the last day of the month of 20 years active commissioned service.

(2) Majors. A period not to extend beyond the last day of the month of 24 years active commissioned service.

(3) Brigadier Generals, Colonels, and Lieutenant Colonels. Per 10 U.S.C. 1251, any deferal of retirement and continuation on active duty under section 637, for officers in the grades of lieutenant colonel to brigadier general, shall be for a period not to exceed 5 years, but such period may not extend beyond the first day of the month following the month in which the officer becomes 62 years of age.

(4) Period of Continuation. The specific terms of continuation will be the subject of separate correspondence between this Headquarters and the officer continued. Continuation for one period does not guarantee a second

period.

(a) DoD policy directs that majors within 6 years of retirement eligibility be continued until retirement eligible.

(b) Marine Corps policy is to not involuntarily separate majors, except for show cause or court-martial proceedings, until retirement eligible.

g. Selective Early Retirement of Commissioned Officers. The Secretary of the Navy may convene a selection board under 10 U.S.C. 611(b) to recommend regular commissioned officers for early retirement as prescribed in 10 U.S.C. 638, whenever the needs of the Marine Corps require. The following provisions apply:

(1) Officers may be excluded from consideration if they have an approved request for voluntary retirement, or are subject to mandatory retirement during the fiscal year in which the selective early retirement board is convened or during the following fiscal year.

(2) No more than 30 percent of the officers considered in each grade, in each competitive category may be selected.

(3) Officers selected will be retired no later than the first day of the seventh month following the month in which the Secretary of the Navy approves the report of the board.

(4) Only officers who have twice failed of selection to the next higher grade will be considered eligible.

h. Retirement for age. Unrestricted officers, brigadier general and below, unless retired earlier under some other provision of law shall be retired on the first day of the month following the month in which they become 62 years of age.

3. Limited Duty Officers (LDO)

a. Officers Designated for Permanent Limited Duty. Mandatory retirements and discharges of Permanent LDOs are stipulated under 10 U.S.C. 6383, as well as SECNAVINST 1920.6B.

(1) Each Regular officer of the Marine Corps designated for permanent limited duty shall be retired on the earlier of the following dates:

(a) The last day of the month following the month in which the officer completes 30 years active naval service, exclusive of active duty for training in a Reserve component; or,

(b) A date requested by the officer and approved by the Secretary of the Navy, but not later than the first day of the seventh month after the month in which the President or delegated authority approves the report of a selection board in which the officer failed of selection for promotion a second time.

(2) A permanent LDO who has twice failed selection, but is within two years of qualifying for retirement, will be retained until eligible for retirement unless sooner discharged or separated under another provision of the law. See paragraph 2002.3 (Safety Zone).

(3) An officer designated a permanent LDO no longer carries the previously held warrant officer or enlisted grade. However, a permanent LDO

who has twice failed selection and is subject to involuntary separation, may at the LDO's option, revert to the warrant officer status held when first appointed an LDO; or, if appointed from an enlisted grade, be reenlisted at the LDO's request, and at the discretion of the Secretary of the Navy.

(4) A permanent LDO may not be continued past age 62.

b. Officers Designated for Temporary Limited Duty. Mandatory retirements and discharges of Temporary LDOs are stipulated under 10 U.S.C. 1370 and 580 if reverted to warrant officer, Enlisted Career Force Controls as shown in chapter 7 if reverted to enlisted grade, and SECNAVINST 1920.6B if administratively separated.

(1) The appointment of a temporary limited duty officer (LDO) not selectively continued on active duty per SECNAVINST 1412.9A will be terminated on the earlier of the following dates:

(a) The last day of the month after the month in which the officer completes 30 years of active naval service, other than active duty for training; or,

(b) A date requested by the officer and approved by the Secretary of the Navy, but not later than the first day of the seventh month after the month in which the Secretary approves the report of a selection board in which the officer is considered as having failed of selection for promotion to the next higher temporary grade for the second time.

(2) A temporary LDO with a permanent Regular warrant officer grade whose LDO appointment is terminated will be afforded the option, if otherwise eligible, of voluntary retirement in lieu of reversion to permanent warrant officer status. A temporary LDO who reverts to a permanent warrant officer status must do so prior to the first day of the seventh month after the second failure of selection for promotion as shown above, and is subject to involuntary retirement or separation as a warrant officer under the applicable statutes and directives.

(3) A temporary LDO with a permanent Regular enlisted status whose appointment is terminated will be afforded the option, if otherwise eligible, of voluntary retirement in lieu of reversion to permanent enlisted status. A temporary LDO who reverts to a permanent enlisted status is subject to Marine Corps Enlisted Career Force Controls or separation by reason of expiration of enlistment, when applicable.

(4) A temporary LDO not eligible for retirement under 10 U.S.C. 6323 and who has twice failed of selection for promotion to the next higher temporary grade, may either be:

(a) Retained on active duty in the temporary grade held, if within two years of such retirement eligibility as of the date the Secretary approves the report of the selection board in which the officer is considered as having failed of selection for promotion to the next higher temporary grade for the second time; or,

(b) Reverted to permanent warrant officer or enlisted status, as appropriate, if not within two years of attaining retirement eligibility.

4. Warrant Officers

a. Unless separated or retired under other provisions of law, warrant officers will be retired on the first day of the month 60 days after the completion of 30 years active service unless continued on active duty under the provisions of 10 U.S.C. 580 or 1305. In no case may a warrant officer be continued on active duty beyond 60 days after reaching age 62. Unless selected for continuation, warrant officers are separated or retired:

(1) Not later than the first day of the seventh month after the date on which the Secretary of the Navy approves the report of a selection board upon which the individual is considered as having twice failed of selection to the next higher warrant officer grade.

(2) Marine Corps policy directs that CWOs (CWO2, CWO3, and CWO4) who have twice failed selection and are not retirement eligible, if fully qualified, will be continued until they qualify for retirement. CWOs who twice fail selection for promotion to the next higher chief warrant officer grade will be involuntarily retired not later than the first day of the seventh month after the date on which the Secretary approves the report of the promotion board in which the officer receives the second failure of selection. CWOs who have twice failed selection may be selectively continued based on the needs of the Marine Corps.

b. A chief warrant officer who has twice failed selection and is subject to involuntary separation, may at the warrant officer’s request and in the discretion of the Secretary of the Navy be enlisted in a grade prescribed by the Secretary. WO1s not promoted will separate, reenlist, or retire as determined by the Secretary of the Navy and the CMC.

c. Selective Early Retirement of Regular Warrant Officers. The Secretary of the Navy may convene a selection board under 10 U.S.C. 573(c) to recommend regular warrant officers for early retirement as prescribed in 10 U.S.C. 581, whenever the needs of the Marine Corps require. The following provisions apply:

(1) Regular warrant officers above the grade of WO who are not on a list of warrant officers recommended for promotion and who are eligible for voluntary retirement may be considered.

(2) Warrant officers may be excluded from consideration if they have an approved request for voluntary retirement, or are subject to mandatory retirement during the fiscal year in which the board is convened or during the following fiscal year.

(3) Warrant officers selected will be retired no later than the first day of the seventh month after the month in which the Secretary of the Navy approves the report of the board.

(4) The Secretary of the Navy will prescribe the maximum number of warrant officers that may be selected.

5. Administration/Notification of Status. These administrative procedures shall not in any way jeopardize an officer's competitiveness for promotion. Upon final approval of any promotion board the CMC (MMSR) will:

a. Identify all officers potentially subject to involuntary retirement upon having once failed of selection;

b. Compute their projected mandatory retirement date should the officer incur a second failure of selection;

c. Notify those officers of their potential mandatory retirement date, should they incur a second failure of selection (failure to receive or acknowledge this notification will not in any way modify the mandatory retirement date); and,

d. Adjust the officer’s mandatory separation retirement (MSR) date in MCTFS, upon a second failure of selection, for officers in the grade of lieutenant colonel and below.

e. It is each officer's responsibility to know his or her mandatory retirement date. Failure to receive the CMC (MMSR) courtesy notification does not invalidate or defer retirements mandated by law. Officers in doubt as to the effective date of a statutory separation should immediately contact the CMC (MMSR-2).

6. Mandatory Retirements Held in Abeyance. Only the Secretary of the Navy has the authority to hold a mandatory retirement in abeyance. Strict adherence to procedures outlined in chapters 1 and 8 are crucial.

2006. LEAVE. See paragraph 1010 and MCO P1050.3H.

2007. PHYSICAL EXAMINATIONS. See paragraph 1011.

2008. RETIREMENT CEREMONY. See paragraph 1012.

2009. RETIRED GRADE

1. An officer is retired in the grade in which he or she satisfactorily served at the time of retirement, as specified in paragraph 2003. However, if the officer 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. An officer will 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. Requests for advancement are not required; this determination is made by the Secretary of the Navy as part of retirement processing.

2. An officer, who is serving or has served in the grade of lieutenant general or 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 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, even though the Armed Service in which the individual held that higher grade is not the Service in which retired.

2010. RETIRED PAY. See paragraph 1402.

2011. PAY ACCOUNTS. See paragraph 1403.

2012. CURRENT ADDRESS AND RESIDENCE OF RETIRED OFFICERS. See paragraph 1404.

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

(Letterhead)

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) MCO P1900.16F (MARCORSEPMAN)
(c) JFTR, par. U5130, U5230, and U5345-H
(d) MCO P5512.11B (ID CARDS)
(e) MCO P1080.40B (MCTFSPRIM), par. 4305
(f) MCO P1070.12K (IRAM)
(g) MCO P7301.104

Encl: (1) Retired Pay Data Form (DD Form 2656)
(2) Travel/Dependent Travel Voucher (DD Form 1351-2/1351-2C)
(3) Certificate of Retirement

1. On (PRR) you will be placed on the Marine Corps Retired List per references (a) and (b). Accordingly, at 2359 (PRR minus 1 day) 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 (c). Active duty pay and allowances terminate (PRR minus 1 day).

2. As of (PRR), you will complete (TOT SVC) cumulative service of which (ACTIVE SVC) is active service. You had (INACTIVE SVC) inactive service and earned (INACDU POINTS) inactive duty points equivalent to (INACDU POINTS EQ) months for pay under reference (a). On (PRR minus 1 day), you will complete (RET PAY MULT SVC) service creditable for the retired pay multiplier.

3. Upon receipt of these orders notify your commanding officer of your desires regarding a retirement ceremony per reference (b).

4. Your commanding officer will issue an application for an identification card pursuant to reference (d), issue a DD Form 214, and report your retirement per reference (e).

5. Furnish the disbursing officer maintaining your active duty pay accounts a copy of these orders for settlement of your pay account.

6. Enclosure (1), to include a permanent mailing address, should be completed and submitted to your commanding officer or his representative. Your commanding officer is responsible for its forwarding 30 days prior to your approved retirement date to the Defense Finance and Accounting Service at: DFAS-CL (Code PRRA), P.O. Box 99191, Cleveland, OH 44199-1126. Retain a copy of this form for your files. It is your documentation of your Survivor

Benefit Plan (SBP) coverage election. Should this form not be received by DFAS, you will have your retired pay reduced to correspond to the maximum SBP coverage and the maximum tax withholding.

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

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

Subj: RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE RETIRED LIST

7. You have stated that your future address for mailing purposes is: . Report changes of address to the Defense Finance and Accounting Service at the address in paragraph 6. You may also telefax your address changes by calling 1-800-469-6559. Ensure you include your signature over your SSN.

8. You may select a home address and receive travel allowance for the travel performed there from this command per reference (c), which also addresses travel and storage and shipment of household goods. Ensure you understand its contents prior to detaching from this command. All travel must be completed within 1 year from the date of your release from active duty and transfer to the retired list. Complete the home of selection endorsement prior to submission of these orders for settlement of travel. Once a home address is selected and travel allowance is received for travel, the selection is irrevocable. If travel is completed within 60 days after the retirement date, forward enclosure (2) to the appropriate travel office at the last duty station; otherwise, submit it to the Defense Finance and Accounting Service at: DFAS-KC, Separation Division (PMCMS), 1500 East 95th Street, Kansas City, MO 64197-0001.

9. The officer having custody of your service record and health (medical and dental) record will forward the originals per reference (f). You should make and retain a personal copy of these records for safekeeping.

10. Enclosure (3) recognizes your retirement.

11. Advise your commanding officer immediately should you be found not physically qualified for retirement. The CMC (MMSR-2) should be notified without delay via message with pertinent information and requesting disposition instructions.

12. 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, per the Marine Corps Uniform Regulations (MCO P1020.34F paragraph 8003 and 11002).

13. Per reference (g) expenditures under these orders are chargeable to: (Cite pertinent appropriation data from reference (g)).

14. As a retired officer of the Regular Marine Corps, in 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.

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

15. Your presence will be missed by your fellow Marines. We request that you continue to support them in their undertakings. On behalf of the Commandant of the Marine Corps and those with whom you have served, I express sincere appreciation for your faithful service and wish you health, happiness, and every success in the future.

By direction

Copy to:
Disbursing Officer
Officer Concerned
Service Record

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

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

HOME OF SELECTION ENDORSEMENT

I certify that I have selected (city), (State) as my home incident to transfer to the Retired List and arrived there 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. All blank spaces should be filled with the appropriate data elements from the RETM screens in MCTFS.

2. The PRR/PRR minus 1 day date should be in "DD Month YYYY" format.

3. All other service data should be in "YY years, MM months, and DD days" format, as appropriate.

4. The following will be inserted as paragraph 3 to these orders for 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 _____."

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

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 3

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

	PARAGRAPH	PAGE
DEFINITIONS	3001	3-3
RESIGNATION OF OFFICERS	3002	3-4
INVOLUNTARY DISCHARGES	3003	3-5
TRANSFER OF OFFICERS AND ENLISTED RESERVISTS TO ANOTHER RESERVE COMPONENT	3004	3-7
RETIREMENT OR SEPARATION FOR AGE AND SERVICE	3005	3-10
RETIREMENT OR SEPARATION OF OFFICERS TWICE FAILED OF SELECTION FOR PROMOTION AND/OR THOSE OFFICERS AT SERVICE LIMITATION	3006	3-12
RETIREMENT OR SEPARATION FOR UNSATISFACTORY PARTICIPATION	3007	3-13
EXCEPTIONS TO MANDATORY RETIREMENT OR SEPARATION	3008	3-14
RETIRED RESERVE	3009	3-15
RETIREMENT WITH PAY BASED ON ACTIVE SERVICE	3010	3-16
TRANSFER TO THE RESERVE RETIRED LIST WITH PAY	3011	3-16
QUALIFYING SERVICE	3012	3-17
COMPUTATION OF RETIRED PAY	3013	3-20
RETIREMENT OF RESERVISTS NOT QUALIFIED FOR RETIRED PAY (HONORARY RETIREMENT)	3014	3-21
PHYSICAL DISABILITY RETIREMENT	3015	3-21
APPLICATION FOR TRANSFER TO THE RETIRED RESERVE AWAITING PAY AT AGE 60	3016	3-21
APPLICATION FOR RETIRED PAY BENEFITS AT AGE 60	3017	3-22
STATUS IN THE RETIRED RESERVE	3018	3-23
STATUS OF FORMER MEMBERS	3019	3-24
AUTHORITY TO RELEASE AND SEPARATION ORDERS	3020	3-24

DELIVERY OF RETIREMENT DOCUMENTS AND APPROPRIATE CEREMONY 3021 3-25

RESERVE RETIREMENT CREDIT REPORTING SYSTEM 3022 3-25

CURRENT ADDRESS OF RETIRED RESERVISTS 3023 3-25

FIGURE

PAGE

3-1 REQUEST FOR INTERSERVICE TRANSFER FOR AN ENLISTED MARINE 3-26

3-2 REQUEST FOR INTERSERVICE TRANSFER FOR AN OFFICER . . 3-27

3-3 MINIMUM POINTS REQUIRED TO ESTABLISH A PARTIAL ANNIVERSARY YEAR AS QUALIFYING SERVICE 3-28

3-4 MEMBERSHIP POINTS (GRATUITOUS) 3-29

TABLE

PAGE

3-1 REFERENCE TABLE FOR INACTIVE/ACTIVE DUTY POINTS . . . 3-30

CHAPTER 3

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 definitions 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 (ISL) of the Standby Reserve or to the Retired Reserve. A Reservist on the Reserve Active Status List (RASL) may be on active or inactive duty, in the Selected Marine Corps Reserve (SMCR) or Individual Ready Reserve (IRR).

2. Reserve Retirement Credit and Points. Terms used interchangeably which refer to the method provided by law for awarding actual or constructive days of service. Points are used to determine qualifying service creditable toward retirement eligibility, and toward retired pay. They are also used, in part, to determine promotion eligibility and retention in the Ready Reserve.

3. Qualifying Service

a. Qualifying service is credited per 10 U.S.C. 12732. It provides that almost all military service prior to 1 July 1949 is creditable as qualifying service. After 30 June 1949, a year of qualifying service is credited when a minimum of 50 retirement points (including 15 gratuitous membership points) is earned and a full 365 days or 366 days during a leap year period is served during the Marine's anniversary year. See paragraph 3012.

b. Use of the terms "satisfactory Federal service" and "satisfactory service" are misleading and contrary to laws which direct the use of qualifying years in computation of years of service.

c. In a given anniversary year, retirement point credit resulting 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 365/366 days during which a member must accrue a minimum of 50 points (including gratuitous points) for it to be credited as a qualifying year.

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

a. For members of any Reserve component prior to 1 July 1949, the anniversary year begins on 1 July of each year, when continuous active Marine Corps Reserve status is maintained.

b. For members of any Reserve component after 1 July 1949 but prior to 1 July 1965, the anniversary year begins on the date of entry or reentry. Each succeeding "year" will begin on the anniversary of that date, when

continuous active Reserve status is maintained. Any component change (e.g., Regular to Reserve or vice-versa) between 1 July 1949 and 1 July 1965 requires a change in the anniversary date.

c. For members of any Reserve component after 30 June 1965, the anniversary year begins on the date shown below. Each succeeding year will begin on the anniversary of that date, when the member does not have a break in military service of greater than 24 hours.

(1) For a member whose initial entry (or reentry after a break in service of greater than 24 hours) into a Reserve component is after 30 June 1965, the anniversary year begins on the date of entry or reentry. Each succeeding "year" begins on the anniversary of that date, when continuous service in any branch or component of the Armed Forces is maintained. A change of service or component without a break in service of greater than 24 hours does not change the member's anniversary date. For this purpose, interservice transfers are not considered a break in service.

(2) Members of a Reserve component of another branch of the Armed Forces on 1 July 1965, subsequently enlisted or appointed in the Marine Corps Reserve without a break in service of greater than 24 hours, retain the same anniversary date established by the former branch.

(3) For Marines formerly members of a Regular component of any branch of the Armed Forces on 1 July 1965, and subsequently assigned to, enlisted or appointed in the Marine Corps Reserve without a break in service of greater than 24 hours, the 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 (ISL) of the Standby Reserve or to the Temporary Disability Retired List (TDRL) constitutes a break in active Reserve status. Consequently, the anniversary year for members removed from the ISL or the TDRL starts on the date they are restored to an active status.

e. To correct an anniversary date, submit a letter with supporting documentation through the chain of command to the CMC (MMSR-5). Copies of all enlistment contracts, extensions, and appointment records are required.

United States Marine Corps
Manpower and Reserve Affairs (MMSR-5)
3280 Russell Road
Quantico, VA 22134-5103

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. The provisions of paragraph 5002 are applicable to Reserve as well as Regular officers, except for periods of obligated service acquired under law or contractual agreement which must be completed before a resignation will be accepted. The CMC may deny, for the Secretary, requests that do not satisfy the criteria. Waiver of criteria will only be granted in cases of extreme

hardship, extraordinary circumstances or in the best interest of the service. Officers must provide justification and command endorsements. See paragraph 4104 of this Manual.

2. Submit letters of resignation to the Secretary of the Navy via the CMC (MMSR-5) and the Commander, Marine Forces Reserve (COMMARFORRES). Resignations from officers of the SMCR are submitted via the COMMARFORRES. Resignations from all other officers who are members of the IRR and the Standby Reserve will be submitted via the CG, MCRSC. Endorsements by the custodian of the officer's service record will contain a statement that the officer has completed all obligated service.

3. Expunging Resignation-Related Material

a. Officers who have a resignation withdrawal request approved by the Secretary of the Navy, or whose resignation is withdrawn or disapproved, may have the resignation letter and related correspondence expunged from their official military personnel file (OMPF) on request.

b. Officers placed on the RASL after a voluntary resignation may, at their request, have any reason submitted in connection with the resignation expunged from their OMPF.

c. Submit requests for removal of a resignation letter and related correspondence or reasons for resignation to the CMC (MMSR-5).

4. Separation for Cause. See paragraph 4104.

3003. INVOLUNTARY DISCHARGES

1. Reserve commissioned officers may be discharged at the pleasure of the President. All Reserve warrant officers may be discharged at the pleasure of the Secretary of the Navy. For additional provisions concerning the separation of Reserve officers see chapter 4 and SECNAVINST 1920.6B; see chapter 6 of this Manual for separation of enlisted Reservists.

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 without the benefit of a hearing or board procedure for substandard performance of duty or for parenthood, per SECNAVINST 1920.6B using the notification procedures contained therein.

3. 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, respectively, may be separated per paragraph 4103 (Separation for Cause) and SECNAVINST 1920.6B only upon recommendation of a Board of Inquiry.

4. Reserve officers and Reserve warrant officers, regardless of length of commissioned service or service as a warrant officer, respectively, may be separated from the Marine Corps Reserve without a hearing or board procedure per paragraph 3003.6 (Lack of Mobilization Potential) or paragraph 3005.2

(Age-In-Grade Restrictions). Use the notification procedures contained in SECNAVINST 1920.6B.

5. Mobilization Potential Screening Board. The Secretary of the Navy may, when necessary, convene boards to screen Reserve officers not on active duty, who have completed obligated service, for potential and availability for mobilization to active duty. Eligibility will include, but is not limited to, officers in the following categories:

a. On the ISL of the Standby Reserve for at least 3 years;

b. Found by the Chief, Bureau of Medicine and Surgery not physically qualified for active duty or retention in the Marine Corps Reserve. They will be afforded an opportunity to a full and fair hearing before the PEB prior to final action on their case;

c. Found by the Chief, Bureau of Medicine and Surgery militarily unfit or unsuitable by a medical finding not constituting physical disability. These officers are not entitled to a hearing before the PEB;

d. Do not undergo a physical examination as required by regulation;

e. Do not keep their parent unit informed of a current mailing address;

f. Do not respond to, or comply with, official correspondence within a reasonable period of time;

g. Decline a permanent appointment to the next higher grade within 6 months of approval of the report of a promotion selection board that recommends the officer for promotion;

h. Not in a critical grade and MOS, earning less than 27 retirement credit points (including membership points) per anniversary year. However, a Reserve officer may not be separated solely for failure to meet this standard when participation is precluded by either of the following:

(1) Lack of funds resulting in nonavailability of training; or

(2) Circumstances of an unusual nature (as determined by the CMC on a case-by-case basis).

i. An officer whose ecclesiastical endorsement has been withdrawn.

6. Separation for Lack of Mobilization Potential. Prior to convening a mobilization screening board, each officer considered is notified per SECNAVINST 1920.6B. Boards are convened under regulations prescribed by the CMC and approved by the Secretary of the Navy. Upon recommendation by a board to separate an officer for lack of mobilization potential, the CMC (RAP) will either:

a. Transfer the officer to the ISL of the Standby Reserve, if the officer is not qualified for, or does not request, transfer to the Retired Reserve;

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

c. Recommend to the Secretary of the Navy that the officer be honorably discharged from the Marine Corps Reserve.

7. A Reserve commissioned officer may be dismissed, and a Reserve warrant officer may be discharged, as the result of an approved sentence of a general court-martial.

8. The President or the Secretary of the Navy may drop from the rolls any member of the Reserve component in an unauthorized absence status for a period of 3 months or more; or 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. The Secretary of the Navy has specifically applied this provision only to Reserve officers.

9. A Reserve officer discharged or separated for cause, other than for lack of mobilization potential as specified in paragraph 3003.5, will be given an honorable or general (under honorable conditions) discharge unless:

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

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

10. Officers on the retired list of the Marine Corps Reserve, with or without pay, will not be discharged 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 the result of a felony conviction.

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

1. Reservists not on active duty or extended active duty may transfer between Reserve components per MCO 1001R.1J (paragraph 2204 for officers and paragraph 2304 for enlisted personnel).

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

(1) The Reservist has special experience or professional, educational, or technical skills which are of greater value to the gaining component than they are to the Reservist's current component; or, the Reservist is willing to acquire such skills needed by the gaining component, or for the 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 paid-drill (Selected Reserve) unit to which the Reservist can be usefully assigned within commuting distance of the Reservist's current or anticipated domicile or place of business; and

(4) 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 a designee, when both Reserve components are in the same military service; or

2 The 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 is in the best interest of military preparedness.

c. The 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.

(1) The losing component will approve the transfer if the Reservist has no remaining service obligation under law.

(2) If the Reservist has remaining obligation under law, the losing component will approve the transfer, unless loss of the member results in serious degradation of unit readiness which cannot be offset by the recruitment of a replacement.

2. Interservice transfer will be accomplished by discharge from the Reservist's current Reserve component for immediate enlistment or appointment in the gaining Reserve component. The following conditions apply:

a. Discharge and reenlistment, appointment in another Reserve component, or termination of current commission and reappointment in another component will be accomplished without interrupting the continuity of the Reservist's total military service. Credit these members with the total amount of military service accrued as of the date of transfer.

b. Discharge for interservice transfer under this Manual will not constitute release from, or fulfillment of, military service obligation established by law. However, additional service performed after such discharge will be counted towards fulfillment of that obligation.

3. Exceptions/Limitations. The policies in paragraphs 3004.1 and 3004.2 are subject to the following:

a. After 1 June 1984, an officer who initially becomes a member of an armed force before his 26th birthday will serve for a total of 8 years. Any part of such service that is not active duty or active duty for training will be performed in a Reserve component. Unless pursuant to regulations prescribed by the Secretary of the Navy, when an officer is promoted to a higher reserve grade, the officer will be retained in an active status in his reserve grade for the remaining period of required service and may be only discharged because of personal hardship under regulations prescribed by the Secretary of the Defense. A Reservist without remaining military service obligation under law, who received a bonus for the current term of enlistment, must honor the conditions of the bonus agreement in full, unless the losing component concurs that the transfer is in the best interest of national defense.

b. A Reservist without remaining military service obligation under law, who 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 all service obligations, unless the losing component concurs that the transfer is in the best interest of national defense.

c. 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 SMCR to the Selected Reserve of another military service. This requirement may be waived when the Secretary(s) of the military department(s) concerned, or their designee(s), concur in the action as being in the best interest of national defense.

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

4. Requests for transfer between Reserve components may be initiated by the Reservist, or by appropriate authority in the gaining component with the individual's consent. The request will be processed within 30 days for enlisted members and 60 days for officers.

a. An enlisted member desiring transfer to another Reserve component will submit an application to the COMMARFORRES per figure 3-1.

b. An officer desiring transfer to another Reserve component will submit an application to the COMMARFORRES per figure 3-2.

5. Endorsements for transfer requests by a Reservist with a remaining military service obligation must contain:

a. A statement from the losing component concurring in the requested action and affirming that the transfer is in the best interest of national defense and the Reservist concerned. Justify any nonconcurrence.

b. A statement from the gaining component indicating that the Reservist requesting transfer is acceptable and will be assigned to an approved training program. Justify any nonconcurrence.

6. Endorsements for transfer requests by Reservists without military service obligation under law must contain a statement from the gaining component that the Reservist requesting transfer is acceptable and will be assigned to an approved training program. Justify any nonconcurrence.

7. Request by Authorities of the Gaining Reserve Component. The DD Form 368, REQUEST FOR CONDITIONAL RELEASE, shall be used in all cases involving inter-service transfers and may be used for intra-service transfers. Section I of DD Form 368 shall be completed by an appropriate authority of the requesting service or component and forwarded to the member’s cuurent service or component for action. DD Form 368 shall not be used to enroll a member of a reserve component into the delayed entry program of a regular component. The member’s service or component shall respond to the requesting service or component within 30 days of receipt of DD 368. The requesting service or component shall not enlist or appoint the member without the approval of the losing service or component. DD 368 will not be signed prior to approval of inter-service transfer from the authority listed below and the Marine shall continue to perform all duties until that time. See DoDINST 1205.19 and DoDDIR 1205.5.

a. Approval Authority

(1) COMMARFORRES for enlisted personnel.

(2) The CMC (DC M&RA via MMSR-5) for officers.

b. Requests will be per figure 3-1 for enlisted members and figure 3-2 for officers.

8. Requests for transfer, with complete documentation, will be forwarded through the gaining component to the losing component.

9. Upon final approval of a request for transfer, the gaining Reserve component will furnish a copy of the DD Form 4, Enlistment/Reenlistment Document--Armed Forces of the United States, or appointment order, to the losing Reserve component within 15 days to permit a timely discharge.

3005. RETIREMENT OR SEPARATION FOR AGE AND SERVICE

1. The Comptroller General of the United States has ruled that a member of the Reserve, 60 years of age and qualified for retired pay, is not entitled to credit for any service or retirement credit after the day the member becomes so qualified, unless the member is retained under exceptional circumstances by specific order of the Secretary of the Navy (38 CompGen 647). To protect the interests of the member concerned, the Secretary of the Navy has directed that Reserve personnel will be retired or discharged as directed in this paragraph.

a. Officers, other than general officers, and enlisted members of the Reserve who, upon reaching age 60, are qualified for retirement with pay will be transferred to the Retired Reserve at the member's request, effective on the 1st day of the month following the member's 60th birthday. However, if

the member fails to request retirement after being afforded the opportunity, the member will 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 officer's consent, may further retain, within the number specified by law, certain general officers in an active status until age 64.

c. Reserve officers who have reached age 60, but are not eligible for a reserve retirement and have not twice failed of selection to the next higher grade nor reached their mandatory service limitation prescribed by law (see paragraph 3006) will be retired or discharged on the earliest of the following dates:

(1) The officer must retire on the 1st day of the month following the date on which the officer becomes qualified for a reserve retirement with pay.

(2) The officer must be discharged on the 1st day of the month following the officer’s 62nd birthday if the officer is unable to qualify for retired pay unless the officer has been retained by the Secretary of the Navy. The Secretary of the Navy may only retain officers above the grade of colonel beyond their 62nd birthday.

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

e. Enlisted members who are subject to the 60-year age policy in MCO P1040R.35 and are not able to satisfy the requirement for a reserve retirement with pay at age 60 will be discharged on the earliest of the following dates:

(1) The 1st day of the month following the date on which they complete 20 years of qualifying service; or

(2) The 1st day of the month following the member’s 62nd birthday if continuation was authorized by the Secretary of the Navy.

2. Age-In-Grade Restrictions

Grade	Age Restriction
Second and First Lieutenants	40 years
Captains	46 years
Majors	52 years
Lieutenant Colonels and Above	60 years
WO/CWO	60 years

a. Upon reaching the above age-in-grade, a Reserve officer, not on active duty and not on a promotion list, will be:

(1) Transferred to a retired status, upon request, if qualified;

(2) Discharged, upon submission of resignation, if the period of obligated service required under law or contractual agreement is completed; or,

(3) Transferred to the ISL of the Standby Reserve;

b. The CMC (RAM-5) may grant or deny waivers for age-in-grade restrictions for second lieutenant through major.

c. Submit requests for waivers to the CMC (RAM-5) via the chain of command.

3006. RETIREMENT OR SEPARATION OF OFFICERS TWICE FAILED OF SELECTION FOR PROMOTION AND/OR THOSE OFFICERS AT SERVICE LIMITATION

1. Warrant Officers. Except for those Reserve warrant officers meeting the requirements of paragraph 3008, the provisions of this paragraph apply to Reserve warrant officers of permanent grade in an active status.

a. CWO-3s considered as having twice failed of selection for promotion to the next higher grade will be removed from an active status on the first day of the seventh month following the second failure of selection unless continued under the provisions of paragraph 3008.

b. CWO-4s considered as having twice failed of selection for promotion to CWO-5 will be continued in an active status until completion of 30 years of qualifying service, unless earlier separated by other provisions of law due to age or failure to meet minimum participation requirements. Any chief warrant officer with 30 years of qualifying service eligible for a reserve retirement with pay at age 60, in the absence of a retirement request, will be involuntarily placed on the reserve retirement list awaiting pay effective the first day of the sixth month following completion of such service, unless selectively continued to meet the needs of the Ready Reserve as determined by the CMC.

2. Lieutenants/Captains. Per paragraphs 1304.3 and 3008, a Reserve Officer in an active status in the permanent grade of first lieutenant or captain considered as having twice failed of selection for promotion to the next higher grade may, at the discretion of the Secretary of the Navy, be removed from an active status not later than the first day of the 7th month following the month the board results are approved by the President. An officer to be removed from an active status under this paragraph will, if qualified, be given the opportunity to request transfer to the Retired Reserve. If not so transferred, the officer will be transferred to the ISL of the Standby Reserve or will be discharged from the Marine Corps Reserve.

3. Majors/Lieutenant Colonels/Colonels

a. Majors. Reserve Majors in an active status considered having twice failed of selection for promotion to the next higher grade must be removed from the active status list, retired if eligible, or discharged on the first day of the month following completion of 20 years of commissioned service

unless retained in an active status under the provision of paragraph 3008.1 or continued under the provisions of paragraph 3008.4. If a Reserve major has already completed 20 years of commissioned service when the second failure of selection occurs then the officer will be separated on the first day of the seventh month following the month the board results are approved by the President.

b. Lieutenant Colonels/Colonels. Reserve lieutenant colonel and Reserve colonels, unless retained in an active status under the provision of 3008.1 or continued under the provisions of paragraph 3008.4, must be removed from an active status, retired, or discharged on the first day of the month following completion of 28 and 30 years of commissioned service respectively.

4. Total Commissioned Service

a. Per Title 10, U.S.C. 14706, a Reserve officer's years of service include all service, other than constructive service, of the officer as a commissioned officer of any uniformed service (other than service as a warrant officer). Such service is calculated from the first date of appointment. For example a Reserve major who was first commissioned on 15 January 1979 would complete 20 years of commissioned service on 14 January 1999, as long as there is no break in service of 24 hours or more. Time spent on the inactive status list or on the temporary disability retired list, although not creditable for retirement purposes, is creditable towards an officer's commissioned service.

b. The Secretary of the Navy may defer the retirement or discharge, for years of commissioned service, of a Reserve officer serving in the permanent grade of major or above. The period of deferment may not exceed the amount of constructive service in an active status which was credited to the officer at the time of original appointment or thereafter under any provision of law. The officer must be able to complete at least 20 years of qualifying service during the period of this deferment.

3007. RETIREMENT OR SEPARATION FOR UNSATISFACTORY PARTICIPATION

1. Per 10 U.S.C. 12642 and SECNAVINST 1920.6B, Reserve officers who complete their obligated service, but are not eligible for a Reserve retirement and are credited at the end of their anniversary year with less than the 27 retirement points (including membership points) required to maintain an active status, will be transferred to the ISL of the Standby Reserve.

2. Reserve officers are not removed from an active status for failure to earn 27 Reserve retirement credit points per anniversary year if:

a. A request for active duty for training during the anniversary year is denied by reason of lack of funds or facilities; or

b. There is a mobilization requirement for their military or civilian skills and a sufficient number of Reservists in an active status are not available to meet the requirement.

3. Per DoD Directive 1200.15, Reserve officers qualified for retirement under 10 U.S.C. 12731 and 12732, but who do not meet the 60 years minimum age requirement, are required to earn 50 retirement points annually to be retained in the Ready Reserve or on the ASL of the Standby Reserve. The COMMARFORRES or the CG, MCRSC will inform (by certified mail, return receipt requested) each non-obligor Reserve officer who has not met prescribed Reserve participation requirements of his or her immediate transfer to the ISL. The member may request a "one-time" waiver of the prescribed 50 point minimum requirement for the unsatisfactory anniversary year or the member may request to retire. If a "one-time" waiver is granted, the member will be reinstated to the RASL and will be assigned a new anniversary date. The waiver does not make the unsatisfactory year qualifying for retirement purposes and only allows the member to continue on the RASL. Requests for a “one-time” waiver are submitted to the Secretary of the Navy via the chain of command and the CMC (MMSR-5).

4. Officers who have completed a 3 year period on the ISL will be examined by the Reserve Officers Mobilization Potential Screening Board described in paragraph 3003.5. The board is convened by the CG, MCRSC (per MCO 10001R.1J) and reviews the record of each eligible Reserve officer recommending one of the following:

a. Return to an active status in the Ready Reserve, if physically and otherwise qualified;

b. Transfer to the Retired Reserve, if qualified; or

c. Discharge, per this Manual and SECNAVINST 1920.6B.

5. If a Reserve officer fails to participate satisfactorily during the member's period of obligated service, the Marine's commanding officer will recommend involuntary discharge from the Reserve. Submit the recommendation to the CMC (MMSR-5) via the chain of command.

3008. EXCEPTIONS TO MANDATORY RETIREMENT OR SEPARATION

1. Safety/Sanctuary Zone. The retirement or separation of certain Reserve officers per paragraphs 3005 and 3006 will not apply to:

a. An officer who has completed 18, but less than 19 years of qualifying service until the third anniversary of the date on which the officer otherwise would be transferred from an active status or discharged, or upon completion of 20 years qualifying service, whichever is earlier; or,

b. An officer who has completed 19, but less than 20 years of qualifying service until the second anniversary of the date on which the officer otherwise would be transferred from an active status or discharged, or upon completion of 20 years of qualifying service, whichever is earlier.

2. The safety zones referred above do not apply to a Marine who cannot meet all requirements for a reserve retirement with pay (see paragraph 3011) by the end of the safety zone period. Additionally, Reservists who have already earned 20 years of qualifying service, but are not eligible for a

reserve retirement with pay due to not having served the number of years in a reserve component required by law are not eligible for retention in a safety zone.

3. Notwithstanding paragraph 3006, a Reserve commissioned officer, other than a commissioned warrant officer, who is assigned to the Selective Service System may be retained in an active status in that assignment until the officer becomes 60 years of age (10 U.S.C. 12647). Retention under this provision is subject to the needs of the Selective Service System.

4. Continuation of Reserve Officers is based upon the following law and policy:

a. 10 U.S.C. 14701 provides the Secretary of the Navy with the option of continuing Reserve officers in the grades of major through colonel beyond the maximum service limitations of 20 years commissioned service (YCS), 28 YCS, and 30 YCS respectively, to 24 YCS, 33 YCS, and 35 YCS respectively. Although reserve captains are authorized to be continued by statute, current Reserve policy only provides for the continuation on the RASL for those twice failed Active Reserve (AR) captains who are within retirement eligibility or upon release from the AR program, for the purpose of consideration in the unrestricted (other than AR) competitive category. Approval is subject to the needs of the Marine Corps. Refer to MCO P1001R.1J for further guidance.

b. Continuation opportunities are limited and based on the needs of the Marine Corps. Continuation requires the convening of a statutory board approved by the Secretary of the Navy to consider officers for continuation who possess critical skills or capabilities that cannot be met by in zone promotions or by officers currently on the ASL. An accurate record of service, as reflected in the Career Retirement Credit Record (CRCR), is a key determinant in continuation consideration. Applications are limited to officers possessing such qualifications as specified by the Secretary. The convening of such boards, typically upon conclusion of a promotion selection board, is announced by the CMC via separate correspondence based upon a Secretary approved continuation plan for each fiscal year. A continuation board may also be convened to address those unique cases in which periods of eligibility consideration do not coincide with the promotion board schedule.

c. Continuation of Reserve Warrant Officers. An “Other than Active Reserve” warrant officer who has twice failed of selection to the next higher grade in the “Other than Active Reserve” competitive category, who has at least 16, but less than 18 years of qualifying service computed under 10 U.S.C. 12732 on the day prescribed for removal from an active status and is deemed fully qualified by the board, may be continued until retirement eligible.

3009. RETIRED RESERVE

1. The Retired Reserve consists of Reservists transferred or assigned to the Reserve under the provisions of 10 U.S.C. 10154.

2. Enlisted members must be serving within the unexpired term of an enlistment contract or on a valid extension to the enlistment contract on the

effective date of transfer to the Retired Reserve. Discharge by reason of expiration of enlistment, effected before transfer to the Retired Reserve, separates a Marine from the Marine Corps Reserve. Former members are not entitled to transfer to the Retired Reserve or any retirement benefits except as may be provided by law (see paragraph 3019).

3010. RETIREMENT WITH PAY BASED ON ACTIVE SERVICE

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

2. Enlisted Reservists on active duty who have completed 20 years of active service may request transfer to the Fleet Marine Corps Reserve (FMCR) or retirement under the provisions of chapter 7 of this Manual.

3011. TRANSFER TO THE RESERVE RETIRED LIST WITH PAY

1. A Reservist who completes 20 qualifying years of service (not necessarily continuous) is eligible, upon application, to transfer to the Reserve Retired List and to receive retired pay and benefits upon or after reaching age 60, per the following:

a. The member performs the last 8 years of qualifying service while a member of a Reserve component. The National Defense Authorization Act For 2001 permits transfer to the retired reserve if the last 6 years of qualifying service were performed as a member of a Reserve component through 31 December 2001. Pending legislation may make permanent the requirement that the last 6 years of qualifying service be performed in a Reserve component.

b. The member is not entitled under any other provision of law to retired pay from an Armed Force or retainer pay as a member of the FMCR.

2. For paragraph 3011.1a, the last 8 years of qualifying service does not have to be continuous. However, per 10 U.S.C. 12731, if a period of service in a Regular component intervenes between periods of Reserve service totaling the required 8 years, then that period of Regular service cannot be applied toward meeting the criteria of subparagraph 3011.1a. For example:

a. An individual who served 14 years as a Reservist and then 6 years in the Regular Marine Corps must serve an additional 6 qualifying years in a Reserve status to become eligible for reserve retired pay. In this example, an additional 6 years service in a Reserve status is necessary to meet the requirement that the last 8 years of qualifying service be as a member of a Reserve component.

b. An individual who served 4 years as a Reservist, then 13 years in the Regular Marine Corps, then 4 more years as a Reservist, must serve an additional 4 qualifying years in a Reserve component to qualify for reserve

retired pay. In this example although the Marine has completed over 20 years of service, 4 more years must be served in a Reserve component to meet the requirement that the last 8 years of service be as a member of a reserve component

3. Per 10 U.S.C. 12731(d), a member who completes the years of service required for eligibility for retired pay under this paragraph will be notified in writing within 1 year after completing this service. This notification will be issued by the CMC (MMSR-5). Do not submit individual requests unless a qualified member does not receive notification within the prescribed 1 year period. Only the CMC (MMSR-5) is authorized to issue an official statement of service to Reservists. No summary of retirement credits/qualifying years (i.e., the automated Career Retirement Credit Record) is presented to a Reservist as an official statement of service unless it has been audited and certified by the CMC (MMSR-5).

3012. QUALIFYING SERVICE

1. To determine whether a member has completed the required 20 years of qualifying service for retired pay purposes, the member's years of service (less time lost) performed in the status of a commissioned officer, warrant officer, midshipman, cadet, or enlisted member are creditable.

a. Service Before 1 July 1949. Contact the CMC (MMSR-5).

b. Service After 1 July 1949. Add the member's years of service for each anniversary year in which at least 50 points were credited as follows:

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

(2) One point for each period of inactive duty, instruction or period of equivalent instruction (including completion of an approved correspondence course) that was prescribed for that year by the Secretary of the military department concerned and conforming to the requirements prescribed by law, including attendance at National Guard training.

(3) Points for membership at the rate of 15 per anniversary year of service in any Reserve component of the Armed Forces, including the U.S. Coast Guard Reserve and the Army or Air National Guard. Membership points are not deducted or pro-rated for periods of active duty or active duty for training, if the member belongs to a Reserve component. If the member is on active duty all or most of the year, the limit on total retirement points in subparagraph 3012.1b(5) applies.

(4) Table 3-1 shows the criteria for awarding retirement points for a variety of miscellaneous activities including associate duty and appropriate duty. See the current edition of MCO P1001R.1J for further instructions on awarding retirement points.

(5) Retirement Point Credit Limitations. For retired pay purposes:

(a) Total points credited since 30 June 1949 may not exceed 365 days in a normal year or 366 days in a leap year.

(b) Total retirement points credited for inactive duty participation in any anniversary year may not exceed the following stipulations (excluding funeral honor points): 90 points for anniversary years closing on or after 30 October 2000; 75 points for anniversary years closing between 23 September 1996 and 29 October 2000; and 60 points for anniversary years closing prior to 23 September 1996.

(c) Retirement points earned during one anniversary year may not be credited to another anniversary year.

(6) Partial Anniversary Year. A period of service of less than 365 days in which the member earned the minimum points required to make that period of service qualifying for retirement purposes (see figure 3-3). Two or more partial years of service may be combined to complete a full year of qualifying service.

(a) If a member was in an active status for only a portion of an anniversary year, that year will not be credited as a full year of qualifying service for retirement purposes, regardless of the number of retirement points earned while in an active status during that particular year. The time the member was in an active status will be considered as a partial year of qualifying service provided the member earned the required points, on a pro rata basis, during that particular period.

(b) Figure 3-4 shows partial year membership points awarded for less than a full anniversary year or for only those portions of an anniversary year spent in a Reserve component.

(c) To pro-rate qualifying service, the member must be removed from an active status before the end of the member’s anniversary period by discharge, transfer to the ISL or TDRL, or transfer to the Retired Reserve. Additionally, the member must earn the minimum points required for the number of days served. Example: A Reservist in an active status for 180 days is required to earn 25 points to make the period “qualifying”. However, if the Reservist remained in an active status for 190 days and only earned 26 points, the period would not be qualifying. During the pro-rated period, the member must earn the minimum number of points to qualify for that pro-rated period. If a member continues in an active status longer than the pro-rated period and fails to earn additional points, then that period may become non-qualifying.

(7) Time Not Creditable

(a) The following service will not be counted in computation of years of service under this paragraph or for years of service for the computation or retired pay under paragraph 3013:

1 Service on the ISL of the Standby Reserve.

2 Time after retirement or transfer to the Retired Reserve.

3 TDRL time.

(b) Members of the Reserve are not eligible to earn retirement credits while on the ISL, TDRL, or in the Retired Reserve and are not entitled to gratuitous credits for membership during these periods (10 U.S.C. 12734).

c. The DoDFMR defines creditable service and provides an all inclusive list for service that is not creditable for computation of retired pay.

2. Retired Grade Determination (Officers)

a. A Reserve commissioned officer, who is selected for promotion to a higher grade and whose retirement is required before promotion to the higher grade because of physical disability or for reaching the maximum number of years of service or age allowed, will be transferred to the Retired Reserve in the grade for which selected.

b. Unless entitled to a higher grade under another provision of law, a Reserve commissioned officer above the grade of chief warrant officer (CWO-5) who requests voluntary retirement will be retired in the highest grade satisfactorily held upon completion of the following minimum service-in-grade requirements:

Grade	Component	Minimum Service-in-Grade
O-1 - O-4	Inactive Duty	6 months
O-1 & O-2	AR	6 months
O-3 & O-4	AR	2 years
O-5 & above	ALL	3 years (2 years until 31 December 2001)

c. Unless entitled to a higher grade under another provision of law, Reserve commissioned officers retiring without their consent will be permitted to retire in the grade in which serving at the time of retirement, if such service has been for a period of not less than 6 months.

3. Retired Grade Determination (Warrant Officers). Warrant officers will be retired in the grade held on the day before the date of retirement or in any higher warrant officer grade satisfactorily served in an active status, as determined by the CMC for the Secretary of the Navy, for a period of more than 30 days per 10 U.S.C. 1371.

4. Retired Grade Determination (Enlisted Personnel). Per SECNAVINST 1820.2B, enlisted members upon transfer to the retired reserve will be placed on the reserve retired list in the highest grade in which they have served satisfactorily. Reservists in the grades of E-7 through E-9 must serve 2 satisfactory years (50 points per year) from the date of promotion. The CMC (MMSR-5) will make the determination of satisfactory service. Factors used in making this determination are:

a. Time served in the current or higher grade or to service limits, whichever occurs first.

b. Any report of misconduct, moral or professional dereliction, conduct not in the best interest of national security, or conviction by court-martial.

c. The nature and severity of any misconduct.

5. Retired Grade Determination (Additional Factors)

a. Inactive duty personnel are required to earn a minimum of 50 retirement points to satisfy each year of the service-in-grade requirement. A period less than a full year is made a qualifying year by earning the required number points shown in figure 3-3 for the actual number of days served in the period. Members must keep in mind that the service-in-grade requirement begins on the date of promotion which in most cases does not coincide with the member’s anniversary year, therefore requiring partial periods of service to meet time-in-grade requirements.

b. If the CMC determines that a member's service is not satisfactory in the highest grade, the retired grade will be the grade in which satisfactory service was last performed.

3013. COMPUTATION OF RETIRED PAY

1. The monthly retired pay of a person entitled under paragraph 3011 is computed by the following formula:

(P divided by 360) X .025 X B = $/month

P = total number of retirement points.
B = monthly basic pay at rates applicable on the date when retired pay is granted for the highest grade held satisfactorily at anytime in the Armed Forces.

YOS = years of service for basic pay purposes are computed from pay entry base date (PEBD) to date of first eligibility for retired pay (date of separation if a former member).

(Note: Retired pay cannot exceed 75 percent of pay on which computation is based per 10 U.S.C. 12733 and 12739.)

2. To determine total retirement points earned since 1 July 1949 add the following items:

a. Days of active service;

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

c. One day for each inactive duty point credited under subparagraphs 3012.1b(2) and 3012.1b(3), within the limits described in paragraph 3012.1b(5):

3. To determine retirement points earned before 1 July 1949, contact the CMC (MMSR-5).

3014. RETIREMENT OF RESERVISTS NOT QUALIFIED FOR RETIRED PAY (HONORARY RETIREMENT)

1. DoD Instruction 1200.15 and SECNAVINST 1820.2B do not address the "Honorary" retiree program. Members previously transferred to the Retired Reserve in a honorary status will maintain their retired status. See paragraph 3018.3 regarding privileges accorded to these members.

2. Reservists who possess special qualifications or critical professional skills and are not eligible for non-Regular service retired pay and are subject to mandatory removal from an active status may be transferred to Retired Reserve status in lieu of discharge as approved by the DC M&RA.

3015. PHYSICAL DISABILITY RETIREMENT

1. See chapter 8 concerning eligibility of Reservists for physical disability retirement. Reservists retired for physical disability under 10 U.S.C. chapter 61 are entitled to the same pay, rights, benefits and privileges provided by law or regulation for retired members of the Regular Marine Corps.

2. Reservists not on active duty who are found not physically qualified for retention in the Marine Corps Reserve will be processed per paragraph 8407.

3016. APPLICATION FOR TRANSFER TO THE RETIRED RESERVE AWAITING PAY AT AGE 60

1. Submission of Requests. Requests for voluntary retirement will be submitted by the reporting command via the unit diary system per MCO P1080.40B (MCTFSPRIM). Requests outside the 4 to 14 month submission timeframe or for those Reservists desiring a retirement ceremony before the requested effective date of retirement, must be submitted via separate correspondence/naval message to the CMC (MMSR-5) with justification, endorsements, and the following information:

a. Name, grade, social security number, and date of birth;

b. Current mailing address;

c. Desired date of transfer and date of retirement ceremony; and

d. Address where the retirement package is to be sent and a point of contact with telephone number. Per 5 U.S.C. 8301, the effective date of retirement must be the first day of the month and cannot be later than the first day of the month following mandatory separation dates.

2. Forward the application via the chain of command holding the service record not less than 120 days prior to the requested transfer date. When

forwarding a request for transfer to the Retired Reserve, the commanding officer of the Reserve activity on whose rolls the member is carried will provide the following documents and information in the endorsement.

a. A statement of retirement points which should be credited from the beginning of the member's current anniversary year up to and including the requested effective date of retirement. Membership points should be pro-rated per figure 3-4. Reservists may continue to earn retirement points between submission of a request and the effective date of retirement. An appropriate modification must be immediately submitted if the total points accrued differ from the submitted statement.

b. A copy of the Officer Chronological Record of Duty Assignments (NAVMC 123 (2)) or Enlisted Chronological Record of Service (NAVMC 118 (3)), whichever is applicable.

c. A copy of all Reserve Retirement Credit Reports (NAVMC Form 798) contained in the member's record.

d. A statement indicating either that the member has never been assigned to the ISL or that the member has been assigned to the ISL with inclusive dates of ISL assignments.

e. For enlisted personnel submit the date of expiration of enlistment or extension.

3. When a Reservist who is subject to involuntary separation under this chapter is eligible for transfer to the Retired Reserve, the member will be so informed and afforded an opportunity to apply for transfer prior to taking final action. This opportunity is considered as given when a notice is mailed to the Marine's address of record. A period of 30 days will be granted to receive the member's reply.

4. Approval/disapproval of all requests will be issued by the CMC (MMSR-5) via unit diary. See paragraph 3020 and Appendix E for additional instructions.

3017. APPLICATION FOR RETIRED PAY BENEFITS AT AGE 60

1. Retired pay benefits must be requested; the process is not automatic. Members of the Retired Reserve and former members of the Reserve who are eligible under paragraph 3011 may apply for retired pay by the use of DD Form 108 (Application for Retired Pay Benefits). Send the form to ensure arrival at the CMC (MMSR-5) not less than 2 months and no more than 4 months prior to reaching age 60.

2. This Headquarters provides a DD Form 108 to Marines on the Reserve Retired List Awaiting Pay at Age 60, approximately 6 months prior to their 60th birthday. DD Form 108 contains a verified summary of creditable service for the member's verification. Should an eligible Marine not receive the form within the above time frame, notify the CMC (MMSR-5).

3. A Reservist not retired and/or currently on the ISL will submit a DD Form 108 concurrently with a request for transfer to the Retired Reserve for retirement no later than the 1st day of the month following the member's 60th birthday.

3018. STATUS IN THE RETIRED RESERVE

1. Per 10 U.S.C. 12301, a member of the Retired Reserve may be ordered to active duty in time of war or national emergency declared by Congress; or when otherwise authorized by law. No member of the Retired Reserve may be ordered to active duty without the member's consent unless the Secretary of the Navy, with the approval of the Secretary of Defense, determines that adequate numbers of qualified members of the Ready and Standby Reserve in an active status are not readily available.

2. The following applies to members of the Retired Reserve:

a. Members are not eligible to earn retirement credits or accrue additional qualifying service unless ordered to active duty per paragraph 3018.1.

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

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

3. Retired Reservists not qualified for retired pay (honorary retirement) are entitled to the following privileges:

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

b. Wear the prescribed uniform upon appropriate occasion or ceremony, per MCO P1020.34F.

c. Use service club/open mess facilities when local space and staff capabilities permit, if authorized by membership rules.

4. Members of the Retired Reserve <u>awaiting pay at age 60</u> are entitled to the following additional privileges:

a. Unlimited access to military exchanges and morale, welfare and recreation facilities.

b. Use of military commissaries limited to 24 visits per year.

c. Space available transportation <u>within</u> the CONUS on DoD aircraft, upon presentation of a notification of eligibility for retired pay at age 60.

d. Identification card, DD Form 2 MC (RES), for identification purposes only.

5. Members of the Retired Reserve <u>with pay</u> are further entitled to:

a. Retired pay.

b. Medical care on a space available basis.

c. Unlimited exchange and commissary privileges.

d. Space available transportation via Air Mobility Command.

3019. 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 3017 above, if they otherwise were qualified (i.e., at least 20 years of qualifying service per paragraph 3011) and meet the Reserve participation requirements in effect on the date of discharge. Such former members may receive retired pay, but are not carried on the Retired List and are ineligible for certain privileges or rights of the Retired Reserve. These members retain their civilian status. However, such former members who are eligible to receive retired pay at age 60 per 10 U.S.C. 12731, are entitled to identification cards reflecting appropriate benefits (commissary, exchange privileges, and commencing at age 60, health care) under 10 U.S.C. chapters 54 and 55 and as otherwise provided by law. A DoD Reserve Component Commissary Card, DD Form 2229, is necessary for access to commissaries for those members not yet age 60.

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

3. Former members who apply for retired pay upon reaching age 60 will have their pay computed at the rate in effect at the time of discharge without adjustment for cost of living allowances effected between the time of discharge and the start of retired pay.

4. Transfer to the Retired Reserve is not automatic; it must be requested.

3020. AUTHORITY TO RELEASE AND SEPARATION ORDERS

1. The CMC (MMSR-5) will issue separation approval/disapproval authority via the unit diary. Any actions taken by the CMC (MMSR-5) will be reflected on the member's unit diary feedback report. In addition, requests that are pending or approved will post an appropriate RER flag indicating such status on the RT01 screen in MCTFS. A disapproval will zero out the original entry reflected on the RT01 screen. RER Flags are defined in MCO P1080.20M, Codes Manual.

2. Upon receipt of the approval authority, the responsible reporting unit will submit the appropriate diary entries using data contained on the RT01 screen (Planned SPD, Planned CHAR).

3. The CMC (MMSR-5) will mail all separation letters, certificates, and documents within 10 working days of issuing the approval authority.

4. The CMC (MMSR-5) will issue all orders pertaining to the reserve retirement of a Marine. The CMC (MMSR-2) is the retirement authority for those Reservists who qualify for an active duty retirement.

3021. DELIVERY OF RETIREMENT DOCUMENTS AND APPROPRIATE CEREMONY. In no case should retirement documents be held beyond 30 days without contacting the Marine. If the retirement documents cannot be delivered, due to the unit's inability to locate or contact the Marine, endorse with the reason for nondelivery and return these documents to the CMC (MMSR-5) within 30 days of receipt at the unit. See paragraph 1012 for additional information regarding retirement ceremeonies.

3022. RESERVE RETIREMENT CREDIT REPORTING SYSTEM

1. The Automated Reserve Retirement Credit Reporting System (ARRCR) is the primary method for reporting retirement points earned by a Marine during an anniversary year. The ARRCR must be used by all units with on-line MCTFS reporting capabilities. The ARRCR generates two reports: the Annual Retirement Credit Report (ARCR) and the Career Retirement Credit Report (CRCR). The ARCR is automatically generated the month following the anniversary month. Copies are provided to the CMC (MMSB-20). To report retirement data see MCO P1080.40B (MCTFSPRIM) and appendix E.

2. Commander's Responsibilities. The term "commander" as used in this paragraph refers to the appropriate commanding general (COMMARFORRES or the CG, MCRSC); the commanding officer of the SMCR unit; or the commanding officer of any Regular Marine Corps unit on whose rolls Reserve Marines are carried.

a. Ensure proper certification of unit diaries and maintenance of records that document retirement point.

b. Provide a copy of the ARCR and CRCR to each member within 30 days of receipt. Copies are available on-line through Kansas City Menu "CICS-Production" using the Retirement/Separation Menu in the MCTFS.

c. Ensure each member signs a copy of the ARCR and CRCR and file on the document side of the service record. (Note: A signed ARCR/CRCR signifies that the member agrees with the retirement point total shown. If the member disagrees with the retirement point total, the member must indicate where the discrepancies exist and provide documentation to support correction.)

d. Ensure the Marine signs a corrected ARCR/CRCR and file the corrected copy attached to the erroneous copy on the document side of the service record, if corrections are warranted. A corrected ARCR and CRCR will automatically be generated to the CMC (MMSB-20), and (MMSR-5) if appropriate.

3023. CURRENT ADDRESS OF RETIRED RESERVISTS. See paragraph 1404.

Figure 3-1. Request for Interservice Transfer for an Enlisted Marine

(Letterhead)

From: Individual or Appropriate Authority
To: COMMARFORRES or CG, MCRSC, as appropriate
Via: CO of current unit

Subj: REQUEST FOR INTERSERVICE TRANSFER

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

1. Per the reference, I request 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, date of rank, and military specialty.

d. Component.

e. Organization to which assigned.

f. Years, months, and days of total service.

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. 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.

Figure 3-1. Request for Interservice Transfer for an Enlisted Marine

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

(Letterhead)

From: Individual or Appropriate Authority
To: Headquarters U.S. Marine Corps, Manpower and Reserve Affairs (MMSR- 5), 3280 Russell Road, Quantico, VA 22134-5103
Via: (1) CO of current unit
(2) COMMARFORRES or CG, MCRSC, as appropriate

Subj: REQUEST FOR INTERSERVICE TRANSFER

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

1. Per the reference, I request 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, date of rank, and military specialty.

d. Component.

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

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

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

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	THROUGH		FROM	THROUGH		FROM	THROUGH	
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

Figure 3-4. Membership Points (Gratuitous)

Number of Days in an Active Status		Membership Points credited	Number of Days in an Active Status		Membership Points credited
FROM	THROUGH		FROM	THROUGH	
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)

Table 3-1. Inactive/Active Duty Points

MINIMUM TYPE DUTY	INACTIVE TIME REQUIRED	ACTIVE AUTHORITY REQUIRED	DUTY POINTS	MAXIMUM # PTS
TEMACDU, EAD or ADT	1 day	Orders	1	365,366 per yr
Associate	4 hrs	Orders	1	2/day
Appropriate	4 hrs	Orders	1	2/day
Seminars	2 hrs	Orders	1	1/day
Attendance at 1 Conference/MCROA Convention	2 hrs	Orders military	Max 1/day	1
Acquire 1 Enl/ Reenl or Ext of Enl in USMC/USMCR acceptable to HQMC	8 hrs equiva-lent	COMMARFORRES/ CG MCRSC Certified	4	4
JROTC Unit Assistance	4 hrs	-do-	1	2/day
Acquire 1 PS IRR who joins SMCR	6 hrs	-do-	3	3
Acquire 1 referral who enlists in USMC or USMCR	8 hrs equiva-lent	-do-	4	4
Correspondence Studies	3 hrs	Certified by Competent Authority	1	
Membership	1 yr	USMCR Membership	15	15/ann yr
IDT Periods	4 hrs	SMCR Membership	1	2/day
AFTP/ATP/RMP	4 hrs	-do-	1	2/day
EDP	4 hrs	-do-	1	2/day
MTU meetings	4 hrs	MTU Membership	1	2/day
MTU Command Duty	4 hrs	CO, MTU	1	2/day
MTU Instruction Preparation	4 hrs	CO, MTU	1	2/day

Table 3-1. Inactive/Active Duty Points

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 4

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

GENERAL

	PARAGRAPH	PAGE
PURPOSE	4001	4-2
APPLICABILITY	4002	4-2
GUIDANCE TO COMMANDERS ON SEPARATION PROCESSING	4003	4-2

SECTION 1: PROCESSING FOR SEPARATION

INITIATING SEPARATION OF AN OFFICER - NOTIFICATION	4101	4-3
PROCESSING FOR SEPARATION	4102	4-3
REASONS FOR SEPARATION FOR CAUSE	4103	4-3
RETIREMENT OR RESIGNATION	4104	4-10
CHARACTERIZATION OF SERVICE	4105	4-11
SEPARATION PAY FOR INVOLUNTARY SEPARATIONS FOR CAUSE . . .	4106	4-12

CHAPTER 4

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

GENERAL

4001. PURPOSE. To supplement established policies, standards, and procedures for the administrative separation of officers of the Marine Corps who do not maintain required standards of performance, professional, or personal conduct.

4002. APPLICABILITY. SECNAVINST 1920.6B contains Department of the Navy policies, standards, and procedures regarding the administrative separation of officers for cause. Notwithstanding any provision in this chapter, the policies, standards, and procedures contained in SECNAVINST 1920.6B control administrative separations of officers. This chapter provides supplemental guidance 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. SECNAVINST 1920.6B takes precedence if conflicts exist between this Manual and the SECNAVINST.

CHAPTER 4

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

SECTION 1: PROCESSING FOR SEPARATION

4101. INITIATING SEPARATION OF AN OFFICER - NOTIFICATION. Every commanding officer shall report to the CMC (JAM) all incidents (including information received through any source (e.g., Naval Investigative Service, civilian law enforcement, etc.) involving any officer whose performance or conduct is such that processing for separation may be appropriate and consistent with this chapter.

4102. PROCESSING FOR SEPARATION. The CMC shall initiate processing for separation under the following circumstances:

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

2. When information is received involving 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 that has been identified for substandard performance or professional or personal misconduct by a selection board.

4103. REASONS FOR SEPARATION FOR CAUSE. The reasons for separation are described in the current version of SECNAVINST 1920.6B. The following information supplements that guidance:

1. Illegal Drug Involvement. Processing for separation is mandatory. An officer will be recommended for separation if an approved finding of unlawful drug involvement is made. Illegal drug involvement includes, but is not limited to, illegal, wrongful, or improper use; possession, sale, transfer, distribution, or introduction on a military installation of any controlled substance; marijuana, steroids, or other dangerous or illicit drug or the possession, sale, or transfer of drug paraphernalia as defined in SECNAVINST 5300.28C. Evidence obtained from an involuntary urinalysis administered pursuant to an inspection under Military Rules of Evidence or from a search and seizure under Military Rules of Evidence in the current version of the Manual for Courts-Martial, 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. Upon discharge, drug dependent Marines will be referred to a Department of Veterans Affairs Medical Facility or other rehabilitation center. The discharge of an officer who is drug dependent will not be delayed for medical or rehabilitation treatment for drug dependency.

2. Sexual Harassment

a. Processing for separation is mandatory following the first substantiated incident of sexual harassment involving any of the following circumstances:

(1) Threats or attempts to influence another's career or job for sexual favors;

(2) Rewards in exchange for sexual favors; or,

(3) Physical contact of a sexual nature which, if charged as a violation of the UCMJ, could result in a punitive discharge.

b. An incident is considered substantiated when there has been a court-martial conviction, nonjudicial punishment, or the commander determines, based on a preponderance of the evidence, that sexual harassment has occurred.

3. Homosexual Conduct

a. Policy

(1) Homosexual conduct is grounds for separation from the Marine Corps under the bases described in paragraph 4103.3b. Homosexual conduct includes homosexual acts, a statement by a member that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage. A statement by a member that demonstrates a propensity or intent to engage in homosexual acts is grounds for separation not because it reflects the member's sexual orientation, but because the statement indicates a likelihood that the member engages in or will engage in homosexual acts. A member's sexual orientation is considered a personal and private matter and is not a bar to continued service under this section unless manifested by homosexual conduct in the manner described in subparagraph 4103.3b.

(2) Congressional findings relating to the policy concerning homosexual conduct in the Armed Forces is contained in 10 U.S.C. 654(a). These findings are as follows:

(a) Section 8 of Article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a navy, and make rules for Government and regulation of the land and naval forces.

(b) There is no constitutional right to serve in the Armed Forces.

(c) Pursuant to the powers conferred by Section 8 of Article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the Armed Forces.

(d) The primary purpose of the Armed Forces is to prepare for and to prevail in combat should the need arise.

(e) The conduct of military operations requires members of the Armed Forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

(f) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

(g) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

(h) Military life is fundamentally different from civilian life in that:

(1) The extraordinary responsibilities of the Armed Forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

(2) Military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior that would not be acceptable in civilian society.

(i) The standards of conduct for members of the Armed Forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the Armed Forces.

(j) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the Armed Forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

(k) The pervasive application of the standards of conduct is necessary because members of the Armed Forces must be ready at all times for worldwide deployment to a combat environment.

(l) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the Armed Forces in actual combat routinely make it necessary for members of the Armed Forces involuntarily to accept living and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

(m) The prohibition against homosexual conduct is a long standing element of military law that continues to be necessary in the unique circumstances of military service.

(n) The Armed Forces must maintain personnel policies that exclude persons whose presence in the Armed Forces would create an unacceptable risk to the Armed Forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

(o) The presence in the Armed Forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

b. Bases for Separation. A commissioned officer shall be separated under this paragraph if one or more of the following approved findings is made:

(1) The officer has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts, unless there are further approved findings that the officer has demonstrated that:

(a) Such acts are a departure from the officer's usual and customary behavior;

(b) Such acts under all the circumstances are unlikely to recur;

(c) Such acts were not accomplished by the use of force, coercion, or intimidation;

(d) Under the particular circumstances of the case, the officer's continued presence in the Marine Corps is consistent with the interest of the Marine Corps in proper discipline, good order, and morale; and

(e) The officer does not have a propensity or intent to engage in homosexual acts.

(2) The officer has made a statement that he or she is a homosexual or bisexual, or words to that effect, unless there is a further approved finding that the officer has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. A statement by an officer that he or she is a homosexual or bisexual, or words to that effect, creates a rebuttable presumption that the officer engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. The officer shall be advised of this presumption and given the opportunity to rebut the presumption by presenting evidence demonstrating that he or she does not engage in, attempt to engage in, have a propensity to engage in, or intend to engage in homosexual acts. Propensity to engage in homosexual acts means more than an abstract preference or desire to engage in homosexual acts; it indicates a likelihood that a person engages in or will engage in homosexual acts. In determining whether an officer has successfully rebutted the

presumption that he or she engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts, any of the following may be considered:

(a) Whether the officer has engaged in homosexual acts;

(b) The officer's credibility;

(c) Testimony from others about the officer's past conduct, character, and credibility;

(d) The nature and circumstances of the officer's statement;

(e) Any other evidence relevant to whether the officer is likely to engage in homosexual acts.

(This list is not exhaustive; any other relevant evidence may also be considered.)

(3) The officer 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).

c. Inquiry

(1) Responsibility

(a) The member's commander is authorized to initiate fact finding inquiries involving homosexual conduct. A commander may initiate a fact finding inquiry only when he or she has received credible information that there is a basis for discharge. Commanders are responsible for ensuring that inquiries are conducted properly and that no abuse of authority occurs.

(b) A fact finding inquiry may be conducted by the commander personally or by a person he or she appoints. It may consist of an examination of the information reported or a more extensive investigation as necessary.

(c) The inquiry should gather all credible information that directly relates to the grounds for possible separation. Inquires shall be limited to the factual circumstances directly relevant to the specific allegations.

(d) If a commander has credible evidence of possible criminal conduct, he or she shall follow the procedures outlined in the current version of the Manual for Courts-Martial and JAGINST 5800.7C, JAGMAN.

(e) These inquiry provisions do not apply to activities of the Naval Criminal Investigative Service and other Defense criminal investigative organizations that are governed by DoDINST 5505.8.

(2) Bases for Conducting Inquiries. A commander will initiate an inquiry only if he or she has credible information that there is a basis for discharge. Credible information exists when the information, considering its source and the surrounding circumstances, supports a reasonable belief that there is a basis for discharge. It requires a determination based on articulable facts, not just a belief or suspicion.

(3) A basis for discharge exists if:

(a) The member has engaged in a homosexual act;

(b) The member has said that he or she is a homosexual or bisexual, or made some other statement that indicates a propensity or intent to engage in homosexual acts; or

(c) The member has married or attempted to marry a person of the same sex.

(4) Credible information does not exist, for example, when:

(a) The individual is suspected of engaging in homosexual conduct, but there is no credible information, as described, to support that suspicion;

(b) The only information is the opinions of others that a member is a homosexual;

(c) The inquiry would be based only on rumor, suspicion, or capricious claims concerning a member's sexual orientation; or

(d) The only information known is an associational activity such as going to a gay bar, possessing or reading homosexual publications, associating with known homosexuals, or marching in a gay rights rally in civilian clothes. Such activity, in and of itself, does not provide evidence of homosexual conduct.

(5) Credible information exists, for example, when:

(a) A reliable person states that he or she observed or heard a service member engaging in homosexual acts, or saying that he or she is a homosexual or is married to a member of the same sex;

(b) A reliable person states that he or she heard, observed, or discovered a service member make a spoken or written statement that a reasonable person would believe was intended to convey the fact that he or she engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts; or

(c) A reliable person states that he or she observed behavior that amounts to a non-verbal statement by a member that he or she is a homosexual or a bisexual (i.e., behavior that a reasonable person would believe was intended to convey the statement that the member engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts).

(6) Procedures

(a) Informal fact finding inquiries and administrative separation procedures are the preferred method of addressing homosexual conduct. This does not prevent disciplinary action or trial by court-martial when appropriate.

(b) Commanders shall exercise sound discretion regarding when credible information exists. They shall examine the information and decide whether an inquiry is warranted or whether no action should be taken.

(c) Commanders or appointed inquiry officials shall not ask, and members shall not be required to reveal, whether the member is a heterosexual, a homosexual, or a bisexual. However, upon receipt of credible information of homosexual conduct (as described above), commanders or appointed inquiry officials may ask members if they engaged in such conduct. The member should first be advised of the Marine Corps policy on homosexual conduct and, if applicable, the provisions of Article 31, UCMJ. Should the member choose not to discuss the matter further, the commander should consider other available information. Nothing in this provision precludes questioning a member about any information provided by the member in the course of the fact finding inquiry or any related proceeding; nor does it provide the member with any basis for challenging the validity of any proceeding or the use of any evidence, including a statement by the member, in any proceeding.

(d) At any point during the inquiry, the commander or appointed inquiry official must be able clearly and specifically to explain which grounds for separation he or she is attempting to verify and how the information being collected relates to those specific separation grounds.

(e) A statement by a service member that he or she is a homosexual or a bisexual creates a rebuttable presumption that the service member engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. The service member shall be given the opportunity to present evidence demonstrating that he or she does not engage in, attempt to engage in, or have a propensity or intent to engage in homosexual acts. The service member bears the burden of proving, by a preponderance of the evidence, that he or she is not a person who engages in,

attempts to engage in, or has a propensity or intent to engage in homosexual acts.

(7) Legal Effect. The procedures set forth in subparagraph 4103.3c create no substantive or procedural rights.

d. Disposition

(1) Based on the inquiry described above, the commander must determine whether there is probable cause (a reasonable belief) to believe a basis for administrative separation exists. If the commanding officer determines probable cause exists, the commanding officer shall initiate separation processing.

(2) If the commanding officer determines probable cause does not exist, the commanding officer shall terminate the inquiry and any administrative action already initiated.

(3) Certain homosexual conduct may constitute both a basis for administrative separation processing and a violation of the UCMJ. The UCMJ requires all allegations of misconduct to be thoroughly investigated. Upon review of the results of the investigation, the cognizant commanding officer has discretion to determine what, if any, disciplinary action is appropriate. The provisions for administrative discharge for homosexual conduct do not preclude disciplinary action under the UCMJ when such action is deemed appropriate by the cognizant commanding officer. In this regard, there is no right on the part of any individual to demand trial by court-martial in lieu of administrative separation processing.

e. Board of Inquiry Procedures. The following pertains to administrative separation processing based upon allegations of homosexual conduct:

(1) The board of inquiry shall be informed of the Congressional findings as enumerated in subparagraph 4103.3a(2) above.

(2) The commissioned officer shall bear the burden of proving throughout the proceeding, by a preponderance of the evidence, that retention is warranted under the limited circumstances described in subparagraphs 4103.3b(1) and 4103.3b(2).

(3) If the board determines that the basis for administrative separation is established by a preponderance of the evidence, but the member's retention is warranted under the limited circumstances described in subparagraphs 4103.3b(1) and 4103.3b(2), the case is closed.

(4) Finding regarding whether or not retention is warranted under the limited circumstances described in subparagraphs 4103.3b(1) or 4103.3b(2) is required if the member clearly and specifically raises such limited circumstances.

f. Limitations

(1) Nothing in these regulations requires that an officer be processed for separation when a determination is made that the officer engaged in acts, made statements, or married or attempted to marry a person known to be of the same sex for the purpose of avoiding military service and separation of the officer would not be in the best interest of the Marine Corps.

(2) Administrative separation processing is mandatory if, after completion of the inquiry described above, the commander determines probable cause exists to believe a basis for separation exists. No officer so processed shall be retained if the preponderance of the evidence supports the basis for separation unless warranted under the limited circumstances of subparagraphs 4103.3b(1) or 4103.3b(2).

4104. 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 a resignation for the good of the service, or, if eligible, request retirement under chapter 2 of this manual.

1. Resignations tendered under this paragraph shall not request an effective date. The resignation will be effective upon approval by the Secretary of the Navy. In addition, the resignation will not be input into the unit diary system unless approved by the Secretary of the Navy.

2. Normally, a reserve commission is not authorized for regular officers resigning under this paragraph.

3. Address requests for qualified or unqualified resignation to the Secretary of the Navy via the chain of command and the CMC (JAM). If a resignation is submitted in lieu of a recommendation for administrative separation, the resignation shall state that it is offered under this paragraph and shall contain the appropriate statement below corresponding to the type of discharge requested. If the resignation is submitted to avoid trial by court-martial, the resignation shall contain the statement in subparagraph 4104.3c and follow the procedures in paragraph 4104.4.

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 veteran's 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) is accepted, I may subsequently receive a characterization of service 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 civilian life in situations where the nature of service rendered in, or the character of separation from, the Armed Forces may have a bearing."

4. 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 Rules for Courts-Martial 1003(d) of the 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. The following procedures apply for submission of the request to the Secretary of the Navy via the chain of command and the CMC (JAM).

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

(2) In the written request, the officer shall indicate that the following is understood:

(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 characterization and possible consequences.

b. The request shall also include:

(1) 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

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

4105. CHARACTERIZATION OF SERVICE

1. A characterization of service or discharge 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.

2. In addition to the federal law specifically concerning the separation of military officers, other federal statutes provide for the dismissal or removal from office of federal officials involved in misconduct or malfeasance. Examples of the class of statutory prohibitions referred to, whether or not specifically applicable to Marine officers are:

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

b. Using appropriated funds to influence legislation.

c. Accepting bribes.

No characterization of service will be issued to any officer specifically removed, dismissed, or otherwise disqualified from further service pursuant to one of these types of statutes.

4106. SEPARATION PAY FOR INVOLUNTARY SEPARATIONS FOR CAUSE. SECNAVINST 1900.7G governs entitlement to separation pay for officers who are administratively separated under the provisions of this chapter.

CHAPTER 5

OFFICER RESIGNATIONS AND INVOLUNTARY DISCHARGES AS A RESULT OF A SECOND FAILURE OF SELECTION FOR PROMOTION WHILE ON THE ACTIVE DUTY LIST

	PARAGRAPH	PAGE
GENERAL	5001	5-2
RESIGNATION ELIGIBILITY	5002	5-2
SUBMISSION OF RESIGNATION REQUESTS	5003	5-5
ADDITIONAL INSTRUCTIONS	5004	5-6
SEPARATION ORDERS	5005	5-7
INVOLUNTARY DISCHARGE AS A RESULT OF A SECOND FAILURE OF SELECTION FOR PROMOTION	5006	5-8
SEPARATION OF RESERVE OFFICERS ON THE ACTIVE DUTY LIST . .	5007	5-9
INTERSERVICE TRANSFER	5008	5-9

FIGURE

5-1	REQUEST FOR RESIGNATION	5-10
5-2	ACCEPTANCE OF RESIGNATION OF REGULAR COMMISSION IN THE U.S. MARINE CORPS WITH OBLIGATED RESERVE COMMISSION	5-11
5-3	ACCEPTANCE OF RESIGNATION OF REGULAR COMMISSION IN THE U.S. MARINE CORPS WITH RESERVE COMMISSION	5-15
5-4	ACCEPTANCE OF RESIGNATION OF REGULAR COMMISSION IN THE U.S. MARINE CORPS WITHOUT RESERVE COMMISSION . .	5-19
5-5	LETTER OF DISCHARGE FROM THE U.S. MARINE CORPS . . .	5-22

TABLE

5-1	SEPARATION AND SERVICE OPTIONS AVAILABLE AFTER A SECOND FAILURE OF SELECTION FOR PROMOTION	5-25

CHAPTER 5

OFFICER RESIGNATIONS AND INVOLUNTARY DISCHARGES AS A RESULT OF A SECOND FAILURE OF SELECTION FOR PROMOTION WHILE ON THE ACTIVE DUTY LIST

5001. GENERAL

1. This chapter pertains to resignations submitted by officers of the Regular component and involuntary discharges of officers on active duty as a result of a second failure of selection for promotion to the next higher grade. 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 paragraphs 1004 and 4105. An honorable discharge is normally issued for unqualified resignations and discharges due to a second failure of selection for promotion. Discharge certificates will be issued by the CMC (DC M&RA) on behalf of the Secretary of the Navy. Under no circumstances will any unit prepare a discharge certificate on an officer.

3. Submit resignations in lieu of administrative separation for cause or in lieu of trial by court-martial per paragraph 4104.

5002. RESIGNATION ELIGIBILITY

1. Regular officers serve at the pleasure of the President as determined by the Secretary of the Navy and no terminal dates are established for their commissions. The Secretary of the Navy has delegated to the CMC (DC M&RA), the authority to approve an officer’s resignation on behalf of the President. The CMC will recommend approval of only those requests for resignation and subsequent requests for withdrawal which meet the criteria set forth in this Manual. When a request is disapproved, the CMC will reply by letter stating the reason for disapproval.

2. The resignation of a commission is a voluntary act and must be unconditional. Officers who submit resignations may expect favorable action provided they fulfill the requirements of this paragraph; however, the criteria may be modified as necessary to meet the 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 CMC will ensure such action occurs only when critical conditions exist. The acceptance of an officer's resignation will be judged on the following:

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 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. Completing 24 months of service after attending a service school, fellowship, or service school equivalent when the prescribed course of instruction is 20 or more weeks of duration and attendance is in compliance with official orders. The 24-month service requirement also applies to an officer who enters but does not complete a prescribed course of 20 or more weeks duration. In this case the service requirement commences on the officer's date of transfer 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 successfully complete a military or funded civilian course of 19 weeks or less will not be approved before the completion of 12 months of active duty following completion of the course.

e. Completion of a minimum of 24 months active duty service after:

(1) Completion of training to be an instructor at a Fleet Readiness Squadron (FRS), or in the Naval Aviation Training Command (NATC).

(2) Completion of Marine Aviation Weapons and Tactics Squadron (MAWTS-1) Weapons and Tactics Instructor Course (WTI), or Naval Fighter Weapons School (Top Gun).

(3) Completion of a tour as a participant in the Marine Corps Foreign Personnel Exchange Program (MCFPEP), aviation, or aviation ground exchange tours with U.S. services or a foreign military service. These tours include, but are not limited to, USAF exchange tours, the Navy Flight Demonstration Team tour, Royal Navy exchange tours, Royal Australian Air Force exchange tours, Italian Navy exchange tours, Spanish Navy exchange tours, and Canadian Navy exchange tours.

(4) Completion of training to be a pilot for operational support aircraft. This includes, but is not limited to, the UC-12, UC-35 and T-39 aircraft. For operational support aircraft the obligation is incured at the commencement of any training toward initial qualification and begins upon completion of initial training; in the case of failure to complete training the obligation begins on the date of transfer from the course.

f. 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 or funded schooling.

g. Completing 24 months on active duty after completing a course for which financial assistance was accepted through the Tuition Assistance (TA) Program. Based upon needs of the Marine Corps the 24 month service payback requirement may be waived, if reimbursement corresponding to the unserved portion of the 24 month period is made to the U.S. Government. Officers involuntarily separated under mandatory provisions of law are exempt from a TA service payback or reimbursement.

h. 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).

i. 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. The officer has been issued, or notified that he or she will be issued Permanent Change of Station (PCS) orders before the date of the officer's request. However, officers issued, or notified that they will be issued, PCS orders who would otherwise be eligible to resign before the estimated date of arrival at the new duty station, may request cancellation of the pending assignment provided they request resignation.

(1) The requested effective date of resignation must be no later than the last day of the month of the estimated date of arrival at the new duty station.

(2) Resignation requests involving cancellation of PCS orders must be forwarded to the CMC (MMSR-3) via naval message, with the CMC (MMOA) as an information addressee.

(3) Submit the request at least 120 days before the prescribed estimated date of arrival at the new duty station, but no later than 10 working days after receipt of orders.

(4) Should the notification of orders be less than 120 days from the estimated date of arrival at the new duty station, the effective date of resignation will not be earlier than 120 days from the date of notification, unless the Marine requests otherwise.

(5) Requests that do not comply with this criteria will not normally be given favorable consideration.

b. The officer assigned (joined or attached) to a unit located within the Continental United States (CONUS) scheduled to deploy outside its immediate geographical location in excess of 90 days submits a resignation within 4 months, or 9 months in the case of a carrier (CV) deployment, of the date the deployment is scheduled to commence.

c. The officer is serving overseas and desires separation before completion of the minimum tour length prescribed by MCO P1300.8R, Marine Corps Personnel Assignment Policy (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 before fulfillment of that extension.

d. The officer has not completed 2 years at a current CONUS duty station (except those officers who fall under paragraph 5002.4c).

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

f. The officer requests to resign before completion of 2 years from the date of augmentation. Officers selected for augmentation incur a 2-year active duty obligation in the Marine Corps from the date they accept an appointment as a Regular officer. This obligation will run concurrently with any other obligation(s) and will not serve to decrease any other legal obligation.

4. Officers serving on an overseas tour, or those officers whose orders prescribe a specific tour length, will not be allowed to resign before completion of that tour as defined in MCO P1300.8R. Officers desiring to request resignation from an overseas duty station, or officers who are serving

in a billet where tour length is specified in the PCS orders, and who are eligible, may elect one of the following options:

a. Request resignation coinciding with rotation tour date;

b. Request resignation coinciding with completion of a tour when the tour length has been specified in PCS orders;

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 the minimum time on station required 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, and who desire to resign when first eligible, may either extend their tour to coincide with the requested date of resignation or elect the option in paragraph 5002.4c. Officers resigning per this paragraph will return to CONUS (MCC W95) no later than 10 days before the requested date of resignation unless they have notified the CMC (MMOA) that separation overseas is desired.

5. When an officer requests a waiver of any of the criteria in this paragraph, the officer must justify it on the grounds of undue hardship. Such requests must include the same information required by paragraph 6407 and must clearly establish that a situation exists which is not of a temporary nature, not susceptible to relief by other means, and where approval of the resignation is the only means readily available to alleviate the hardship. **Opportunity for civilian employment does not warrant waiver of the criteria**.

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, or a judge of courts of record of the United States or of several states, and the District

of Columbia. In the case of a Reserve officer who is eligible for the retired Reserve list or if the individual's name is already on the retired Reserve list, the officer will be released from active duty.

5003. SUBMISSION OF RESIGNATION REQUESTS

1. The reporting senior of the officer requesting resignation will counsel the officer before submission of the resignation request. Following the completion of counseling, the following entry will be made on page 11 of the officer's OQR:

"(Date) I request to resign my commission in the Marine Corps effective (date) and (do) (do not) desire a Reserve commission. I have been counseled per paragraph 5003 of MCO P1900.16F."

2. Submit requests for resignation via the unit diary per MCO P1080.40B (MCTFSPRIM), paragraph 5137. The entry must be made not more than 14 months nor less than 4 months before the requested date of resignation. This is the minimum time necessary for processing requests and issuing orders to the officer concerned. The MCTFS will not accept resignation requests made via unit diary outside the 4 to 14 month window. The unit must run the

appropriate type transaction code (TTC) request in the unit diary to indicate whether the officer does or does not desire a Reserve commission. See procedures in appendix E. In those cases where the resignation request is submitted by separate correspondence and is received less than 4 months before the requested date, the CMC will reestablish the effective date to allow time for complete processing and billet replacement. 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.

3. The reporting unit will be advised of the receipt of an officer's request for resignation via the diary feedback report (DFR). Specifically, the CMC will post a "pending" planned reenlistment or retirement (RER) flag to the MCTFS. The CMC will also notify the unit via unit diary once a request is approved.

4. Submit a letter requesting resignation (figure 5-1) via the chain of command to the CMC (MMSR-3) when:

a. A waiver of the eligibility criteria of paragraph 5002 is required, or

b. An officer requests a Reserve commission, but is not recommended for one by the commanding officer.

5. Resignation for Cause. All requests for resignation in lieu of a

recommendation or processing for administrative separation for cause or in lieu of trial by court-martial will be submitted to the CMC (JAM) according to SECNAVINST 1920.6B.

5004. ADDITIONAL INSTRUCTIONS

1. Reserve Commissions

a. Per 10 U.S.C 651, all officers are obligated for at least 6 years but 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 the CMC, an officer with obligated service who submits an unqualified resignation will not be separated if they decline a Reserve commission.

b. Officers who complete their initial statutory period of commissioned service will be automatically considered for appointment in the Reserve component unless the officer does not desire a Reserve commission and so states in a resignation letter per figure 5-1.

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 CMC. A request for withdrawal of a resignation may be made any time before 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 CMC (MMSR-3) and the chain of command, and must contain the reason(s) 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 and, if retention is recommended, explain why the officer's services are needed.

3. Expunging Resignation-Related Material

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

(1) For officers on active duty: resignation requests and related correspondence in its entirety.

(2) For officers who resign and subsequently return to active duty in the naval service: portions of resignation correspondence which contain reasons for resigning which might prejudice success on active duty and/or selection for promotion.

b. Other resignation-related material such as separation orders, fitness reports, and Certificates of Release or Discharge (DD Form 214) will not be expunged.

c. Send requests for removal of resignation letters and related correspondence to the CMC (MMSB-10).

4. Separation Leave. Commanding officers may authorize separation leave in conjunction with a resignation pursuant to MCO P1050.3H, Regulations for Leave, Liberty, and Administrative Absence and paragraph 1010 of this Manual. Should an officer desire separation leave, the request for resignation must be submitted in advance of the minimum 4-month submission time for at least a period of time equal to the amount of leave desired.

5005. SEPARATION ORDERS

1. Approval/disapproval of a resignation request and authority to release is issued via the unit diary through the MCTFS. Issue separation orders per figures 5-2 through 5-5. Written authority to release, or issuance of orders, by the CMC is not provided except as specified in paragraphs 5005.2 and 5005.3.

2. The CMC (MMSR) will issue message orders and unit diary instructions granting authority to discharge active duty officers involuntarily separated, except for those officers twice having failed of selection to the next higher grade. Separation authority for those officers twice having failed of selection is only issued via the unit diary. Commanders will prepare and issue orders in the appropriate format prescribed in figures 5-2 through 5-5. Under no circumstances will the commander change or hold in abeyance the separation of an officer without prior approval from the CMC (MMSR-3).

3. The CMC will issue separation orders for officers who are separated for other than the reasons in paragraph 5005.2.

4. In all cases, the CMC (MMSR) will issue officer discharge certificates. The CMC (RAM-6) will issue an appointment acceptance and record (NAVMC 763) for officers accepting a commission in the U.S. Marine Corps Reserve.

5006. INVOLUNTARY DISCHARGE AS A RESULT OF A SECOND FAILURE OF SELECTION FOR PROMOTION

1. Each officer on the active duty list serving in any grade of chief warrant officer, first lieutenant, captain, or major who has twice failed selection for promotion to the next higher grade will be discharged from the service unless: otherwise continued on active duty, in the sanctuary zone with between 18 and 20 years of active service and serving until retirement eligible, retired, or, if a permanent limited duty officer, reverted to a warrant officer or enlisted status. Guidance on actions taken in regard to

officers incurring a second failure of promotion is contained in SECNAVINST 1920.6B. General guidance is contained in table 5-1 of this Manual.

2. Within 30 days after publication of the board’s results, officers covered under this provision will receive a status letter from the CMC (MMSR) via the chain of command. This letter will inform such officers of their options concerning entitlement to severance or separation pay and the latest date which they may elect discharge. Included with this letter is an enclosure that the officer will complete and return to the CMC (MMSR) making known the officer's pay and separation date choices.

3. The discharge or retirement of an officer pursuant to this provision shall be considered to be an involuntary separation for the purpose of any other provision of law. Except as indicated below, under no circumstances will an officer directed to separate for twice failing selection to promotion be retained beyond the mandatory discharge date.

a. Retention beyond an involuntary separation date for a commissioned officer may only be authorized by the Secretary of the Navy if an officer is confined to a hospital as an inpatient, or the officer's medical board has been accepted by the Physical Evaluation Board for a determination of physical disability entitlement. Deferment of retirement or separation for medical reasons is governed by 10 U.S.C. 640. The CMC (MMSR) must be immediately notified by naval message of any officer in such situation(s).

b. The Secretary of the Navy may defer a warrant officer's mandatory separation, for not more than 4 months if, because of unavoidable circumstances, evaluation of the officer's physical condition and determination of his entitlement to retirement or separation for physical disability requires hospitalization or medical observation that cannot be completed before the date of involuntary separation; reference 10 U.S.C. 580(6)(b).

c. When any action commences against an officer with a view to trying the officer by court-martial and the officer is scheduled to be separated or retired under this Manual, 10 U.S.C. 639 allows the Secretary of the Navy to delay the separation or retirement of the officer, without prejudice to such action, until completion of the action. Additionally, personnel may be retained if determined by the commanding officer to be subject to the initiation of a preliminary inquiry, subject to information of a discreditory nature that may lead to a preliminary inquiry or the assumption of jurisdiction, to include, but not limited to, a restraining order against their person. Immediately notify the CMC (JAM and MMSR) of an officer in this situation.

4. The continued military service of officers who are not sufficiently qualified for promotion to the grade of first lieutenant is inconsistent with mission requirements and the productivity and efficiency of the Marine Corps.

An officer found not qualified for promotion to the grade of first lieutenant shall be honorably discharged at the end of the 18 month period beginning on the date on which the officer is first found not qualified for promotion.

5. Continuation Boards. Captains and majors subject to DOPMA, who have twice failed selection to the next higher grade are subject to the provisions of 10 U.S.C. 637. Warrant officers who have twice failed selection to the next higher grade are subject to the provisions of 10 U.S.C. 580. See table 5-1.

6. Eligibility for Separation Pay. Officers involuntarily discharged as a result of a second failure of selection may be entitled to separation pay. Separation pay will only be authorized if the officer signs a written agreement to serve in the Ready Reserve for 3 years. The DoDFMR prescribes actual entitlements and methods of computation. The CMC (MMSR) will complete a statement of service to include a statement of qualifying service which will be included in the separation orders. An officer that contributed to his or her failure of selection through written communication to the board requesting/indicating not to be selected, or who declined promotion when selected is not eligible for separation pay. For further information on separation pay eligibility see chapter 1, section 3 of this Manual and SECNAVINST 1900.7G.

5007. SEPARATION OF RESERVE OFFICERS ON THE ACTIVE DUTY LIST. The CMC (MMOA) is responsible for issuing release from active duty orders for all Reserve officers on active duty. Further information about releasing Reserve officers from active duty is found in MCO 1900.1, Release From Active Duty of Officers of the Marine Corps Reserve Serving with the Regular Establishment or with the Reserve Program.

5008. INTERSERVICE TRANSFER. Procedures for requesting an interservice transfer and concurrently resigning are found in SECNAVINST 1000.7D.

Figure 5-1. Request for Resignation

(Letterhead)

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

Subj: REQUEST FOR RESIGNATION

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

1. I tender my resignation of commission in the United States Marine Corps, per 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. (Use this sentence for officers with no remaining obligation as defined in paragraph 5004.1.)

OR

3. I will accept a commission in the U.S. Marine Corps Reserve, if tendered. (This sentence must be used when officers have not completed their statutory obligation as defined in paragraph 5004.1.)

4. My (reason/justification) for submitting my letter of resignation/termination of permanent appointment is _____.

_____
(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_____.

_____
(Signature)

*Note 1: The reporting senior must recommend and justify either offering or not offering a Reserve commission to the officer submitting the resignation regardless of whether or not they are obligated by law to accept a Reserve commission.

Figure 5-1. Request for Resignation

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

(Letterhead)

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

Subj: ACCEPTANCE OF RESIGNATION OF REGULAR COMMISSION IN THE U.S. MARINE) CORPS AND APPOINTMENT IN THE MARINE CORPS RESERVE (OBLIGATED)

Ref: (a) MCO P1900.16F (MARCORSEPMAN)
(b) NAVMED P-117 (MANMED) Chap 15
(c) MCO P1070.12K (IRAM) par. 3003
(d) MCO P1080.40B (MCTFSPRIM)
(e) JFTR par U5125-A
(f) MCO P7301.104

Encl: (1) Appointment Acceptance and Record Form (NAVMC 763)
(2) Honorable Discharge Certificate

1. Your request for resignation is approved, per reference (a), provided you accept a commission in the Marine Corps Reserve in order to fulfill your commissioned military service obligation stipulated in your service agreement. You are obligated to serve in the inactive Reserve until (EOS).

2. Effective 2400 on (PRR), you will be released from active duty and assigned to inactive duty in the Marine Corps Reserve.

3. Your entitlement to pay and allowances terminates on (PRR). You are entitled to mileage and such other allowances as are authorized in the case of an officer being separated from the Regular Marine Corps. As no active duty is authorized as a Reserve officer, you are not entitled to constructive travel time or pay and allowances while traveling to your home following your separation from the Regular Marine Corps.

4. The officer having custody of your records is directed to accomplish the following:

a. Ensure the discharge action authorized in paragraph 2 is not effected in the event you do not execute enclosure (1). Should you not execute the NAVMC 763, your commanding officer is directed to make a page 11 entry in your service record reporting this fact.

b. Ensure you obtain a physical examination before separation to determine your physical fitness for separation from the Regular Marine Corps and for your appointment in the Marine Corps Reserve. The Standard Form 88, Report of Physical Examination, must include the certification required by reference (b).

c. Complete item 21d, administer the oath of office, and complete item 22 on the original and all copies of the NAVMC 763 per reference (c). Should separation leave be authorized, administer the oath of office before the leave

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

Figure 5-2. Acceptance of Resignation of Regular Commission in the U.S. Marine Corps With Obligated Reserve Commission – Continued

period. To the left of item 22 insert the effective date. This date will be the date following the effective date of discharge.

d. Refer to subparagraph 3003.4 of the IRAM concerning the old and new NAVMC 763.

e. Insert the following in the Officer Qualification Record:

(1) The appropriate copy of the DD Form 214.

(2) A copy of these orders with all endorsements and modifications.

(3) Copy 1 of the NAVMC 763.

f. Deliver copy 3 of the NAVMC 763 to you.

g. Report discharge per reference (d) and appendix E of reference (a).

h. By endorsement:

(1) Transfer you by service records to the Commanding General, Marine Corps Reserve Support Command, 15303 Andrews Road, Kansas City, MO 64147-1207.

(2) State the point you elect for mileage allowance per reference (e).

i. Transmit the following documents directly to the CMC within 3 working days after effective date of discharge.

(1) Original and copy 2 of the NAVMC 763 to the CMC (RAM-6), 3280 Russell Road, Quantico, VA 22134-5103.

(2) HQMC copy of DD Form 214 with a copy of these orders to the CMC (MMSB-20).

j. Forward the Officer Qualification Record to the Commanding General, Marine Corps Reserve Support Command.

k. Provide your disbursing officer with the following information:

(1) Separation authority: MARCORSEPMAN, paragraph (AUTH).

(2) Character of separation: (PLANNED CHAR).

(3) SPD code: (PLANNED SPD). Narrative reason: (Per appendix A MARCORSEPMAN).

5. You are directed to accomplish the following:

Figure 5-2. Acceptance of Resignation of Regular Commission in the U.S. Marine Corps With Obligated Reserve Commission – Continued

Figure 5-2. Acceptance of Resignation of Regular Commission in the U.S. Marine Corps With Obligated Reserve Commission – Continued

a. Immediately upon receipt of these orders, furnish two certified copies to the disbursing officer carrying your pay accounts.

b. Within 30 days following your separation, report by letter to the Commanding General, Marine Corps Reserve Support Command, enclosing a copy of these orders with any modifications and endorsements.

c. Keep the Commanding General, Marine Corps Reserve Support Command, informed at all times of your current mailing address.

6. Per reference (f), expenditures under these orders are chargeable to: (Cite pertinent appropriation data from reference (f).

7. Enclosure (2) recognizes your honorable discharge from the Regular Marine Corps.

8. The Commandant appreciates the many contributions you have made to the Marine Corps and wishes you every success in the future.

By direction

Copy to:
Disbursing Officer
Officer Concerned
Service Record

Figure 5-2. Acceptance of Resignation of Regular Commission in the U.S. Marine Corps With Obligated Reserve Commission – Continued

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

ELECTION ENDORSEMENT

I certify that I have selected my (Home of Record/Place of Commission (*)) for the purposes of travel allowances incident to my discharge. 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. Insert at the (*) either the Home of Record or Place of Commission based on the officer's desires.

2. All blank spaces should be filled with the appropriate data elements from the RETM screens in MCTFS.

3. The PRR should be in "DD Month YYYY" format. Under no circumstances may a PRR be changed without prior approval from the CMC (MMSR).

Figure 5-2. Acceptance of Resignation of Regular Commission in the U.S. Marine Corps With Obligated Reserve Commission – Continued

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

(Letterhead)

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

Subj: ACCEPTANCE OF RESIGNATION OF REGULAR COMMISSION IN THE U.S. MARINE CORPS AND APPOINTMENT IN THE MARINE CORPS RESERVE (NON-OBLIGOR)

Ref: (a) MCO P1900.16F (MARCORSEPMAN)
(b) NAVMED P-117 (MANMED) Chap 15
(c) MCO P1070.12K (IRAM) par. 3003
(d) MCO P1080.40B (MCTFSPRIM)
(e) JFTR par U5125-A
(f) MCO P7301.104

Encl: (1) Appointment Acceptance and Record Form (NAVMC 763)
(2) Honorable Discharge Certificate

1. Your request for resignation is approved, per reference (a). You have been considered for and tendered a commission in the Marine Corps Reserve.

2. Effective 2400 on (PRR), you will be released from active duty and assigned to inactive duty in the Marine Corps Reserve.

3. Your entitlement to pay and allowances terminates on (PRR). You are entitled to mileage and such other allowances as are authorized in the case of an officer being separated from the Regular Marine Corps. As no active duty is authorized as a Reserve officer, you are not entitled to constructive travel time or pay and allowances while traveling to your home following your separation from the Regular Marine Corps.

4. The officer having custody of your records is directed to accomplish the following:

a. Ensure the discharge action authorized in paragraph 2 is not effected in the event you do not execute enclosure (1). Should you not desire the Reserve commission tendered, your commanding officer is directed to make a page 11 entry in your service record reporting this fact and return the NAVMC 763 and Reserve commission to the CMC (RAM-6), 3280 Russell Road, Quantico, VA 22134-5103. These orders will be immediately canceled and new discharge orders issued.

b. Ensure you obtain a physical examination before separation to determine your physical fitness for separation from the Regular Marine Corps and for your appointment in the Marine Corps Reserve. The Standard Form 88, Report of Physical Examination, must include the certification required by reference (b).

c. Complete item 21d, administer the oath of office, and complete item 22 on the original and all copies of enclosure (1) per reference (c). Should separation leave be authorized, administer the oath of office before the leave

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

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

period. To the left of item 22, insert the effective date. This date will be the date following the effective date of discharge.

d. Refer to subparagraph 3003.4 the IRAM concerning the old and new NAVMC 763.

e. Insert the following in the Officer Qualification Record:

(1) The appropriate copy of the DD Form 214.

(2) A copy of these orders with all endorsements and modifications.

(3) Copy 1 of the enclosed NAVMC 763.

f. Deliver copy 3 of the NAVMC 763 to you.

g. Report discharge per reference (d) and appendix E of reference (a).

h. By endorsement:

(1) Transfer you by service records to the Commanding General, Marine Corps Reserve Support Command, 15303 Andrews Road, Kansas City, MO 64147-1207.

(2) State the point you elect for mileage allowance per reference (e).

i. Transmit the following documents directly to the CMC within 3 working days after effective date of discharge.

(1) Original and copy 2 of the NAVMC 763 to the CMC (RAM-6), 3280 Russell Road, Quantico, VA 22134-5103.

(2) HQMC copy DD Form 214 with a copy of these orders to the CMC (MMSB-20).

j. Forward the Officer Qualification Record to the Commanding General, Marine Corps Reserve Support Command.

k. Provide your disbursing officer with the following information:

(1) Separation authority: MARCORSEPMAN, paragraph (AUTH).

(2) Character of separation: (PLANNED CHAR).

(3) SPD code: (PLANNED SPD). Narrative reason: (Per appendix A MARCORSEPMAN).

5. You are directed to accomplish the following:

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

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

a. Immediately upon receipt of these orders, furnish two certified copies to the disbursing officer carrying your pay accounts.

b. Within 30 days following your separation, report by letter to the Commanding General, Marine Corps Reserve Support Command, enclosing a copy of these orders with any modifications and endorsements.

c. Keep the Commanding General, Marine Corps Reserve Support Command, informed at all times of your current mailing address.

6. Per reference (f), expenditures under these orders are chargeable to: (Cite pertinent appropriation data from reference (f).

7. Enclosure (2) recognizes your honorable discharge from the Regular Marine Corps.

8. The Commandant appreciates the many contributions you have made to the Marine Corps and wishes you every success in the future.

By direction

Copy to:
Disbursing Officer
Officer Concerned
Service Record

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

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

ELECTION ENDORSEMENT

I certify that I have selected my (Home of Record/Place of Commission (*)) for the purposes of travel allowances incident to my discharge. 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. Insert at the (*) either the Home of Record or Place of Commission based on the officer's desires.

2. All blank spaces should be filled with the appropriate data elements from the RETM screens in MCTFS.

3. The PRR should be in "DD Month YYYY" format. Under no circumstances may a PRR be changed without prior approval from the CMC (MMSR).

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

Figure 5-4. Acceptance of Resignation of Regular Commission in the U.S. Marine Corps Without a Reserve Commission

(Letterhead)

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

Subj: ACCEPTANCE OF RESIGNATION OF REGULAR COMMISSION IN THE U.S. MARINE CORPS

Ref: (a) MCO P1900.16F (MARCORSEPMAN)
(b) NAVMED P-117 (MANMED) Chap 15
(c) MCO P1080.40B (MCTFSPRIM)
(d) JFTR par. U5125
(e) MCO P1070.12K (IRAM)
(f) MCO P7301.104

Encl: (1) Honorable Discharge Certificate

1. Your request to resign your Regular commission is approved, per reference (a). Effective 2400 on (PRR), you are discharged from the U.S. Marine Corps.

2. Your entitlement to pay and allowances terminates on (PRR). You are entitled to mileage and such other allowances as are authorized in the case of an officer being discharged from the Regular Marine Corps. You are not entitled to constructive travel time or pay and allowances while traveling to your home following your separation from the Marine Corps.

3. The officer having custody of your records is directed to accomplish the following:

a. Ensure the discharge action authorized in paragraph 1 is effected.

b. Ensure you obtain a physical examination before separation to determine your physical fitness for separation from the Regular Marine Corps. The Standard Form 88, Report of Physical Examination, must include the certification required by reference (b).

c. Insert the following in the Officer Qualification Record:

(1) The appropriate copy of the DD Form 214.

(2) A copy of these orders with all endorsements and modifications.

d. Report discharge per reference (c) and appendix E of reference (a).

e. By endorsement state the point you elect for mileage allowance per reference (d).

f. Transmit the HQMC copy of the DD Form 214 with a copy of these orders to the CMC (MMSB-20) within 3 working days after effective date of discharge.

Figure 5-4. Acceptance of Resignation of Regular Commission in the U.S. Marine Corps Without a Reserve Commission

Figure 5-4. Acceptance of Resignation of Regular Commission in the U.S. Marine Corps Without a Reserve Commission - Continued

g. Close out the service record and health (includes medical and dental) records per reference (e).

h. Provide your disbursing officer with the following information:

(1) Separation authority: MARCORSEPMAN, paragraph (AUTH).

(2) Character of separation: (PLANNED CHAR).

(3) SPD code: (PLANNED SPD). Narrative reason: (Per appendix A MARCORSEPMAN).

4. Immediately upon receipt of these orders, you are directed to furnish two certified copies to the disbursing officer carrying your pay accounts.

5. Per reference (f), expenditures under these orders are chargeable to: (Cite pertinent appropriation data from reference (f).

6. Enclosure (1) recognizes your honorable discharge from the Regular Marine Corps.

7. The Commandant appreciates the many contributions you have made to the Marine Corps and wishes you every success in the future.

By direction

Copy to:
Disbursing Officer
Officer Concerned
Service Record

Figure 5-4. Acceptance of Resignation of Regular Commission in the U.S. Marine Corps Without a Reserve Commission – Continued

Figure 5-4. Acceptance of Resignation of Regular Commission in the U.S. Marine Corps Without a Reserve Commission - Continued

ELECTION ENDORSEMENT

I certify that I have selected my (Home of Record/Place of Commission (*)) for the purposes of travel allowances incident to my discharge. 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. Insert at the (*) either the Home of Record or Place of Commission based on the officer's desires.

2. All blank spaces should be filled with the appropriate data elements from the RETM screens in MCTFS.

3. The PRR should be in "DD Month YYYY" format. Under no circumstances may a PRR be changed without prior approval from the CMC (MMSR).

Figure 5-4 Acceptance of Resignation of Regular Commission in the U.S. Marine Corps Without a Reserve Commission – Continued

Figure 5-5. Letter of Discharge from the U.S. Marine Corps

(Letterhead)

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

Subj: DISCHARGE FROM THE U.S. MARINE CORPS

Ref: (a) MCO P1900.16F (MARCORSEPMAN)
(b) NAVMED P-117 (MANMED) Chap 15
(c) MCO P1080.40B (MCTFSPRIM)
(d) JFTR par. (U5125 or 5130)
(e) MCO P1070.12K (IRAM)
(f) MCO P7301.104

Encl: (1) Discharge Certificate

1. Effective 2400 on (PRR), you are discharged from the U.S. Marine Corps.

2. Your entitlement to pay and allowances terminates on (PRR). You are entitled to mileage and such other allowances as are authorized in the case of an officer being discharged from the Marine Corps. You are not entitled to constructive travel time or pay and allowances while traveling to your home following your separation from the Marine Corps.

3. The officer having custody of your records is directed to accomplish the following:

a. Ensure the discharge action authorized in paragraph 1 is effected.

b. Ensure you obtain a physical examination before separation to determine your physical fitness for separation from the Marine Corps. The Standard Form 88, Report of Physical Examination, must include the certification required by reference (b).

c. Insert the following in the Officer Qualification Record:

(1) The appropriate copy of the DD Form 214.

(2) A copy of these orders with all endorsements and modifications.

d. Report discharge per reference (c) and appendix E of reference (a).

e. By endorsement, state the point you elect for mileage allowance per reference (d).

f. Transmit the HQMC copy of the DD Form 214 with a copy of these orders to the CMC (MMSB) within 3 working days after effective date of discharge.

g. Close out the service record and health (includes medical and dental) records per reference (e).

Figure 5-5. Letter of Discharge from the U.S. Marine Corps

Figure 5-5. Letter of Discharge from the U.S. Marine Corps - Continued

h. Provide your disbursing officer with the following information:

(1) Separation authority: MARCORSEPMAN, paragraph (AUTH).

(2) Character of separation: (PLANNED CHAR).

(3) SPD code: (PLANNED SPD). Narrative reason: (Per appendix A MARCORSEPMAN).

(4) Separation pay: (Per unit diary history statement, insert "FULL,""HALF," or "NOT ENTITLED," as appropriate).

4. Immediately upon receipt of these orders, you are directed to furnish two certified copies to the disbursing officer carrying your pay accounts.

5. Per reference (f), expenditures under these orders are chargeable to: (Cite pertinent appropriation data from reference (f).

6. Enclosure (1) recognizes your discharge from the Marine Corps.

7. The Commandant appreciates the many contributions you have made to the Marine Corps and wishes you every success in the future.

By direction

Copy to:
Disbursing Officer
Officer Concerned
Service Record

Figure 5-5. Letter of Discharge from the U.S. Marine Corps - Continued

Figure 5-5. Letter of Discharge from the U.S. Marine Corps - Continued

ELECTION ENDORSEMENT

I certify that I have selected my (Place of Commission or Home of Selection (*)) for the purposes of travel allowances incident to my discharge. 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. For reference (d), use paragraph U5125 for those officers discharged with separation pay who have less than 8 years continuous active duty; use U5130 for those officers discharged with separation pay who have more than 8 years continuous active duty with no single break of more than 90 days.

2. Insert at the (*) either the Home of Record, Place of Commission, or Home of Selection per the joint travel regulations.

2. All blank spaces should be filled with the appropriate data elements from the RETM screens in MCTFS.

3. The PRR should be in "DD Month YYYY" format. Under no circumstances may the PRR be changed without prior approval from the CMC (MMSR).

Figure 5-5. Letter of Discharge from the U.S. Marine Corps - Continued

Table 5-1. Separation and Service Options Available After a Second Failure of Selection for Promotion

Component	Grade	Status	Note 1	Note 2	Note 3	Note 4	Note 5
Regular & Reserve	1STLT & CAPT	Unrestricted	X		X	X	X
Regular	MAJ	Unrestricted		X	X		X
Reserve	MAJ	Unrestricted			X		
Regular	1STLT & CAPT	LDO			X	X	X
Regular & Reserve	WO-1 & CWO-2	Permanent	X		X	X	X
Regular & Reserve	CWO-3	Permanent		X	X		X

NOTES:

1. Unless eligible to retire or separated sooner under some other provision of law, an officer will be honorably discharged not later than the first day of the 7th month after the board results were approved.

2. Under current policies, a major and a CWO-3 will normally be selected for continuation to retirement eligibility.

3. If within 2 years of retirement eligibility from the last date a commissioned officer would otherwise be discharged, the officer will be retained on active duty until eligible for retirement.

4. In lieu of discharge, an officer may request reenlistment in an enlisted status; or, if a permanent LDO, revert to a warrant officer or enlisted status.

5. An officer may be selected for continuation until eligible for retirement. CWO-2s and captains with 15 or more years of service should contact HQMC (MMSR) regarding their continuation status.

Table 5-1. Separation and Service Options Available After a Second Failure of Selection for Promotion

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

	PARAGRAPH	PAGE
GENERAL	6001	6-5
DEFINITIONS	6002	6-5

SECTION 1: POLICY AND GUIDANCE

POLICY	6101	6-9
PROCESSING TIME GOALS	6102	6-9
PERIODIC EXPLANATION	6103	6-10
PROVIDING INFORMATION DURING SEPARATION PROCESSING	6104	6-10
COUNSELING AND REHABILITATION	6105	6-10
LIMITATIONS ON SEPARATION ACTION	6106	6-13
CHARACTERIZATION OF SERVICE	6107	6-14
RECOUPMENT OF ENLISTMENT/REENLISTMENT BONUSES	6108	6-14
ELECTRONIC SIGNATURES AND ELECTRONIC RECORD OF PROCEEDINGS	6109	6-15

SECTION 2: INVOLUNTARY ADMINISTRATIVE SEPARATIONS

GENERAL	6201	6-16
CHANGE IN SERVICE OBLIGATION	6202	6-16
CONVENIENCE OF THE GOVERNMENT	6203	6-16
DEFECTIVE ENLISTMENT AND INDUCTION	6204	6-19
ENTRY LEVEL PERFORMANCE AND CONDUCT	6205	6-21
UNSATISFACTORY PERFORMANCE	6206	6-22
HOMOSEXUAL CONDUCT	6207	6-23
RESERVED FOR FUTURE USE	6208	6-30

ALCOHOL ABUSE REHABILITATION FAILURE 6209 6-30

MISCONDUCT 6210 6-31

NEW ENTRANT DRUG AND ALCOHOL TESTING 6211 6-35

SECURITY 6212 6-36

	PARAGRAPH	PAGE
UNSATISFACTORY PARTICIPATION IN THE READY RESERVE	6213	6-36
SEPARATION IN THE BEST INTEREST OF THE SERVICE	6214	6-36
WEIGHT CONTROL FAILURE	6215	6-37

SECTION 3: ADMINISTRATIVE PROCEDURES

PART A: INITIATING COMMAND ACTION

GENERAL 6301 6-41

INITIATION OF SEPARATION PROCESSING 6302 6-41

NOTIFICATION PROCEDURES 6303 6-42

ADMINISTRATIVE BOARD PROCEDURES 6304 6-47

COMMAND RECOMMENDATION 6305 6-50

PART B: SEPARATION AUTHORITY ACTION

GENERAL 6306 6-52

SEPARATION AUTHORITIES 6307 6-52

SEPARATION AUTHORITY REVIEW 6308 6-53

SEPARATION AUTHORITY FINAL ACTION 6309 6-54

SUSPENSION OF SEPARATION 6310 6-57

ADMINISTRATIVE ACTION AFTER DECISION 6311 6-58

SEPARATION OF MARINES BEYOND MILITARY CONTROL BY REASON OF UNAUTHORIZED ABSENCE 6312 6-59

SEPARATION OF MARINES PENDING CONCURRENT DISCIPLINARY/ ADMINISTRATIVE AND DISABILITY PROCEEDINGS 6313 6-59

PART C: ADMINISTRATIVE SEPARATION BOARD

CONVENING AUTHORITIES 6314 6-64

COMPOSITION 6315 6-64

PROCEDURE 6316 6-66

	PARAGRAPH	PAGE
WITNESSES	6317	6-69
OATHS	6318	6-71
FINDINGS AND RECOMMENDATIONS	6319	6-71
RECORD OF HEARING AND REPORT OF THE BOARD	6320	6-72
SUBSEQUENT ADMINISTRATIVE SEPARATION BOARD PROCEEDINGS . .	6321	6-74

SECTION 4: VOLUNTARY ADMINISTRATIVE SEPARATIONS

GUIDELINES 6401 6-85

DEFECTIVE ENLISTMENT/REENLISTMENT AGREEMENTS 6402 6-85

CHANGES IN SERVICE OBLIGATION FOR RESERVISTS ON INACTIVE DUTY 6403 6-88

CHANGES IN SERVICE OBLIGATION FOR ACTIVE DUTY MARINES . . 6404 6-88

EARLY RELEASE TO FURTHER EDUCATION 6405 6-89

EARLY RELEASE TO ACCEPT PUBLIC OFFICE 6406 6-92

DEPENDENCY OR HARDSHIP 6407 6-93

PREGNANCY 6408 6-96

CONSCIENTIOUS OBJECTION 6409 6-96

SURVIVING FAMILY MEMBER 6410 6-96

OFFICER CANDIDATE DISENROLLMENT 6411 6-97

NOT SELECTED FOR PROMOTION TO STAFF SERGEANT 6412 6-97

REDUCTION FROM SNCO TO SERGEANT OR BELOW 6413 6-97

RESERVIST BECOMES A MINISTER 6414 6-98

TRANSFER TO THE NAVY HOSPITAL CORPS 6415 6-99

MARINES MARRIED TO OTHER SERVICE MEMBERS 6416 6-99

TRANSFER TO THE NAVY AS A RELIGIOUS PROGRAM SPECIALIST . . 6417 6-100

SEPARATION OF SELECTED MARINE CORPS RESERVISTS IN THE DELAYED ENTRY PROGRAM (DEP) 6418 6-100

SEPARATION IN LIEU OF TRIAL BY COURT-MARTIAL 6419 6-100

EARLY RELEASE FROM OVERSEAS UNITS 6420 6-101

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

PAGE

SEPARATION IN THE BEST INTEREST OF THE SERVICE 6421 6-101

FIGURE

6-1 COMMANDS DELEGATED BY CMC AS DISCHARGE AUTHORITY FOR OTHER COMMANDS 6-76

6-2 SAMPLE FORMAT FOR NOTIFICATION WITHOUT AN ADMINISTRATIVE SEPARATION BOARD 6-77

6-3 SAMPLE FORMAT FOR NOTIFICATION WITH AN ADMINISTRATIVE SEPARATION BOARD 6-80

6-4 NOTIFICATION OF ELIGIBILITY FOR MATERNITY CARE . . . 6-103

6-5 SAMPLE REQUEST FOR EARLY RELEASE TO FURTHER EDUCATION 6-104

TABLE

6-1 GUIDE FOR CHARACTERIZATION OF SERVICE 6-39

6-2 GUIDE FOR THE REVIEW OF SEPARATION PACKAGES 6-60

6-3 SEPARATION AUTHORITY FOR VOLUNTARY SEPARATIONS . . . 6-106

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

6001. GENERAL

1. The procedures and instructions in this chapter pertain to the administrative separation of Marines before 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. Disability separating processing is discussed in chapter 8.

3. Mandatory Separation Processing. Throughout this chapter reference is made to a requirement to "process (a Marine) for separation." While discharge is one possible outcome resulting from separation processing, so are retention and suspension of the discharge. “Mandatory processing” means that the commander must initiate the involuntary separation process to the separation authority. This term does not mean that a board hearing is mandatory or that separation of the respondent is necessary

6002. Defintions of common administrative separation terms. See paragraph 1002 for additional definitions.

1. Administrative Separation. Discharge or release from active duty upon or before expiration of enlistment, period of induction, or other required period of service, in the manner prescribed in this Manual, 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. Bisexual. A person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

3. Broken Service. Active duty or active duty for training in any branch of military service of the United States broken by any period greater than 24 hours and after completing a minimum of 12 consecutive weeks of active duty or active duty for training, unless such service results in continuous service as defined below.

4. Continuous Service: Enlisted Personnel

a. Service in the Regular Navy or Naval Reserve or 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 the date of discharge or release from active duty, is reenlisted “within 3 months.”

b. Reenlistment “within 6 months” following discharge or release from active duty provided the member is classified RE-1, recommended for preferred reenlistment, and holds an MOS listed as a “reenlistable” MOS. A member who reenlisted on the same day of the month, 6 calendar months from the date of discharge or release from active duty, is reenlisted “within 6 months.”

5. Convening Authority. (1) The separation authority or (2) a commanding officer empowered to convene a special court martial, who has been authorized by the Secretary of the Navy to process a case for final action and who otherwise has the qualifications to act as a separation authority.

6. Counsel. A lawyer qualified and certified under Article 27(b), Uniform Code of Military Justice (UCMJ), assigned to represent a service member during separation processing, or a civilian lawyer retained at the member’s expense.

7. 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 service break following more than 92 days of active service. A member of a Reserve component who was not on active duty or 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: (1) 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, (2) 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 of active duty. For the purposes of characterization of service or description of separation, the member's status is determined by the date of notification as to the initiation of separation proceedings. The period of entry level status is not interrupted by unauthorized absence or desertion.

8. General Courts-Martial Convening Authority (GCMCA). Article 22 of the Uniform Code of Military Justice (UCMJ) and paragraph 0120(a) of the manual of the Judge Advocate General defines the GCMCA.

9. Homosexual. A person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

10. Homosexual Acts

a. Any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and,

b. Any bodily contact that a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in the preceding paragraph.

11. Homosexual Conduct. A homosexual act or a statement by the service member that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted homosexual marriage.

12. Homosexual Marriage or Attempted Marriage. When a member has married or attempted to marry a person known to be of the same biological sex.

13. Illegal Drug Involvement. Wrongful or improper use, possession, manufacture, sale, transfer or distribution of any psychoactive substance to include: amphetamine or similarly acting sympathomimetics; cannabis; cocaine; hallucinogens; inhalants; opiates; phencyclidine (PCP) or similarly acting arylcyclohexylamines; and sedatives, steroids, hypnotics, anxiolytics, or other controlled substances or drug paraphernalia. The term "Controlled Substances" 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 published under the provisions of that Act.

14. Propensity. Propensity to engage in homosexual acts means more than an abstract preference or desire to engage in homosexual acts; it indicates a likelihood that a person engages in or will engage in homosexual acts.

15. Respondent. A Marine who is the subject of separation proceedings.

16. Separation. A general term which includes dismissal, dropping from the rolls, revocation of an appointment or commission, termination of an appointment, release from active duty, release from custody and control of the Marine Corps, or transfer from active duty to the: IRR, Fleet Marine Corps Reserve, Retired List, Temporary or Permanent Disability List, or Retired Reserve and similar changes in an active or reserve status.

17. Separation Authority. The Secretary of the Navy or an official authorized by the Secretary of the Navy to take final action with respect to a specified type of separation.

18. Separation Processing. Processing is initiated on the date a command receives a written request for separation from a member, or on the date a command delivers a member notice of separation proceedings per section 3 of this chapter. Processing is not completed until the appropriate separation authority takes final action.

19. Sexual Harassment. A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's job, pay, or career; or,

b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or,

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive environment.

Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

20. Sexual Orientation. An abstract sexual preference for persons of a particular sex, as distinct from a propensity or intent to engage in sexual acts.

21. 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).

22. Statement That a Member is a Homosexual or Bisexual, or words to that effect. Language or behavior that a reasonable person would believe was intended to convey the statement that a person engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts.

23. The Secretary. The Secretary of the Navy; includes the Under Secretary of the Navy or an Assistant Secretary of the Navy.

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 1: POLICY AND GUIDANCE

6101. POLICY

1. The Marine Corps substantially invests in training every person who enters its ranks. Separation before 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 high costs in terms of substandard mission performance, administrative efforts, pay and degradation of morale. Both situations represent an inefficient use of limited resources. Therefore, every reasonable effort must be made to identify, in a timely manner, members who exhibit a likelihood for early separation; and either:

a. Improve those members' chances of retention through counseling, retraining, and rehabilitation; or

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

2. The standards and procedures established within this chapter are intended to achieve consistency of application throughout the Marine Corps based on command responsibility, accountability, and discretion.

3. Release from Active Duty. Commanders will ensure that Marines who meet the criteria for separation under this chapter are processed promptly rather than allowing them to continue on active duty until they reach their normal Expiration of Active Service (EAS) or Expiration of Current Contract (ECC).

4. Transfer to the Individual Ready Reserve (IRR). As a general rule, Marines on active duty who are not qualified to remain on active duty and who meet the criteria for separation under this chapter will be discharged (meaning their military status is completely severed) unless the reason for separation does not affect their eligibility for active duty or future mobilization. The criteria for retaining a Marine in the IRR are in paragraph 6311.3.

6102. PROCESSING TIME GOALS. Once separation action has begun, prompt forwarding, review, and decision in each case is essential. Proceedings are initiated on the date a command receives a written request for separation from

a member or on the date a command delivers a member notice of separation proceedings per section 3 of this chapter. The following listed 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. Separation Without Board Action. If a board is not required or is waived, separation action should be completed within 15 working days after the Marine received notification of separation. When the initiating command and the separation authority are not located in the same geographical region, processing should be completed within 30 working days.

2. Separation With Board Action. If a board is required, action should be completed within 50 working days after the Marine received notification of separation. When the case is forwarded to the Secretary of the Navy, the case should be sent to the Secretary within 55 working days after the Marine received notification of separation.

6103. PERIODIC EXPLANATION. Each time the Uniform Code of Military Justice (UCMJ) is explained to enlisted members as required by Article 137 of the UCMJ, an explanation will be made of the types of administrative separation; the basis for their issuance; possible characterization of service; the possible effects of characterization upon reenlistment, civilian employment, veterans benefits and related matters; and the possible denial of certain benefits to members who fail to complete at least two years of an original enlistment. This explanation may be done by fact sheet or other document. A summarization of veteran benefits is contained in appendix K. This requirement is a command responsibility, not a procedural entitlement. Failure by a member to receive or to understand such explanations does not create a bar to separation or characterization of service.

6104. PROVIDING INFORMATION DURING SEPARATION PROCESSING

1. During separation processing of all members (except those separated for immediate reenlistment), provide a copy of appendix D to the Marine, which informs the Marine about the Naval Discharge Review Board and the Board for Correction of Naval Records and advises 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 Department of Veterans Affairs, notwithstanding any action by the Discharge Review Board. A summarization of service benefits is contained in Appendix K.

2. Providing information about these boards is a command responsibility, not a procedural entitlement. Failure by a member to receive and understand the

explanation required by this paragraph does not prevent separation or accurate characterization.

6105. COUNSELING AND REHABILITATION

1. Marine Corps policy is that reasonable efforts at rehabilitation should be made before initiation of separation proceedings.

2. Unless separation is mandatory, the potential for rehabilitation and further useful military service will 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. In cases involving unsatisfactory performance, pattern of misconduct, minor disciplinary infractions, or other bases requiring counseling under paragraph 6105, separation processing may not be initiated until the Marine is counseled concerning deficiencies, and afforded a reasonable opportunity to overcome those deficiencies as reflected in appropriate counseling and personnel records. No certain amount of time can be used to define "reasonable opportunity." This must be determined by the commanding officer on a case-by-case basis. The commanding officer must sign adverse page 11 entries. 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 successfully take the recommended corrective action; and,

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

e. Make the following entry as appropriate on page 11 of the service record upon completion of counseling. The Marine will acknowledge by signing the entry. (See MCO P1070.12K, paragraph 4006.3r concerning rebuttal and counter-entry requirements). The Marine's signature acknowledges that counseling has occurred, not that the Marine concurs with the content of the entry. These entries, once properly made, may not be removed by subsequent commanding officers based upon the passage of time or subsequent good performance. The date of the page 11 entry is the date that the Marine was counseled by the commanding officer. Forward a photocopy of the completed page 11 entry and written rebuttal statement, if any, to the CMC (MMSB-20) within 30 days.

(1) Use this entry to warn a Marine who is NOT currently being processed for administrative or judicial action. The purpose of this format

is to warn Marines about problems and consequences and to offer an opportunity for improvement.

"___Date_____: Counseled this date concerning the following deficiencies: _____. Specific recommendations for corrective action are _____ and to seek assistance, which is available through the chain of command and _____. Failure to take corrective action and any further violations of the UCMJ may result in judicial or adverse administrative action, including but not limited to administrative separation. I was advised that within 5 working days after acknowledging this entry I may submit a written rebuttal which will be filed on the document side of the service record. I choose to ____ /not to ____ make such a statement.

_____ _____

Signature of Marine Signature of Commanding Officer

(2) Use this entry to document problems for a Marine who IS currently being processed for administrative or judicial action. The purpose of this format is to document problems that are the bases for impending or current judicial or administrative processing when the Marine has previously been given an opportunity to overcome problems or when the basis for separation (such as commission of a serious offense) does not require that the Marine be given such an opportunity. It may also be used to document additional problems arising after judicial or administrative processing has already begun. This entry is not a prerequisite to civilian or military judicial action or to administrative separation.

"____Date____: Counseled this date concerning the following deficiencies: _____. Specific recommendations for corrective action are _____ and to seek assistance, which is available through the chain of command and _____. I understand that I am being processed for the following judicial or adverse administrative action: _____. I was advised that within 5 working days after acknowledging this entry I may submit a written rebuttal which will be filed on the document side of the service record. I choose to ____ /not to ____ make such a statement.

_____ _____

Signature of Marine Signature of Commanding Officer

f. If the individual Marine annotates their desire "not to" make a statement, the entry is appropriately annotated as such and no further administrative action is required. When the individual Marine desires to make a statement, the following guidance applies:

(1) Complete the statement using white paper, preferably type written or printed and ensure the statement is dated and signed.

(2) The Marine’s statement must conform to article 1122, U.S. Navy Regulations regarding temperate language, limited to pertinent facts concerning the deficiencies identified in the page 11 entry and shall not question or impugn the motives of another person.

(3) This is not the forum for surfacing issues more timely and appropriately handled at either request mast or through an Article 138 UCMJ, Complaints of Wrongs hearing.

4. The commanding officer must also determine, on a case-by-case basis, whether the Marine has effectively overcome the noted deficiencies after the counseling and page 11 entry have been made. There are no requirements for subsequent imposition of nonjudicial punishment or other administrative or judicial actions as a prerequisite for separation proceedings. There must be some evidence in the administrative separation proceedings, however, indicating the Marine has not overcome the noted deficiencies.

5. A Marine being processed for separation under one of the bases requiring counseling under paragraph 6105 may only be processed if the counseling entry reasonably relates to the specific basis for separation ultimately recommended.

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 military or civilian judicial proceedings (including summary courts-martial) resulting in an acquittal or action having the effect of an acquittal except:

(1) When such action, having the effect of an acquittal, is based on a judicial determination not based on the issue of factual guilt of the respondent;

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

(3) When the acquittal was solely by reason of lack of mental responsibility. Members in this category will be processed for disability separation. When disability separation is not appropriate, process the member for separation in the best interest of the service per paragraph 6214.

b. Conduct that has been the subject of a prior administrative board proceeding in which the separation authority approved the board's finding that the evidence did not sustain the factual allegations. Such conduct may form the basis for separation, however, if the separation authority determines that the finding was materially influenced by fraud or collusion on the part of the respondent or some other person acting on the respondent's behalf.

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

(1) Subsequent conduct or performance forms the basis, in whole or in part, for a new proceeding;

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

(3) 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.

2. A prior court-martial conviction for a serious offense is not a bar to administrative separation processing based on that offense. See subparagraph 1004.4 regarding characterization limitations.

3. Time limitations. No “statute of limitations” exists for administrative separations. Accordingly, a Marine may be processed for separation based on conduct notwithstanding (1) the length of time between the conduct and the notification of separation or (2) the expiration of a statute of limitations for court-martial or nonjudicial punishment.

4. A Marine being considered for administrative separation processing who is otherwise eligible for transfer to the FMCR/retired list will, at his or her request, be allowed to transfer to the FMCR/retired list before initiating administrative separation processing. If the Marine declines to transfer to the FMCR/retired list, the convening authority shall proceed with

administrative separation processing. If the member does elect, and does transfer to, the FMCR/retired list, he or she may not be recalled to active duty except with the review and approval of the CMC. Provisions to reduce a Marine to a lower grade by the command are contained in the Marine Corps Promotion Manual, Volume 2, Enlisted Promotions (MCO P1400.32C).

a. Requests for retirement/transfer FMCR may also be made at any time after initiation of separation proceedings. If submitted before final action on the proposed separation, the request will be acted upon before final action on the separation. Marines eligible for retirement/transfer FMCR who do not request transfer initially, may still do so after notification that separation has been directed. Submit requests to the CMC (MMSR-2) within 5 working days of notification that separation has been directed for a transfer/retirement date within 30 days of the date separation was directed.

b. If the respondent is being retired/transferred to the FMCR by reason of misconduct, homosexual conduct, or security, then the CMC may direct reduction to the next inferior grade to that in which the respondent is currently serving before transfer. The CMC will determine whether the member should be transferred in the pay grade currently held or first be reduced to

the next inferior grade based on unsatisfactory performance in the current grade. If the CMC determines that the member's service in the current pay grade was satisfactory, the member will be retired/transferred to the FMCR in the current pay grade. If the CMC determines that the member did not serve satisfactorily before being transferred to the FMCR/retired list, the member will be reduced one grade. 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 pay grade, and whether the misconduct was known by reporting seniors, and if not, what effect, if any, it might have had on the respondent's 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.

(5) Conduct by reservists. Conduct by a member of the reserve component, regardless of where committed, may be the basis for separation whether or not the Marine is on active duty, active duty for training, or inactive duty for training status at the time of the conduct. See paragraph 1004.4d.

6107. CHARACTERIZATION OF SERVICE. The separation authority must determine the appropriate character of service once the separation is approved. Commanders initiating separation action must make specific recommendations based upon the circumstances of the particular case and the guidelines in paragraph 1004 and table 6-1.

6108. RECOUPMENT OF ENLISTMENT/REENLISTMENT BONUSES. Recoupment of unearned portions of enlistment/reenlistment/career status 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), 6203.1, 6203.2, and 6203.3 (Convenience of the Government); voluntary separations under paragraphs 6404.2 (immediate reenlistment), 6407 (dependency/hardship), and 6420 (early release from overseas unit).

1. Notice of Recoupment. A Marine who may be subject to recoupment must be so advised before submitting a request for voluntary separation. A warning is contained in figures 6-2 and 6-3.

2. Recoupment in Cases of Homosexual Conduct

a. Homosexual conduct, as defined in paragraph 6002.11, constitutes a basis for recoupment of certain enlistment bonuses (see 37 U.S.C. 308 and 308a) and advanced educational assistance (see 10 U.S.C. 2005) if:

(1) A characterization of service under other than honorable conditions is authorized under paragraph 6207.5;

(2) The homosexual conduct is punishable under the UCMJ; or

(3) The Marine engaged in homosexual conduct (including a statement demonstrating a propensity or intent to engage in homosexual acts) for the purpose of seeking separation.

Under these circumstances, homosexual conduct constitutes a basis for recoupment whether or not the Marine is actually separated with an other than honorable characterization of service or convicted of an offense under the UCMJ. However, the administrative separation board (or the separation authority in cases without a board) must make specific written findings that, during the current term of service, the respondent engaged in homosexual conduct that constitutes a basis for recoupment under (1) - (3) above.

b. In cases involving allegations of homosexual conduct, commanders, counsel, and legal advisors shall consult the relevant statutes and regulations to ensure appropriate notice to the respondent, investigation, and findings by the administrative separation board (or the separation authority).

6109. ELECTRONIC SIGNATURES AND ELECTRONIC RECORD OF PROCEEDINGS

1. The electronic signature of a separation authority is a valid and legally sufficient signature of the separation authority's final action in all involuntary administrative separation proceedings described in this chapter.

2. Electronic records of involuntary administrative separation proceedings described in this chapter, are valid and legally sufficient for all purposes, to include processing, review, separation authority final action and record retention by the Commandant of the Marine Corps (MMSB).

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 2: INVOLUNTARY ADMINISTRATIVE SEPARATIONS

6201. This section lists the reasons a commander may recommend involuntary separation of a Marine before the Marine's expiration of current contract and sets up the necessary administrative rules for separating a Marine under any of the reasons given.

1. References. DoD Directive 1332.14 and SECNAVINST 1910.4B.

2. Format. The general bases for separation are identified by the title at the beginning of major numbered paragraphs. For example, "Convenience of the Government" is a general basis for separation. Specific bases for separation are identified in paragraphs under the general bases for separation. For example, "Parenthood" is a specific basis for separation under the general basis “Convenience of the Government.” For some general bases such as "Alcohol Abuse Rehabilitation Failure", there are no specific bases. Refer to Section 4 for details on reasons for voluntary separation.

6202. CHANGE IN SERVICE OBLIGATION. Commanding officers may separate Marines when the CMC directs separation as part of a general demobilization or reduction in force. Characterize service as honorable, general (under honorable conditions), or uncharacterized 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 (under honorable conditions), or uncharacterized under the rules in paragraph 1004 and table 6-1.

1. Parenthood. Marines are Marines 24 hours per day, 7 days per 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 effective performance of 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. Before initiating separation action, commanding officers must formally counsel the Marine per paragraph 6105 concerning specific deficiencies and give the Marine an opportunity to overcome the noted deficiencies. When the performance of duty still does not conform to commonly acceptable standards, follow the procedures in section 3.

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 will try to determine the cause. When the command suspects a physical condition interferes with the Marine's effective performance of duty, the Marine should be referred 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 proceedings per paragraph 6303 or 6304 as appropriate. Such conditions may include the following:

(1) Obesity. Separation under this basis requires certification by a medical officer or medical board report that the Marine's overweight condition is due to pathological factors, not of a temporary nature, and apparently beyond the Marine's control. See MCO 6100.10B.

(2) Bed-wetting (enuresis).

(3) Sleepwalking.

(4) Chronic air sickness.

(5) Chronic motion sickness.

(6) Pseudofolliculitis Barbae. Refer to MCO 6310.1B, Pseudofolliculitis Barbae, for details or treatment required before initiation of separation action.

(7) Allergy. This includes, but is not limited to, allergy to clothing, boots, bedding, and bee stings, or illness such as asthma and hay fever.

(8) Disqualifying Height. Separation on this basis is appropriate when, after a proper enlistment, a Marine cannot be assigned duties appropriate to grade and MOS due to increased height. Before separation, the commander should investigate reassignment options for the Marine.

(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. Refusal of Medical Treatment. A Marine may be separated for refusing medical treatment and that refusal interferes with duty. The commander must determine if the refusal is “reasonable” or “unreasonable” and warrants separation based upon the situation and the following considerations.

(1) Navy Medical Publication P-117, The Manual of the Medical Department (MANMED), article 18-22, states that medical, dental, and surgical treatment will not be performed on a mentally competent member who does not consent to the recommended procedure. When a member refuses medical treatment a medical evaluation board must be convened per the MANMED article and the results forwarded to the Physical Evaluation Board (PEB). See chapter 8

regarding the medical board and PEB process. The PEB will make a determination of “reasonable” or “unreasonable” refusal of medical treatment according to SECNAVINST 1850.4D, paragraph 3413. A medical evaluation board and PEB action are necessary because a determination of unreasonable refusal and intentional misconduct/willful neglect will result in denial of Department of Veterans Affairs and Social Security Administration medical treatment for the member in the future.

(2) If the refusal of medical treatment is determined to be reasonable, the member may still be separated at the commander’s discretion per this Manual. If unsatisfactory performance of duty or misconduct are not considerations, separation, for physical condition not a disabilty, may be appropriate with the assignment of reenlistment codes RE-3P or RE-3C.

(3) If the PEB determines that the refusal of medical treatment was “unreasonable” or provides a finding of intentional misconduct/willful neglect, the commander may consider the following:

(a) Administrative separation for unsatisfactory performance per paragraph 6206 or misconduct per paragraph 6210.

(b) Administrative reduction. See MCO P1400.32C regarding nonpunitive reductions relating to professional incompetence and competency review boards.

(c) Characterization of Service. If a finding of intentional misconduct/willful neglect or other negative aspects of a Marine’s performance outweigh positive aspects of performance, to include proficiency and conduct average markings, and administrative separation is warranted, the least favorable characterization of service is general under honorable conditions.

(4) Refusing innoculations. Service members are required to submit to required immunizations according to Navy Regulations, article 1144. The medical evaluation board and PEB procedures described in paragraph 6203.2.b(1) are not required for members refusing innoculations. Disciplinary action and separation for orders violations may be appropriate based upon the commander’s decision.

c. Separation processing may not be initiated until the Marine has been counseled and allowed an opportunity to correct the deficiency per paragraph 6105. If a member is separated for “unreasonable” refusal of medical treatment, the following items must be included as part of the notification requirements of paragraph 6303:

(1) A reenlistment code of RE-4, not recommended for reenlistment, will be assigned and the member will be discharged and not transferred or eligible for service in the IRR.

(2) A finding of intentional misconduct/willful neglect requires the following notifications:

(a) Assignment of separation code _____ (basis determined).

(b) The member is not disabled and the condition did not occur in the line of duty.

(c) The Department of Veteran Affairs and the Social Security Administration may deny future medical benefits for this condition.

3. Personality Disorder

a. Basis for processing. Separation under this paragraph is authorized only if, due to personality disorder, the Marine's ability to function effectively in the military environment is significantly impaired and if no other basis for separation applies. For example, if separation can be based on another basis, including another basis under Convenience of the Government, misconduct, or unsatisfactory performance, use one of those bases in spite of the existence of personality disorder. Initiate separation proceedings per paragraph 6303 or 6304 as appropriate.

b. Documentation. Two forms are required in all cases.

(1) Medical. Separation under this paragraph is authorized only if a diagnosis by a psychiatrist or psychologist concludes, under Article 15-23 of the MANMED, that the disorder is so severe that the Marine's ability to function effectively in the military environment is significantly impaired. Personality disorders are described in Axis II of the multiaxial classification in the Diagnostic and Statistical Manual (DSM-IV) of Mental Disorders. Commanders must comply with SECNAVINST 6320.24A and DoD Directive 6409.1 when referring a Marine to a mental health evaluation.

(2) Nonmedical. Written nonmedical evidence must be submitted to show specific examples of how the Marine is unable to function in the Marine Corps. These can be counseling entries on page 11 of the SRB or statements from witnesses.

c. Counseling. Before initiating separation, the command must have counseled the Marine in accordance with paragraph 6105; given the Marine a reasonable opportunity to correct deficiencies; and have documentation of failure to correct those deficiencies. However, counseling is not required if a psychiatrist or psychologist determines that the Marine is an immediate danger to himself or others.

4. Action in lieu of approved punitive discharge. A member may be separated if placed on appellate leave pursuant to 10 U.S.C. 706 and whose punitive discharge is set aside, suspended, remitted, or disapproved during the review process. In this case, separation processing must be based upon an applicable provision of this chapter and may proceed without the member being present. The member, however, must have been notified of the separation processing prior to beginning appellate leave, or be afforded the rights under paragraph 6303 or 6304, as appropriate, and either waive those rights or fail to respond within 30 days of receipt of notification of separation proceedings. Further,

the characterization limitations of paragraph 6203 do not apply and characterization will be based upon the guidelines contained in paragraph 1004.

5. Disenrolled Involuntarily from Officer Candidate Program. A member may be separated after being involuntarily disenrolled from an officer candidate program under conditions in which the candidate did not incur, or does not have, any remaining service obligation. (For voluntary disenrollment, see paragraph 6411).

6. Failure or Disenrollment From Lateral School Seat Assignment. A member who reenlisted under MCO 1200.5J, Lateral Move Program, may be separated for failure to comply with an express condition of enlistment/reenlistment; e.g., after failing, or being voluntarily or involuntarily disenrolled from, an MOS school/OJT under conditions not resulting in a service obligation to the member.

6204. DEFECTIVE ENLISTMENT AND INDUCTION. Marines may be separated for the following specific reasons:

1. Minority

a. If a Marine is under age 17, the enlistment is void and the Marine shall be separated. 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 will be an entry level separation. The separation authority is the GCMCA.

b. A Marine who is age 17 shall be separated under the following circumstances unless retained for the purpose of trial by court-martial.

(1) There is evidence that the Marine is under age 18.

(2) The Marine enlisted without the written consent of the Marine's parent or guardian.

(3) An application for the Marine's separation is submitted to the CMC by the parent or guardian within 90 days of the Marine's enlistment.

c. The Marine will be given an entry level separation.

d. The notification procedures in paragraph 6303 shall be used.

2. Erroneous Enlistment/Reenlistment

a. A Marine may be separated on the basis of an erroneous enlistment, induction, reenlistment, or extension of enlistment in the following circumstances, if:

(1) The action would not have occurred had the relevant facts been known by the Marine Corps or had appropriate directives been followed;

(2) The action was not the result of fraudulent conduct on the part of the Marine; and

(3) The defect is unchanged in material respects.

b. Any case coming to a commander's attention which purports to be of this nature shall be investigated and a complete report included in the Marine’s service record book.

c. Service is characterized as honorable, or uncharacterized per table 6-1. Initiate separation proceedings following the procedures in paragraph 6303 or 6304 as appropriate.

d. The separation authority is the GCMCA. For Reservists not on active duty, the CG, MCRC (ENLRCTG) is separation authority. If an individual has already sworn in, but fails to ship, or is determined to be ineligible for enlistment and has not yet reported to a MCRD, the CG, MCRC is the discharge authority.

e. For individuals in the Delayed Entry Program (DEP) being separated because of ineligibility for enlistment, the member shall be notified of the proposed separation and the reasons. The member 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 at an address outside the United States). If the member 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 service record along with Postal Service Form 3800. A member is ineligible for enlistment when the member:

(1) No longer meets dependency criteria;

(2) No longer meets physical or mental qualifications;

(3) Unfavorable ENTNAC/NAC investigation or unfavorable police record is completed subsequent to entry into the DEP;

(4) Adverse security screening occurs; or

(5) Identified as a drug user or alcohol abuser.

3. Fraudulent Entry into the Marine Corps

a. Marines who procure a fraudulent enlistment, reenlistment, induction, or period of active service will be processed for separation unless the fraud is waived or the fraud no longer exists. An enlistment, induction, or period of service is fraudulent when there has been deliberate material misrepresentation, including the omission or concealment of facts which, if

known at the time, would have reasonably been expected to preclude, postpone, or otherwise affect the Marine's eligibility for enlistment or induction.

b. The separation authority may waive the Marine's fraud and authorize retention provided the existing defect could have been waived by the commanding general of a recruit depot, or lower authority, during the initial enlistment processing. If the defect could not have been waived by a commanding general of a recruit depot, the case must be sent to the CG, MCRC (ENLRCTG), if the separation authority desires to retain the Marine. See MCO P1100.72 (MPPM, ENLPROC) to identify cases where only the CMC may authorize retention.

c. Refer to MCO P1100.72 (MPPM, ENLPROC) for the retention authority the commanding generals of the recruit depots may exercise. When a fraudulent enlistment waiver is granted, 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 per this chapter.

d. Characterization of service under other than honorable conditions may only be issued when the fraud involves concealment of a prior separation in which service was not characterized as honorable (the administrative board procedure of paragraph 6304 must be used if characterization under other than honorable conditions is desired). In all other cases, the notification procedure of 6303 will be used and service will be characterized as honorable, general (under honorable conditions), or uncharacterized. If the material misrepresentation included preservice homosexual conduct, the procedures in paragraph 6207 shall be applied. See table 6-1 for characterization limitations.

6205. ENTRY LEVEL PERFORMANCE AND CONDUCT

1. A member may be separated while in an entry level status, if the member is unqualified for further service by reason of entry level performance and/or conduct, as evidenced by incapability, lack of reasonable effort, failure to adapt to the Marine Corps environment, or minor disciplinary infractions.

2. When the separation of a Marine in an entry level status is warranted by unsatisfactory performance and/or minor disciplinary infractions, the member normally should be separated under this paragraph. However, nothing cited in this paragraph precludes separation under another provision of this Manual.

3. A member with broken service may be separated while in indoctrination training for failure to satisfactorily complete such training. When separation of a member for failure to satisfactorily complete indoctrination training is warranted, the member should normally be separated under this paragraph. Nothing cited in this paragraph, however, precludes separation for another reason listed in this Manual.

4. Separation processing may not be initiated until the Marine has been counseled per paragraph 6105 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 successfully take the recommended corrective action; and,

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

5. The discharge will be uncharacterized.

6. Follow the procedures of paragraph 6303.

7. Commanding officers of Marine Corps Districts may discharge Reservists who are members of the DEP or members of the Selected Marine Corps Reserve awaiting initial active duty for training under this provision. Separation will be uncharacterized.

8. Within the parameters of "Entry Level Status" established in paragraph 6002, all personnel administratively separated from recruit training will be processed under this reason except in those limited cases where processing under a more serious basis is appropriate and where discharge characterization under other than honorable conditions is warranted.

6206. UNSATISFACTORY PERFORMANCE. A Marine may be separated if the Marine is unqualified for further service by reason of unsatisfactory performance.

1. Unsatisfactory performance is characterized by:

a. Performance of assigned tasks and duties in a manner that does not contribute to unit readiness and/or mission accomplishment, as documented in the service record; or,

b. Failure to maintain required proficiency in grade, as demonstrated by below average proficiency/conduct numerical marks or adverse fitness report markings or comments accumulated in the Enlisted Performance Evaluation System.

2. This reason for separation will not be used for separation of a member in entry level status.

3. Separation processing may not be initiated until the Marine has been counseled per paragraph 6105. If the Marine does not respond to counseling, commanders may initiate separation following the procedures in paragraph 6303 or 6304 as appropriate. 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.

4. Characterization will be honorable or general (under honorable conditions) per table 6-1.

5. A Marine may be separated for unsatisfactory performance as follows:

a. 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.

b. 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, as defined in paragraph 6206.1 above. A member may also be separated under this basis for failure to conform to weight standards as a result of apathy or a lack of self discipline.

6207. HOMOSEXUAL CONDUCT

1. Policy

a. Homosexual conduct is grounds for separation from the Marine Corps under the bases described in 6207.2. Homosexual conduct includes homosexual acts, a statement by a member that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage. A statement by a member that demonstrates a propensity or intent to engage in homosexual acts is grounds for separation not because it reflects the member's sexual orientation, but because the statement indicates a likelihood that the member engages in or will engage in homosexual acts. A member's sexual orientation is considered a personal and private matter, and is not a bar to continued service under this section unless manifested by homosexual conduct in the manner described in paragraph 6207.2.

b. 10 U.S.C. 654(a), contains the Congressional findings related to the policy concerning homosexual conduct in the Armed Forces. These findings are as follows:

(1) Section 8 of Article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a navy, and make rules for Government and regulation of the land and naval forces.

(2) There is no constitutional right to serve in the Armed Forces.

(3) Pursuant to the powers conferred by Section 8 of Article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the Armed Forces.

(4) The primary purpose of the Armed Forces is to prepare for and to prevail in combat should the need arise.

(5) The conduct of military operations requires members of the Armed Forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

(8) Military life is fundamentally different from civilian life in that:

(a) The extraordinary responsibilities of the Armed Forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

(b) The military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

(9) The standards of conduct for members of the Armed Forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the Armed Forces.

(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the Armed Forces at all times that the

member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

(11) The pervasive application of the standards of conduct is necessary because members of the Armed Forces must be ready at all times for worldwide deployment to a combat environment.

(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the Armed Forces in actual combat routinely make it necessary for members of the Armed Forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

(13) The prohibition against homosexual conduct is a long standing element of military law that continues to be necessary in the unique circumstances of military service.

(14) The Armed Forces must maintain personnel policies that exclude persons whose presence in the Armed Forces would create an unacceptable risk to the Armed Forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

(15) The presence in the Armed Forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

2. Bases for Separation. A Marine shall be separated under this paragraph if one or more of the following approved findings is made by the separation authority with or without administrative board proceedings:

a. The member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts, unless there are further approved findings that:

(1) Such acts are a departure from the member's usual and customary behavior;

(2) Such acts under all the circumstances are unlikely to recur;

(3) Such acts were not accomplished by the use of force, coercion, or intimidation;

(4) Under the particular circumstances of the case, the member's continued presence in the Marine Corps is consistent with the interest of the Marine Corps in proper discipline, good order, and morale; and

(5) The member does not have a propensity or intent to engage in homosexual acts.

b. The member has made a statement that he/she is a homosexual, or words to that effect, unless there is a further approved finding that the member has demonstrated that he/she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. A statement by a service member that he/she is a homosexual, or words to that effect, creates a rebuttable presumption that the service member engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. The service member shall be advised of this presumption and given the opportunity to rebut the presumption by presenting evidence demonstrating that he/she does not engage in, attempt to engage in, have a propensity to engage in, or intend to engage in homosexual acts. Propensity to engage in homosexual acts means more than an abstract preference or desire to engage in homosexual acts; it indicates a likelihood that a person engages in or will engage in homosexual acts. In determining whether a member has successfully rebutted the presumption that he/she engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts, some or all of the following may be considered:

(1) Whether the member has engaged in homosexual acts;

(2) The member's credibility;

(3) Testimony from others about the member's past conduct, character, and credibility;

(4) The nature and circumstances of the member's statement;

(5) Any other evidence relevant to whether the member is likely to engage in homosexual acts.

(This list is not exhaustive; any other relevant evidence may also be considered.)

c. The member 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).

3. Inquiry

a. Responsibility

(1) The member's commander is authorized to initiate fact finding inquiries concerning homosexual conduct. A commander may initiate a fact finding inquiry only when he/she has received credible information that there is a basis for discharge. Commanders are responsible for ensuring that inquiries are conducted properly and that no abuse of authority occurs.

(2) A fact finding inquiry may be conducted by the commander personally or by a person he or she appoints. It may consist of an

examination of the information reported or a more extensive investigation as necessary.

(3) The inquiry should gather all credible information that directly relates to the grounds for possible separation. Inquiries shall be limited to the factual circumstances directly relevant to the specific allegations.

(4) If a commander has credible evidence of possible criminal conduct, he or she shall follow the procedures outlined in the current version of the Manual for Courts Martial and JAGINST 5800.7C, JAGMAN.

(5) These inquiry provisions do not apply to activities of the Naval Criminal Investigative Service and other Department of Defense criminal investigative organizations that are governed by DoDINST 5505.8.

b. Bases for Conducting Inquiries. A commander will initiate an inquiry only if he or she has credible information that there is a basis for discharge. Credible information exists when the information, considering its source and the surrounding circumstances, supports a reasonable belief that there is a basis for discharge. It requires a determination based on articulable facts, not just a belief or suspicion.

c. A basis for discharge exists if:

(1) The member has engaged in a homosexual act;

(2) The member has said that he or she is a homosexual or bisexual, or made some other statement that indicates a propensity or intent to engage in homosexual acts; or

(3) The member has married or attempted to marry a person of the same sex.

d. Credible information does not exist, for example, when:

(1) The individual is suspected of engaging in homosexual conduct, but there is no credible information, as described, to support that suspicion;

(2) The only information is the opinions of others that a member is a homosexual;

(3) The inquiry would be based only on rumor, suspicion, or capricious claims concerning a member's sexual orientation; or

(4) The only information known is an associational activity such as going to a gay bar, possessing or reading homosexual publications, associating with known homosexuals, or marching in a gay rights rally in civilian clothes. Such activity, in and of itself, does not provide evidence of homosexual conduct.

e. Credible information exists, for example, when:

(1) A reliable person states that he or she observed or heard a service member engaging in homosexual acts, or saying that he/she is a homosexual or is married to a member of the same sex;

(2) A reliable person states that he/she heard, observed, or discovered a member make a spoken or written statement that a reasonable person would believe was intended to convey the fact that he/she engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts; or

(3) A reliable person states that he/she observed behavior that amounts to a non-verbal statement by a member that he/she is a homosexual or bisexual (i.e., behavior that a reasonable person would believe was intended to convey the statement that the member engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts).

f. Procedures

(1) Informal fact finding inquiries and administrative separation procedures are the preferred method of addressing homosexual conduct. This does not prevent disciplinary action or trial by court-martial when appropriate.

(2) Commanders shall exercise sound discretion regarding when credible information exists. They shall examine the information and decide whether an inquiry is warranted or whether no action should be taken.

(3) Commanders or appointed inquiry officials shall not ask, and members shall not be required to reveal, whether the member is a heterosexual, a homosexual, or a bisexual. However, upon receipt of credible information of homosexual conduct (as described above), commanders or appointed inquiry officials may ask members if they engaged in such conduct. The member should first be advised of the Marine Corps policy on homosexual conduct and, if applicable, the provisions of Article 31, UCMJ. Should the member choose not to discuss the matter further, the commander should consider other available information. Nothing in this provision precludes questioning a member about any information provided by the member in the course of the fact finding inquiry or any related proceeding; nor does it provide the member with any basis for challenging the validity of any proceeding or the use of any evidence, including a statement by the member, in any proceeding.

(4) At any point during the inquiry, the commander or appointed inquiry official must be able to explain clearly and specifically which

grounds for separation he/she is attempting to verify and how the information being collected relates to those specific separation grounds.

(5) A statement by a service member that he/she is a homosexual or bisexual creates a rebuttable presumption that the service member engages in,

attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. The service member shall be given the opportunity to present evidence demonstrating that he/she does not engage in, attempt to engage in, or have a propensity or intent to engage in homosexual acts. The service member bears the burden of proving, by a preponderance of the evidence, that he/she is not a person who engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts.

g. Legal Effect. The procedures set forth in paragraph 6207.3 create no substantive or procedural rights.

4. Disposition

a. Based on the inquiry described in paragraph 6207.3, the commander must determine whether there is probable cause (a reasonable belief) to believe a basis for administrative separation exists. If the commanding officer determines probable cause exists, the commanding officer shall initiate separation processing.

b. If the commanding officer determines probable cause does not exist, the commanding officer shall terminate the inquiry and any administrative action already initiated.

c. Certain homosexual conduct may constitute both a basis for administrative separation processing and a violation of the UCMJ. The UCMJ requires all allegations of misconduct to be thoroughly investigated. Upon review of the results of the investigation, the cognizant commanding officer has discretion to determine what, if any, disciplinary action is appropriate. The provisions for administrative discharge for homosexual conduct do not preclude disciplinary action under the UCMJ when such action is deemed appropriate by the cognizant commanding officer. In this regard, there is no right on the part of any individual to demand trial by court-martial in lieu of administrative separation processing.

5. Characterization. Characterization of service or description of separation shall be in accordance with the guidance in table 6-1 of this chapter. When the sole basis for separation is homosexual conduct, a characterization under other than honorable conditions may be issued only if such a characterization is warranted under table 6-1 and there is a finding that during the current term of service the member attempted, solicited, or committed a homosexual act in the following circumstances:

a. By using force, coercion, or intimidation;

b. With a person under age 16;

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 having an adverse impact on discipline, good order, or morale comparable to the impact of such activity aboard a vessel or aircraft.

6. Administrative Separation Board Procedures. The administrative discharge board procedures outlined in paragraph 6304 shall be used subject to the following guidance:

a. The administrative separation board shall be informed of the Congressional findings as enumerated in paragraph 6207.1b.

b. In addition to the requirements of paragraph 6319, the administrative separation board shall be guided by the following:

(1) If the board finds one or more of the circumstances authorizing separation as described herein is supported by the evidence, the board shall recommend separation unless the board finds that retention is warranted under the limited circumstances described in paragraph 6207.2a or 6207.2b.

(2) If the board does not find that there is sufficient evidence that one or more of the circumstances authorizing separation as described herein has occurred, the board shall recommend retention unless the case involves another basis for separation of which the member has been duly notified.

(3) The member shall bear the burden of proving throughout the proceeding, by a preponderance of the evidence, that retention is warranted under the limited circumstances described in paragraph 6207.2a or 6207.2b.

(4) Findings regarding whether or not retention is warranted under the limited circumstances described are required if the member clearly and specifically raises such limited circumstances.

7. Separation Authority Action

a. The separation authority shall dispose of a case according to the following provisions:

(1) If the board recommends retention, the separation authority shall take one of the following actions:

(a) Approve the finding and direct retention;

(b) Forward the case to the Secretary of the Navy via the CMC (MMSR-3) with a recommendation that the Secretary separate the member under paragraph 6214.

(2) If the board recommends separation, the separation authority shall take one of the following actions:

(a) Approve the finding and direct separation; or

(b) Disapprove the finding based on one of the following considerations:

1 There is insufficient evidence to support the finding; or

2 Retention is warranted under the limited circumstances described in paragraph 6207.2a or 6207.2b.

(3) If there has been a waiver of the board proceedings, the separation authority shall dispose of the case in accordance with the following provisions:

(a) If the separation authority determines that there is insufficient evidence to support separation, the separation authority shall direct retention unless there is another basis for separation for which the member has been duly notified; or

(b) If the separation authority determines that one or more of the circumstances authorizing separation as described has occurred, the member shall be separated unless retention is warranted under the limited circumstances described in paragraph 6207.2a or 6207.2b.

8. Limitations. Nothing in these procedures:

a. Limits the authority of the Secretary of the Navy to take appropriate action to ensure that there has been compliance with the provisions of this policy;

b. Requires that a member be processed for separation when a determination is made that:

(1) The member engaged in acts, made statements, or married or attempted to marry a person known to be of the same biological sex for the purpose of avoiding or terminating military service; and

(2) Separation of the member would not be in the best interest of the Marine Corps;

c. Precludes retention of a member for a limited period of time in the interests of national security as authorized by the Secretary of the Navy;

d. Authorizes a member to seek Secretarial review unless authorized in procedures promulgated by the Secretary of the Navy;

e. Precludes separation in appropriate circumstances for another reason as described in this chapter; or

f. Precludes trial by court-martial in appropriate cases.

6208. RESERVED FOR FUTURE USE

6209. ALCOHOL ABUSE REHABILITATION FAILURE

1. A Marine who has been referred to a program of rehabilitation for personal alcohol abuse and/or dependency, 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 naval service; or

b. Long term rehabilitation is determined necessary and the Marine is transferred to a civilian medical facility for rehabilitation.

2. Initiate separation proceedings following the procedures in paragraph 6303 or 6304 as appropriate.

3. Characterization is honorable, general (under honorable conditions), or uncharacterized per table 6-1.

4. Nothing in this paragraph precludes separation under other provisions in this Manual. See MCO 5300.1A for further information.

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 are warranted under the guidelines in paragraph 6105. 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 and the separation is approved by the GCMCA. When characterization of service under other than honorable conditions is not warranted for a Marine in entry level status, the separation shall be uncharacterized. Separation processing for a series of minor disciplinary infractions or a pattern of misconduct may not be initiated until the member has been counseled per the guidelines for counseling in paragraph 6105. Counseling per paragraph 6105 and rehabilitation are not required if the basis of separation is commission of a serious offense, a civilian conviction, or a similar juvenile adjudication, or drug abuse. Process per provisions of paragraph 6303 or 6304 as appropriate. Actions on related misconduct separations:

a. Misconduct involving homosexual conduct shall be processed under paragraph 6207;

b. Misconduct involving a fraudulent entry shall be processed under paragraph 6204.3;

c. Offenses involving drug abuse shall be processed for separation by reason of the appropriate drug abuse offense in paragraph 6210.5, as well as other applicable reasons in this Manual; and

d. See MCO P1400.32C Enlisted Promotion Manual regarding nonpunitive reductions relating to professional incompetence and competency review boards.

2. Minor Disciplinary Infractions. A Marine may be separated when there is, in his or her service record book, 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, nonjudicial punishment. When multiple offenses have been the subject of one nonjudicial punishment, they remain separate offenses for the purpose of determining eligibility for processing under this paragraph. 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 per paragraph 6105. The notification procedure contained in paragraph 6303 may be used if characterization of service under other than honorable conditions is not warranted.

3. A Pattern of Misconduct

a. A minimum of TWO incidents occurring within one enlistment is required. Misconduct occurring in an extension of an enlistment is considered to be within one enlistment. The infractions may be minor or more serious. There must be discreditable involvement with civil or military authorities or conduct prejudicial to good order and discipline. The misconduct need not have been the subject of NJP or military or civilian conviction. Such incidents include, but are not limited to, an established pattern of minor unauthorized absences; an established pattern of dishonorable failure to pay just debts; or an established pattern of dishonorable failure to contribute adequate support to family members or comply with orders, decrees, or judgments of a civil court concerning support of family members. The incidents of misconduct do not have to be of the same nature.

b. Separation processing may not be initiated until the Marine has been counseled per paragraph 6105. The notification procedure contained in paragraph 6303 may be used if characterization of service under other than honorable conditions is not warranted.

4. Sexual Perversion. Sexual perversion (see paragraph 6002.21) is not a specific basis for discharge. Marines involved in acts of sexual perversion shall be processed under paragraph 6210.6 or 6210.7, as appropriate.

5. Drug Abuse

a. Commanders shall process Marines for administrative separation for illegal, wrongful, or improper use, possession, sale, transfer, distribution, or introduction on a military installation of any controlled substance, marijuana, steroids, or other dangerous or illicit drug or other forms of substance abuse (such as designer drugs, fungi, chemicals not intended for human consumption, etc.) as defined in SECNAVINST 5300.28C (paragraph 5.c), and/or the possession, sale, or transfer of drug paraphernalia as defined in SECNAVINST 5300.28C. Commanders shall also process Marines who attempt to engage in any of the aforementioned activities. Evidence obtained from an involuntary urinalysis administered pursuant to an inspection under Military Rule of Evidence in the current version of the Manual for Courts Martial (MCM), or from a search and seizure under Military Rules of Evidence 311-317, or incident to an examination 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 warranted.

b. Except as provided below, all Marines (regardless of pay grade) identified for mandatory processing under the criteria of paragraph 6210.5a will be processed for administrative separation by reason of misconduct, due to drug abuse, on the first offense. Processing is not required if:

(1) The offense has been adjudicated at a general or special court martial, for which the sentence approved by the convening authority includes a punitive discharge (suspended or unsuspended), or

(2) The limitations of paragraph 6106.1 apply.

c. Self-referral for drug use constitutes confirmation of illegal drug abuse and requires a Marine to be processed for administrative separation. The Voluntary Drug Exemption Program is no longer applicable. However, a Marine's voluntary submission to a DoD treatment and rehabilitation program, and evidence voluntarily disclosed by the Marine as part of the course of treatment in such a program may not be used against the Marine on the issue of characterization of service. This limitation does not apply to:

(1) The introduction of evidence for the purpose of impeachment or rebuttal in any proceeding in which evidence of drug abuse has been first introduced by the Marine; or

(2) The taking of action based on independently derived evidence, including evidence of continued drug abuse after initial entry into a treatment and rehabilitation program.

d. Marines separated for drug abuse will be screened for drug dependency at a Substance Abuse Counseling Center (SACC) and, if diagnosed as drug or alcohol dependent, will be referred to the Department of Veterans Administration (DVA) at the time of separation.

6. <u>Commission of a Serious Offense</u>

a. A Marine may be processed for separation for commission of a serious military or civilian offense under the following circumstances:

(1) The specific circumstances of the offense warrant separation; and

(2) A punitive discharge would be authorized for the same or a closely related offense under the UCMJ.

b. A military or civilian conviction is not required for discharge under this provision.

c. The notification procedure contained in paragraph 6303 may be used if characterization of service under other than honorable conditions is not warranted.

7. Civilian Conviction

a. Commanders may process Marines for separation when civilian authorities (foreign or domestic) have convicted a Marine or taken action which is tantamount to a finding of guilty, including similar adjudication in juvenile proceedings, when:

(1) the specific circumstances of the offense warrant separation, and

(2) a punitive discharge would be authorized for the same or a closely related offense under the UCMJ; or

(3) the sentence by civilian authorities includes confinement for 6 months or more without regard to suspension or probation.

b. 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 CMC. Such requests must be approved by the Secretary of the Navy who may direct that the member be separated before final action on the appeal.

c. For special provisions regarding characterization of discharge based upon civilian conviction in the case of a Reservist, see paragraph 1004.4d.

d. The notification procedure contained in paragraph 6303 may be used if characterization of service under other than honorable conditions is not warranted.

8. Sexual Harassment

a. Processing for separation is mandatory following the first substantiated incident of sexual harassment (see defintion paragraph 6002.19) involving any of the following circumstances:

(1) Threats or attempts to influence another's career or job for sexual favors;

(2) Rewards in exchange for sexual favors; or,

(3) Physical contact of a sexual nature which, if charged as a violation of the UCMJ, could result in a punitive discharge.

b. An incident is considered substantiated when there has been a court-martial conviction, nonjudicial punishment, or the commander determines, based on a preponderance of the evidence, that sexual harassment has occurred.

c. Refer to the procedures in paragraph 6303 or 6304, as applicable. The basis for separation shall be under paragraph 6210.2 (Minor Disciplinary Infractions); 6210.3 (Pattern of Misconduct); or 6210.6 (Commission of a Serious Offense). Counseling per paragraph 6105 is not required for processing a Marine for separation under this paragraph, unless the Marine is processed under paragraph 6210.2 or 6210.3.

9. Participation in Supremacist or Extremist Organizations or Activities

a. Processing for separation is mandatory following the first substantiated incident of misconduct resulting from the member’s participation in extremist or supremacist activities which, in the independent judgment of an administrative separation board convening authority, is more likely than not to undermine unit cohesion or be detrimental to the good order, discipline, or mission accomplishment of the command. Such misconduct must relate to:

(1) Illegal discrimination based on race, creed, color, sex, religion, or national origin; or

(2) Advocating the use of force or violence against any Federal, State, or local government, or any unit or agency thereof, in contravention of Federal, State, or local laws.

b. An incident is considered substantiated when there has been a court martial conviction, nonjudicial punishment, or an administrative separation board convening authority determines, based on a preponderance of the evidence, that the member has engaged in supremacist or extremist conduct.

c. The basis for separation shall be under paragraph 6210.2 (minor disciplinary infractions); 6210.3 (pattern of misconduct); 6210.6 (commission of a serious offense); or 6214 (separation in the best interest of the service). Note, however, that paragraph 6210.2 and 6210.3 may not be used unless the Marine has been previously counseled concerning misconduct per paragraph 6105.

d. The least favorable characterization is under other than honorable conditions, if an administrative board procedure (paragraph 6304) is used.

Characterization is honorable, general (under honorable conditions), or uncharacterized (entry level separation), if the notification procedure (paragraph 6303) is used. Refer to paragraph 6210.2, 6210.3, 6210.6, and 6214 to determine the applicability of paragraphs 6303 and 6304.

6211. NEW ENTRANT DRUG AND ALCOHOL TESTING

1. The enlistment of any person determined to have been dependent on drugs or alcohol at the time of such enlistment shall be voided, and the member shall normally be given an uncharacterized separation. The following guidelines apply:

a. The basis of separation for members found dependent on drugs or alcohol at the time of enlistment shall be a void enlistment (10 U.S.C. 978).

b. Dependency will be determined by a medical officer using appropriate medical/psychiatric criteria.

c. Prepare a DD Form 214 for all individuals separated under this paragraph per section 2 of chapter 1 with the following exceptions:

(1) Enter zeros in all blocks of item 12 for non-prior service individuals. For individuals with prior service, enter zero in blocks a, b, c, and i and complete the remaining portion as appropriate.

(2) Enter "VOID ENLISTMENT" in blocks 23 and 24.

(3) Enter "10 U.S.C. 978" in block 25.

(4) Assign separation code, JFU1.

(5) Assign reenlistment code, RE-3C.

d. A person whose enlistment is voided due to alcohol or drug dependency shall be referred to a civilian treatment facility.

e. This paragraph also applies to officer candidates undergoing initial training in an enlisted status.

2. Members who test positive, but are not found dependent, for drugs or alcohol during an initial entry drug or alcohol test shall be processed for separation per the appropriate provision of paragraph 6204 (defective enlistment and induction). Commanding officers are not precluded in appropriate cases from taking disciplinary action against a member or processing a member for discharge, with or without a characterization, under an alternative basis for separation.

a. Separation of personnel who refuse to consent to testing or evaluation during initial entry on active duty (IEAD) or who are confirmed positive for illegal drug use (other than marijuana) may not be waived.

b. Personnel confirmed positive for marijuana use alone (except for officer candidates) will be processed for separation unless the GCMCAs of the recruit depots or their delegated authorities waive this provision on a case-by-case basis. Separation of officer candidates for confirmed marijuana use may not be waived.

c. Personnel confirmed positive at a 0.05 blood alcohol level or greater shall be processed for separation unless the GCMCAs of the recruit depots and OCS (in the case of officer candidates) or their delegated authorities waive this provision on a case-by-case basis.

6212. SECURITY. When retention is clearly inconsistent with the 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 (under honorable conditions), under other than honorable, or uncharacterized under the rules in table 6-1. The separation authority is the CMC (MMSR); however, the CMC may refer any particular case to the Secretary of the Navy.

6213. UNSATISFACTORY PARTICIPATION IN THE READY RESERVE. A Marine may be separated for unsatisfactory participation in the Ready Reserve under criteria established in DoD Directive 1215.13, MCO P1001R.1J (MCRAMM), and the Commander, Marine Forces Reserve (MARFORRES). The separation authority is the GCMCA. Characterization of service will conform with paragraph 1004 and the rules of table 6-1.

6214. SEPARATION IN THE BEST INTEREST OF THE SERVICE

1. The Secretary of the Navy, in his discretion, may direct the separation of any Marine before 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. Requests for this type of discharge should only be made in unusual cases where such action is essential in the interest of justice, discipline, and proper administration in the naval service.

2. Requests for separation under this paragraph shall be forwarded to the Secretary of the Navy via the CMC (MMSR-3) for review.

3. Separation under this provision should only be made in 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 6309.2b and c, disagrees with the administrative board's recommendation for retention. In cases forwarded under paragraph 6309.2b, the basis for separation will be that for which the member

was originally processed. In all other cases initiated under this paragraph, the basis for discharge will be under separation in the best interest of the service.

4. Notification procedures under paragraph 6303 shall be used. The procedures for requesting an administrative separation board, including for a Marine with 6 or more years of service, do not apply. The notification shall state why no other reason for separation under this chapter is appropriate and why separating the Marine is in the best interest of the Marine Corps.

5. Characterization of service will be honorable or general (under honorable conditions).

6. See paragraph 6421 regarding voluntary requests for separation under the secretarial plenary authority.

7. All separations in the best interest of the service shall be submitted to the Secretary or the Secretary's delegated representative for decision.

6215. WEIGHT CONTROL/BODY COMPOSITION FAILURE. When the sole reason for separation is failure to meet weight and body fat standards, and the Marine's performance and conduct otherwise conform with established standards, if separation is warranted, the Marine will be separated under this paragraph.

1. Basis for processing

a. Medical problems: Obesity. Marines with a medically diagnosed condition that precludes or interferes with weight/body fat control may be separated through appropriate medical channels.

b. No medical problems: Weight Control/Body Composition Failure. The following criteria must be met to meet this basis for separation:

(1) The Marine is unqualified for further service;

(2) The Marine failed to meet weight standards under MCO 6100.3K;

(3) The Marine has no medically diagnosed condition precluding or interfering with weight/body fat control;

(4) The Marine made a reasonable effort to conform to Marine Corps weight and body fat standards by adhering to the regimen prescribed by the appropriately credentialed health care provider (ACHCP) and the commander as prescribed in MCO 6100.3K. A reasonable effort consists of adherence to a reasonable diet combined with a regular physical training regimen and a steady loss of weight/body fat. Processing of Marines who fail to make a reasonable effort will be under paragraph 6206 (unsatisfactory performance of duties), not this paragraph; and

(5) Weight control/body composition failure is the only basis for separation and the Marine's performance and conduct otherwise conform with established standards. This basis will NOT be used if another basis (such as misconduct or unsatisfactory participation or performance) is appropriate.

2. Documentation. The following must be included to support separation:

a. The request for preliminary medical evaluation in enclosure (1) to MCO 6100.3K, completed through the fifth endorsement. An ACHCP must sign the first and fifth endorsements. **The ACHCP must be a medical officer, contract physician, nurse practitioner, or physician's assistant; the signature of a corpsman is NOT sufficient.** The signature block will CLEARLY state the name,

grade, branch of service, medical title, and organization (as appropriate) of the ACHCP who diagnosed the cause of the respondent's deficiency.

b. Weigh-in/Body Composition Progress Chart. If the respondent received an extension beyond the initial assignment, attach a statement from the officer who approved the request, indicating the date approved and length of extension. An ACHCP must reevaluate the Marine 30 days prior to the end of the extension.

3. Counseling (6105). Before initiating separation, the command must counsel the Marine according to paragraph 6105; giving the Marine corrective guidance and a reasonable opportunity to correct deficiencies; and document any failure to correct those deficiencies. PROPER 6105 COUNSELING ABOUT THE WEIGHT/BODY COMPOSITION PROBLEM SHOULD BE RECORDED IN THE SRB ON THE SAME DAY THE MARINE IS ASSIGNED TO THE WEIGHT CONTROL/BODY COMPOSITION PROGRAM. The 6105 counseling is required for administrative discharge, but a page 11 entry is not required to record assignment to the weight control/body composition program for unit diary purposes. The 6105 counseling is different from the counseling required in paragraph 3201.1.3.f of MCO 6100.3K when the Marine does not lose weight within 2 weeks (one month for Selected Marine Corps Reserve) of assignment to the weight control/body composition program. Follow the time periods (and extensions) in MCO 6100.3K for losing weight. Ensure that command reevaluation is conducted 6 months after the initial assignment to the weight control/body composition program.

4. Characterization. Honorable or general (under honorable conditions) as warranted under paragraph 1004 and Table 6-1. Table 1-1, Rule 8, is not used for this separation.

5. This paragraph will not be used for entry level separation.

6. "Weight control failure" and "body composition failure" (as stated in MCO 6100.3K)" are synonymous. "Weight Control Failure" is used for paragraph 6215 in compliance with Department of Defense standards. In addition, "Weight Control Failure" will be used as the narrative reason in block 28 of the DD Form 214 for Marines separated under this paragraph.

Table 6-1. Guide for Characterization of Service

	HON	GEN	OTH	UNCHARACTERIZED
Par. 6202 Change in Service Obligation	X 1,5	X 1,5		X
Par. 6203 Convenience of the Government	X 1,5	X 1,5		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/ Reenlistment	X 1			X
Par. 6204.3 Fraudulent Enlistment	X 1,5	X 1,5	X 6	X
Par. 6205 Entry Level Performance and Conduct				X
Par. 6206 Unsatisfactory Performance	X 5	X 5		
Par. 6207 Homosexual Conduct	X 1,5	X 1,5	X 4	X
Par. 6209 Alcohol Rehab Failure	X 1,5	X 1,5		X
Par. 6210 Misconduct	X 2	X 1,3	X	X 3
Par. 6211 New Entrant Drug/Alcohol Testing				X
Par. 6212 Security	X 1,5	X 1,5	X	X 3
Par. 6213 Unsat Part in Ready Reserve	X 2	X 1,5	X	X
Par. 6214				

SECNAV Plenary Authority	X 1,5	X 1,5	X
Par. 6215 Weight Control Failure	X 1,5	X 1,5	

Table 6-1. Guide for Characterization of Service

Table 6-1. Guide for Characterization of Service -- Continued

NOTES:

1. Authorized unless Marine is in an entry level status.

2. Not authorized unless Marine's 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. 6207.5.

5. Authorized in accordance with the guidance in paragraph 1004.

6. Authorized only when the fraud involves concealment of a prior separation in which service was not characterized as honorable.

Table 6-1. Guide for Characterization of Service -- Continued

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 3: ADMINISTRATIVE PROCEDURES

PART A: INITIATING COMMAND ACTION

6301. GENERAL. This section establishes the administrative procedures for separation and provides detailed procedures for administrative separation boards. In light of the unique nature and requirements of the Reserve component and problems inherent in contacting members of the SMCR and IRR, the Commander, MARFORRES may supplement these procedures and figures with procedures and figures that facilitate the separation process yet ensures fairness to Reserve Marines.

6302. INITIATION OF SEPARATION PROCESSING

1. When a Marine's performance or conduct falls within any of the reasons within section 2 and all required command attempts at leadership and rehabilitation of the Marine have been unsuccessful, 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. Marines must be processed for all reasons for which minimum criteria are met. However, separation authorities must choose the most appropriate reason when actually effecting the separation.

2. Notification letters and command recommendations will be signed personally by the commanding officer. During the commanding officer’s official absence, such correspondences will be signed “Acting” by the officer temporarily succeeding to command. By direction signatures are not authorized. However, inspector-instructors and site commanders are authorized to sign notification letters and command letters of recommendation for discharge on behalf of Reserve commanding officers when the Reserve commanding officer is not available for signature, but concurs in the action or recommendation.

3. Before initiating separation processing the command should take the following steps as well as consulting the checklist at figure 6-2.

a. Step One: Review limitations on separation. Review paragraph 6106 and determine if separation is precluded.

b. Step Two: Determine the Marine’s status. Determine precisely the status of the Marine since status and basis for separation can determine the separation authority, the nature of separation, and the rights afforded to the Marine.

(1) Active Reserve (if Reserve SMCR or IRR; if SMCR obligor or non-obligor);

(2) Amount of active and inactive service; and

(3) Proximity to expiration of active service, current contract, obligated service, and eligibility for transfer to the FMCR or retirement.

(a) Holding beyond release date. A Marine may not be held on active duty involuntarily beyond his or her release date for administrative discharge. See paragraph 1008. Similarly, a member of the IRR or SMCR may not be held beyond ECC or EOS for administrative discharge.

(b) Marine eligible or within two years of eligibility for retirement or transfer to the FMCR. See paragraph 6106 and 6307.

(4) Eligibility of SMCR Marine to transfer to the IRR.

(a) Mandatory participants in the SMCR. An SMCR member with a mandatory participation requirement ("obligor") may be retained involuntarily in the SMCR for administrative discharge. See MCRAAM paragraph 3301. Do NOT transfer such a Marine to the IRR without MARFORRES approval.

(b) Non-mandatory participants in the SMCR. An SMCR member without a mandatory participation requirement ("non-obligor") and not subject to a separate written agreement to train (SWAT, MCRAAM paragraph 3102) CANNOT be retained involuntarily in the SMCR for administrative separation. See MCRAAM paragraph 3301.2b. If such a Marine facing administrative discharge requests transfer to the IRR, such transfer must be granted. The SMCR command must then contact MARFORRES (SJA) and MCRSC (Special Actions Division) so that MCRSC can initiate proceedings to separate the member from the IRR.

c. Step Three: Review limitations on characterization. Review paragraph 1004.4. Especially important are paragraphs 1004.4a and 1004.4b (prior service and pre-service activities) and 1004.4d (conduct in the civilian community by a reservist not in a duty status).

d. Step Four: Identify the separation authority. Review paragraph 6307.

e. Step Five: Drug and alcohol dependency. Evidence of alcohol or drug dependence requires that the respondent be evaluated before the case is referred to a board or forwarded to the separation authority. See MCO P5300.12A for evaluation, counseling, and treatment requirements.

6303. NOTIFICATION PROCEDURES

1. The procedures and requirements outlined in this paragraph are applicable under any specific reason for separation contained in section 2.

2. When a member is processed on the basis of multiple reasons for separation, the following guidelines apply to procedural requirements, 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, stated in the notice of proposed action, requires processing under the Administrative Board procedure, process per paragraph 6304. See Table 6-2 for bases requiring administrative board procedures.

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, the procedures most favorable to the respondent shall be used.

f. If the separation authority approves two or more bases for separation, the authority shall further indicate the primary single basis to appear on the member's DD Form 214.

3. Notification Requirements. If there is evidence of alcohol or drug dependence, the respondent must be evaluated before the case being referred to a board or forwarded to the separation authority. Refer to MCO P5300.12A for evaluation, counseling, and treatment requirements.

a. Notice. A commanding officer must provide written notice to any Marine being recommended for separation. Sample letters of notification and acknowledgment forms 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 forms the basis of the proposed separation, including the circumstances upon which each action is based 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) If the Marine is FMCR/Retired List eligible and has refused to request transfer to the FMCR/Retired List under paragraph 6106.3, the respondent’s notification letter shall include a statement reflecting such refusal and acknowledging the respondent’s understanding that, if separation is approved, he/she may lose all retainer/retired pay and benefits;

(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 per paragraph 6303.3b, and a statement that it is in the Marine's best interest to consult with counsel before 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 inactive service;

(9) A statement of the right to waive the rights afforded in paragraph 6303.3a(6) through 6303.3a(9), 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, in a Reserve component not on active duty, or upon transfer to the IRR, the relevant notification procedures in paragraph 6303.4 apply; and

(11) The notification requirements outlined 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 proficiency and conduct markings.

b. Counsel. A respondent has the right to consult with a lawyer qualified counsel, or non-lawyer counsel before returning the acknowledgement of rights. “Qualified Counsel” is a trial or defense counsel certified under Article 27b of the UCMJ, or a civilian attorney authorized to practice law.

(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 respondent is away from or deployed outside the United States, or attached to a vessel away from its overseas home port, or attached to a shore activity remote from judge advocate resources;

(b) No qualified counsel is assigned and present at the vessel, unit, 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 on 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 Manual, 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) Non-lawyer counsel shall be appointed whenever qualified counsel is not available. An appointed non-lawyer 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 non-lawyer counsel shall be encouraged to consult by telephone or by any other means with any available judge advocate regarding any legal issues relevant to the case. When a non-lawyer 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 with a civilian counsel does not relieve the obligation of the commanding officer to furnish military counsel. Consultation with civilian counsel shall not delay orderly processing in accordance with this Manual.

c. 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 by the respondent. The respondent's selection as to each of the rights in paragraph 6303, 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, 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 refuses to acknowledge receipt of notice, the individual who mails the notification shall prepare a Sworn Affidavit of Service by Mail which will be inserted on the document side of 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 or refuses to accept delivery, the person attempting delivery shall make an appropriate note on the form.

(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) to give the respondent the opportunity to exercise the rights 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. Once the respondent makes an election of rights, action need not remain suspended.

(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, as appropriate.

(c) If the action involves a transfer to the IRR, the member will be notified that the characterization of service upon transfer to the IRR will constitute the characterization of service upon discharge after completing the military service obligation unless the following conditions are met:

1 The member takes affirmative action to affiliate with the SMCR, and

2 The member satisfactorily participates as a member of the SMCR 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) Upon transfer to the IRR, the member will be notified of the following:

(a) The characterization of service upon transfer from active duty or the SMCR to the IRR and that the characterization of service upon completion of the military service obligation in the IRR will be the same.

(b) The date upon which the military service obligation will expire.

(c) The date by which the member must submit evidence of satisfactory completion of the conditions set for in paragraph 6303.4b(1)(c).

(3) If the member submits evidence of completion of the conditions specified in paragraph 6303.4b(1)(c), but the separation authority proposes to

discharge the member with a characterization of service as general (under honorable conditions), the notification procedure at paragraph 6303 shall be used. An administrative board is not required at this point notwithstanding the member's years of service.

(4) 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 SMCR to the IRR.

(5) 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. 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 is not available for delivery by U.S. Mail 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. If the member refuses to acknowledge receipt of notice, the individual who mails the notification shall prepare a Sworn Affidavit of Service by Mail to be inserted on the document side of the member's service record together with PS Form 3800.

(6) Per 10 U.S.C. 12685, no member of a Reserve component may be discharged under other than honorable conditions unless that member is separated under the approved findings of a board of commissioned officers. If a member of a Reserve component, as a respondent, is separated under the approved findings of an administrative board which had one or more members who were not commissioned officers, the respondent will be discharged under honorable conditions. Characterization may be under other than honorable conditions if the member consents to or waives administrative discharge proceedings or a court-martial or a board.

c. Reimbursement Requirement. In those cases that may be subject to a reimbursement requirement for recoupment of advance education assistance costs, bonuses, or special pays, the respondent must be advised of such requirement before making a decision on an involuntary separation resulting from alleged misconduct. Failure to provide such advisement, however, shall not constitute grounds for avoiding a reimbursement requirement unless otherwise expressly provided by law or superior regulation.

6304. ADMINISTRATIVE BOARD PROCEDURES

1. Notice. If an administrative board is required, the member shall be notified in writing per 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 SMCR to the IRR,

release from the custody and 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 per paragraph 6304.3 and that it is in the Marine's best interest to consult with counsel before 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 per paragraph 6304.3.

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 the board.

k. The right to make a sworn or unsworn statement before the board subject to the rights accorded under Article 31, UCMJ.

l. The right to challenge voting members of the board or the legal advisor for cause.

m. The right to examine evidence presented by the board, cross-examine witnesses appearing before the board, submit evidence before the board, and make a final argument before the board.

n. The right to waive the rights in paragraph 6304.1d through 6304.1m.

o. That failure to respond after being afforded a reasonable opportunity to consult with counsel constitutes a waiver of the rights in paragraph 6304.1d through 6304.1m, 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 and at least one basis for separation entitles the

respondent to a hearing before an administrative separation board, the requirements of paragraph 6304.1 apply to all proposed reasons for separation.

b. If the respondent is in civilian confinement, absent without authority, in a Reserve component not on active duty, or upon transfer to the IRR, the relevant notification procedures in paragraph 6303.4, 6311.3a, and 6312 apply.

c. The notification requirements in paragraph 6303 shall be used when characterization of service as general (under honorable conditions) 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.

d. In those cases that may be subject to a reimbursement requirement for recoupment of advance education assistance costs, bonuses, or special pays, the respondent must be advised of such requirement before making a decision on an involuntary separation resulting from alleged misconduct. Failure to provide such advisement, however shall not constitute grounds for avoiding a reimbursement requirement unless otherwise expressly provided by law or superior regulation.

3. Counsel

a. A respondent has the right to consult with counsel per paragraph 6303.3b, before electing or waiving any rights under paragraph 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.

(1) The member may request a qualified counsel who is assigned duties as defense counsel at the servicing command, or as defense counsel at the Navy or Marine Corps command at or nearest to the site of the Administrative Board, and within 100 miles of the board proceeding (using the Official Table of Distances). The determination of reasonable availability is within the discretion of the requested counsel's commanding officer; that decision is final.

(2) Unless otherwise directed, appointment of a qualified counsel of a Marine's own choice relieves the previously assigned counsel. If respondent so requests in writing and if the interests of fair procedure so require, the convening authority may authorize the previously assigned counsel to continue to represent the Marine. Approval is within the discretion of the convening authority and that decision is final.

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 separation 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 in the record and will appoint available military counsel for the respondent or will permit the respondent to be represented by reasonably available military counsel of the respondent's choice.

d. Nonlawyer counsel may not represent a respondent before an administrative separation board unless:

(1) The respondent expressly declines appointment of counsel qualified under Article 27(b)(1) of the UCMJ and requests a specific nonlawyer counsel; or

(2) The separation authority assigns nonlawyer counsel as assistant counsel.

4. Response to Notice. The respondent shall be given 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 in paragraph 6304.1d through 6304.1m, and applicable provisions referenced in paragraph 6304.2, 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 per paragraph 6304.3a. A conditional waiver is a statement initiated by the respondent waiving the right to a hearing contingent upon receiving a favorable characterization of service, but normally no higher than general (under honorable conditions).

a. Conditional waivers may be granted on a case-by-case basis per paragraph 6308.1b.

b. Separation authorities may disapprove requests for conditional waivers per paragraph 6308.1b. The separation authority may also delegate authority to disapprove requests for conditional waivers, regardless of basis, to the convening authority. Those units which report to HQMC for discharge authority

are hereby delegated the authority to disapprove requests for conditional waivers, regardless of the basis.

c. In all cases in which the separation authority is CMC or the Secretary of the Navy, conditional waivers will be disapproved without referral to CMC unless the GCMCA (or convening authority for units which report to HQMC) specifically supports the requested waiver.

6305. COMMAND RECOMMENDATION

1. Once the notification requirements contained in paragraph 6303 and 6304 have been met, and provided the commanding officer desires to continue separation processing, the commanding officer must forward the recommendation for separation, copies of the appropriate notification, the Marine's acknowledgment and necessary supporting documentation to the separation authority via the normal chain of command. The commanding officer's recommendation will bear significant weight, provided the requirements of this chapter and separate Marine Corps directives (when applicable) have been observed. It must include a specific recommendation for:

a. Discharge or retention; and

b. The characterization of service and type of discharge.

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 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, 11, 12, 13 (if applicable), and Record of Service often are valuable supporting documents, but should be submitted only if germane. When administratively more practical, data within the SRB can be incorporated into the commanding officer's recommendation. For example, average duty 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 require specific actions and administrative procedures. Refer to the MCO for the specific program. Documentation must demonstrate substantial compliance with the intent of any such program.

c. Supporting Statements. In most cases before initiation of separation processing, Marines have been involved in leading, counseling, and assisting the Marine concerned. Statements from these NCO's, SNCO's, and officers are typically very 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 or statements gathered by the Naval Criminal Investigative Service (NCIS), and the CMC or the Secretary of the Navy is the separation authority, include the report as an enclosure. If the separation authority is other than the CMC, do not include NCIS reports or statements, since these documents cannot be filed in OMPF's. Identification of the report or statement 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 focus 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 per the facts and other guidance provided in this chapter.

6307. SEPARATION AUTHORITIES

1. The separation authority for separations under this chapter is the Marine officer having general court-martial authority over the respondent, or that officer's temporary successor in command, or as designated in figure 6-1 except:

a. When the authority is specifically limited in section 2 to the CMC or the Secretary of the Navy;

b. When a specific provision of this chapter or separate Marine Corps order or directive authorizes another separation authority;

c. When the member is being processed for involuntary separation and has 18 years or more total active military service (sanctuary period, i.e., within 2 years of becoming eligible for military retired or retainer pay), the separation authority is the DC (M&RA). Determinations of "No Further Service" will not be made for Regular enlisted Marines who have entered the sanctuary period. However, the DC (M&RA) may direct the Marine's command to convene an administrative separation board (providing the command a copy of the Marine's complete OMPF pursuant to paragraph 2800.5d and 2800.6b of the Marine Corps Manual and 5 U.S.C. Section 552a(b)(1)), and process the Marine for administrative separation per chapter 6, section 3, of the MARCORSEPMAN in order to identify substandard performers or unqualified Regular enlisted Marines ineligible for further service who are within the sanctuary period;

d. The involuntary separation of Reservists on active duty (other than for training) who are within 2 years of becoming eligible for retired pay or

retainer pay under a purely military retirement system must be approved by the Secretary of the Navy (10 U.S.C. 12686); or

e. When a separation authority specifically delegates authority for certain separations, subject to the limitations in paragraph 6307.2.

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. Commanding generals electing to exercise subordinate separation authority under this paragraph will appoint such authority by letter and include the extent and limitation to authority being delegated and any additional guidelines relative to such delegation.

a. The commanding general at either Marine Corps recruit depot may further extend their delegation to the Commanding Officer, Recruit Training Regiment, for recruits only.

b. The CMC may delegate separation authority to the Commanding General, Marine Corps Combat Development Command (MCCDC), for voluntarily or involuntarily disenrolled officer candidates. The Commanding General, MCCDC, may delegate that authority to a general officer directly supervising Officer Candidates School. That general officer may in turn delegate the authority to the Commanding Officer, Officer Candidates School.

3. The Commanding General, Fleet Marine Forces Atlantic, is the separation authority for any matter under this chapter involving Marines of Marine Corps Security Forces for any case normally acted upon by an officer having general court-martial authority.

4. When an administrative board finds that the preponderance of the evidence supports one or more of the bases for separation contained in the notification, but 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 provides more specific guidance.

6308. SEPARATION AUTHORITY REVIEW

1. The 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, cases are screened per this paragraph.

a. Compliance with Prescribed Directives. This review should ensure that

the package is physically and administratively complete (i.e., all enclosures are attached and all specific requirements of this chapter met). 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 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 a general (under honorable conditions) discharge per paragraph 6304.5, the separation authority is not obligated to approve the request. If the circumstances of

the case are such that the least favorable characterization authorized is clearly not warranted (a higher charaterization is appropriate), the separation authority may approve the conditional waiver per paragraph 6304.5. If the least favorable characterization may be warranted, requests for conditional waivers should be disapproved, the case referred to a board, and the Marine given the opportunity to exercise rights under paragraph 6304. The conditional waiver is intended as an administratively expeditious procedure for those cases in which the least favorable characterization authorized is clearly not warranted. The conditional waiver is not to be used as a plea bargaining device by Marines to obtain a characterization of service higher than truly deserved.

c. Legal Review

(1) In the following cases, the record of proceedings shall be reviewed by a judge advocate, or civilian attorney employed by the Navy or Marine Corps, before action by the separation authority:

(a) When an administrative board has been held and characterization of service under other than honorable conditions is recommended;

(b) When an administrative board has been held and the respondent identifies specific legal issues for consideration by the separation authority; and

(c) When action is taken to vacate a previously suspended separation and the respondent identifies specific legal issues for consideration by the separation authority.

(2) The original or a signed copy of the review will be attached as a permanent part of the record of proceedings. The form and content 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 is adequate. If the respondent has raised specific legal issues, the review will comment on the merits of the issues raised. If the proceedings are not found to be correct in law and fact, the review shall set forth the

facts and reasoning leading to such a determination, and recommend corrective action, if appropriate.

2. Upon completion of the appropriate review, the recommendation should be forwarded to the separation authority for a decision.

6309. SEPARATION AUTHORITY FINAL ACTION. The final action of the separation authority shall be recorded in writing.

1. Without Administrative Board

a. The separation authority shall determine whether the allegations 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 contained in the notice of separation proceedings and listed in section 2; or

(3) Suspended separation per the guidance in paragraph 6310.

(4) At the discretion of the CMC, if the Marine is FMCR/Retired List eligible, suspend separation to afford the respondent the opportunity to request transfer to the FMCR/Retired List within 30 days.

c. The following factors may be considered on the issue of retention or separation, depending on the circumstances of the 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;

(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 the separation authority on the issue of characterization.

2. Action by the Separation Authority With an Administrative Separation Board

a. If the board finds that a preponderance of the evidence supports one or more of the alleged reasons for separation and recommends separation, the separation authority may take one of the following actions:

(1) Approve the board's findings and recommendations; or

(2) Approve the board's findings, 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) Approve the separation, but disapprove suspension of the separation;

(c) Change the recommended characterization of service to one more favorable, or to an appropriate uncharacterized description of separation;

(d) At the discretion of CMC, if the Marine is FMCR/retired list eligible, approve the separation, but suspend execution to afford the respondent the opportunity to request transfer to the FMCR/retired list within 30 days; or

(e) Change the board's recommendation concerning transfer to the IRR.

(3) Approve the board's findings but disapprove the board's recommendation and retain the Marine.

b. If the board finds that a preponderance of the evidence supports one or more of the alleged reasons for separation, but then recommends retention, the separation authority may:

(1) Approve the board's findings and recommendations; or

(2) Submit the case to the Secretary of the Navy recommending separation for one of the specific reasons which the board found supported by the preponderance of the evidence with a characterization of service as honorable or general (under honorable conditions). The separation authority must specify the evidence of record relied upon in reaching the conclusion; or

(3) If the Marine is eligible for and requests voluntary transfer to the FMCR/Retired List, recommend a retirement pay grade per paragraph 6106.4.

c. If the board finds that a preponderance of the evidence does not support one or more of the reasons for separation alleged and recommends retention, the separation authority may:

(1) Approve the board’s findings and recommendations; or

(2) If the findings of the board are clearly contrary to the substantial weight of the evidence in the record, submit the case to the Secretary of the Navy recommending separation. The separation authority must

specify the evidence of record relied upon in reaching the conclusion that a preponderance of the evidence of record supports the reasons for separation alleged; or

(3) If the Marine is eligible for transfer to the FMCR/retired list, recommend a retirement pay grade per paragraph 6106.4.

6310. SUSPENSION OF SEPARATION

1. Suspension

a. Except for discharge by reason of fraudulent enlistment or homosexual conduct, 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 substandard mission performance, administrative efforts, pay and degradation of morale.

(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.

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 this 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. Before 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 before final action by the separation authority.

6311. ADMINISTRATIVE ACTION AFTER DECISION

1. If the separation authority directs 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 homosexual conduct, 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 Marine Corps 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 Marine Corps 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 obligations 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).

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 less than honorable, use the notification procedures in paragraph 6303. An administrative board is not required at this point regardless of 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 Marine Corps Reserve to the IRR.

4. 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 a unit diary entry.

5. 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 CMC (MMSB-20) for inclusion in their OMPF. In cases where an approved separation is suspended, forward all papers to the CMC (MMSB) for inclusion in the OMPF if the suspension is later vacated.

6. Refer to MCO P1070.12K (IRAM) for permissible service record entries when an administrative separation has been suspended or a respondent has been retained despite board findings that one or more allegations are supported.

7. Recoupment. The separation authority should initiate recoupment of reenlistment bonuses, advance educational assistance, etc., by using the procedures in the DoD Financial Management Regulation, Volume 7A.

8. When a Marine serving in pay grade E-4 or above is administratively separated with an other than honorable characterization of service, the Marine shall be administratively reduced to pay grade E-3, such reduction to become effective upon separation.

6312. SEPARATION OF MARINES BEYOND MILITARY CONTROL BY REASON OF UNAUTHORIZED ABSENCE

1. Determination of Applicability. If the GCMCA 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 tolled (exhausted) 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. Before execution of the separation under paragraph 6312.1b or 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 DoN. 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.

6313. SEPARATION OF MARINES PENDING CONCURRENT DISCIPLINARY/ADMINISTRATIVE AND DISABILITY PROCEEDINGS. See paragraph 8508.

Table 6-2. Guide For the Review of Separation Packages

Specific Reason for Separation	Specific Authority	NOTES 1	2	3	4	5	6	7	8	9	10	Separation Authority
CONVENIENCE OF THE GOVERNMENT												
Parenthood	Par. 6203.1	Y	Y	Y	Y	Y	Y	X	X	Y	Y	CMC or GCM Authority
Physical Condition Not a Disability	Par. 6203.2	Y	Y	Y	Y	Y	Y	X	X	Y	Y	CMC or GCM Authority
Personality Disorder	Par. 6203.3	Y	Y	Y	Y	Y	Y	X	X	Y	Y	CMC or GCM Authority
Involuntary Disenroll from Officer Candidate Program	Par. 6203.5	Y	Y	Y		X	X	X	X	Y	Y	CG, MCRC or CG, MCCDC
Fail/Disenroll Lat School	Par. 6203.6	Y	Y	Y		X	X	X	X	Y	Y	GCM Authority
All other CoG	As Specified	Y	Y	Y		Y	Y	X	X	Y	Y	CMC or GCM Authority
DEFECTIVE ENLISTMENT												
Minority	Par. 6204.1	Y	Y	Y		Y	Y			Y		CMC or GCM Authority
Erroneous Enlistment/ Reenlistment	Par. 6204.2	Y	Y	Y		Y	Y	X	X	Y	Y	CMC or GCM Authority
Fraudulent Enlistment	Par. 6204.3	Y	Y	Y		Y	Y	#	#	Y	Y	CMC or GCM Authority
ENTRY LEVEL												
Entry Level Performance or Conduct	Par. 6205	Y	Y	Y	Y	Y	Y			Y		CMC or GCM Authority

Table 6-2. Guide For the Review of Separation Packages

Table 6-2. Guide For the Review of Separation Packages – Continued

Specific Reason for Separation	Specific Authority	NOTES 1	2	3	4	5	6	7	8	9	10	Separation Authority
UNSATISFACTORY PERFORMANCE												
Unsanitary Habits	Par. 6206.5a	Y	Y	Y	Y	Y	Y	X	X	Y	Y	CMC or GCM Authority
Unsatisfactory Performance of Duty	Par 6206.5b	Y	Y	Y	Y	Y	Y	X	X	Y	Y	CMC or GCM Authority
HOMOSEXUAL CONDUCT												
Homosexual Conduct	Par. 6207	Y	Y	Y		Y	Y	Y	Y	Y	Y	CMC or GCM Authority
ALCOHOL ABUSE												
Alcohol Rehab Failure	Par. 6209	Y	Y	Y		Y	Y	X	X	Y	Y	CMC or GCM Authority
MISCONDUCT												
Minor Discp Infractions	Par. 6210.2	Y	Y	Y	Y	Y	Y	#	#	Y	Y	CMC or GCM Authority
Pattern of Misconduct	Par. 6210.3	Y	Y	Y	Y	Y	Y	#	#	Y	Y	CMC or GCM Authority
Drug Abuse	Par. 6210.5	Y	Y	Y		Y	Y	#	#	Y	Y	CMC or GCM Authority
Commission of Serious Off.	Par. 6210.6	Y	Y	Y		Y	Y	#	#	Y	Y	CMC or GCM Authority
Civilian Conviction	Par. 6210.7	Y	Y	Y		Y	Y	#	#	Y	Y	CMC or GCM Authority
Sexual Harassment	Par. 6210.8	Y	Y	Y		Y	Y	Y	Y	Y	Y	CMC or GCM Authority
NEW ENTRANT DRUG AND ALCOHOL TESTING												
New Entrant Drug and	Par. 6211											CMC or GCM Authority

Alcohol Testing	Y	Y	Y	Y	Y	X	X	Y	Y

Table 6-2. Guide For the Review of Separation Packages – Continued

Table 6-2. Guide For the Review of Separation Packages – Continued

Specific Reason for Separation	Specific Authority	NOTES 1	2	3	4	5	6	7	8	9	10	Separation Authority
						SECURITY						
Security	Par. 6212	Y	Y	Y		Y	Y	#	#	Y	Y	CMC or SecNav Authority
						UNSATISFACTORY PARTICIPATION IN THE READY RESERVE						
Unsat Participation in Ready Res	Par. 6213	Y	Y	Y		Y	Y	#	#	Y	Y	CMC or GCM Authority
						SECRETARIAL PLENARY AUTHORITY						
Secretarial Plenary Authority	Par. 6214	Y	Y	Y		Y	Y			Y	Y	SecNav
						WEIGHT CONTROL FAILURE						
Weight Control Failure	Par. 6215	Y	Y	Y	Y	Y	Y	X	X	Y	Y	CMC or GCM Authority
Unsat Perform of Duties	Par. 6206.5b	Y	Y	Y	Y	Y	Y	X	X	Y	Y	CMC or GCM Authority

LEGEND

Y - Yes.

X - Only if Marine has 6 or more years of active and inactive service.

- Only if Marine has 6 or more years of active and inactive service or the Marine is notified that an other than honorable discharge is the least favorable characterization that can be received.

NOTES:

1. Marine must be notified of the proposed discharge action, the general and specific basis, factual circumstances, and the type of discharge certificate that may be issued. (MARCORSEPMAN, paragraph 6303)

2. Marine must be given the opportunity either to submit a statement in rebuttal to the proposed discharge action or decline to make a statement. (MARCORSEPMAN, paragraph 6303)

Table 6-2. Guide For the Review of Separation Packages – Continued

Table 6-2. Guide For the Review of Separation Packages – Continued

NOTES – Continued:

3. Marine must be notified of and explained to his or her understanding the purpose and scope of the Naval Discharge Review Board and the Board for Correction of Naval Records. (MARCORSEPMAN, paragraph 6104)

4. Marine must be afforded a reasonable opportunity to overcome his or her deficiencies after being notified and counseled. SRB, page 11 entry must summarize counseling conducted. (MARCORSEPMAN, paragraph 6105)

5. Marine must be given the opportunity to consult with a judge advocate before exercising or waiving any of the Marine's rights. (MARCORSEPMAN, 6303 or 6304)

6. Marine must be advised that it is in their best interest to consult with a judge advocate before waiving any of his or her rights. (MARCORSEPMAN, paragraph 6303 or 6304)

7. Marine must be afforded the right to present his or her case before an administrative separation board with the advice and assistance of counsel. (MARCORSEPMAN, paragraph 6303 or 6304)

8. Marine must be afforded and explained the rights of the respondent concerning administrative separation board proceedings. (MARCORSEPMAN, paragraph 6303 or 6304)

9. Commander must refer Marine's case, together with his or her recommendations and all evidence, to the separation authority.

10. Separation package must be reviewed per paragraph 6308.1c when an administrative board has recommended separation under other than honorable conditions, and when an administrative board has been held and the respondent identifies specific legal issues for consideration by the separation authority. For Marines with 18 or more years of service, paragraph 6307.1c applies.

Table 6-2. Guide For the Review of Separation Packages – Continued

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 3: ADMINISTRATIVE PROCEDURES

PART C: ADMINISTRATIVE SEPARATION BOARD. See Appendix L, Involuntary Administrative Discharge Outline and Checklist.

6314. CONVENING AUTHORITIES. An administrative separation board as required by this chapter shall be convened in writing by any commander having special court-martial convening authority, or by any other commanding officer or officer in charge when specifically authorized to do so by a superior authority who is a Marine commander having 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. Additionally, authority to convene administrative separation boards is specifically delegated to those units delineated in figure 6-1 provided they exercise special court-martial convening authority. Not all convening authorities are separation authorities. See paragraph 6307 for the definition of a separation authority.

6315. COMPOSITION

1. Members

a. The convening authority shall appoint to the administrative board at least three commissioned/warrant or staff noncommissioned officers of the Armed Forces of the United States of America (or Reserve components thereof). Enlisted personnel appointed to the board shall be in the pay grade of E-7 or above and be senior to the respondent. At least one member of the board will be in the pay grade of 0-4 or above and a majority shall be commissioned 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 no active duty-list officer is reasonably available, the convening authority may substitute a Reserve officer designated for duty in the Active Reserve (AR) Program who has served on continuous active duty for more than 12 months immediately before appointment to the board.

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. Characterization may be under other than honorable conditions if the member consents to or waives administrative discharge proceedings or a court-martial or a board.

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 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 will 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 a major 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. Attendance at the proceedings of an administrative separation 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 the convening 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 CMC (MMSR-3) and request appropriate instructions. Locally includes officers from higher headquarters in the chain of command of the convening authority and units of other services geographically co-located with the convening authority. Convening authorities should consult their command staff judge advocate before notifying the CMC (MMSR-3).

h. The convening authority may delegate the power to excuse members before the convening of the board's initial session to the cognizant staff judge advocate, legal services support section officer in charge, or law center director. The convening authority's delegate may not excuse more than one-third of the total number appointed.

2. Presiding Officer

a. The senior member of the board in the grade of major or higher shall serve as president and shall preserve order and decide upon matters relating to the routine business of the board. (Members frocked to pay grade of 0-4 cannot serve as president of administrative separation boards.) The president may grant a continuance, recess, and 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 and evidence, but the rulings of the president may be overruled by a majority of the board. If appointed, the legal adviser shall rule finally on all matters of procedure, evidence, and challenges, except challenges to the legal advisor. 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 by the separation authority.

3. Recorder. A non-voting recorder will be appointed by the convening authority to each administrative separation board. An assistant recorder may be appointed. The convening authority may delegate the authority to appoint the nonvoting recorder or assistant recorder to the cognizant staff judge advocate, legal services support section officer in charge, or law center director. A recorder or assistant recorder may be changed at any time by the convening authority or their delegate. 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 to permit the board to make fully informed findings and recommendations concerning the respondent. The recorder and assistant recorder should be experienced officers and shall be warrant or commissioned officers. The recorder and/or the assistant recorder may be a lawyer within the meaning of UCMJ, Article 27b(1). 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 may properly be considered by it, which are necessary 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 boards 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 to 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 non-voting legal advisor, who is a judge advocate certified in accordance with Article 27b(1), UCMJ, may be appointed to the board. If appointed, the legal advisor shall rule finally on all matters of procedure, evidence and challenges,

except challenges to the legal advisor. A legal advisor shall not be both junior to and in the same direct 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 CMC (MMSR-3) for assistance.

6316. PROCEDURE. The following rules shall govern the procedures to be employed by an administrative separation board. Where questions arise as to matters of procedure not covered in this Manual, such questions will be resolved at the discretion of the board or the convening authority.

1. Rules of Evidence. An administrative separation 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 president 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. Reasonable restrictions shall be observed, however, concerning relevancy and competency of evidence. The president of the board has full authority to decline to accept evidence whose probative value is outweighed by the prejudicial effect on the respondent, or which would cause unnecessary embarrassment to a witness or victim involved in the case. Within the discretion of the president of the board, the respondent or recorder may present the results of a polygraph and testimony or information about the polygraph procedure. If the results are presented to the board, the respondent or recorder may present evidence to rebut that evidence or to rebut the validity of polygraph evidence in general.

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 their rights under 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 be considered as a bar to the board proceedings, findings, opinions, and recommendations. Such rights will be conclusively presumed to be waived.

4. Eliciting Further Information. Whenever it appears desirable to the members of the board to elicit or develop additional information for a proper

hearing of the matters before the board, the president will advise the recorder and may direct the calling of a witness, pursue further lines of questioning, or direct that other evidence be presented.

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, consult the convening authority for further guidance (see OPNAVINST 5510.1 and JAGMAN, section 0144).

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 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 challenge 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 competency to sit in that particular case. This examination may or may not be under oath or affirmation at the discretion of the respondent. When the respondent desires oath or affirmation the election to swear or affirm resides with the challenged person. The recorder and other members of the board may also examine the challenged person. Other evidence relevant to the challenged person's competency to sit on the board may also be heard.

b. The burden of persuasion in establishing a challenge is on the respondent.

c. The convening authority shall rule finally on all challenges for cause of legal advisors, when appointed, and of board members when a legal advisor has not been appointed.

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 major 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 rebuttal;

(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.

(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.

9. Final Arguments. The recorder and counsel for the respondent will be permitted to present final argument, if they so desire. The recorder has the right to make opening final argument and, if argument is made on behalf of the respondent, the closing final argument.

10. Burden of Proof. The burden of proof before administrative separation boards rests upon the Government. This burden never shifts. After the presentation of the Government's case, certain justifiable inferences which are adverse to the respondent may be drawn from the evidence by the board, the convening authority, and the separation authority. In this latter instance, the burden of going forward with evidence to avoid the adverse effect of these justifiable inferences may then shift to the respondent.

11. Standard of Proof. The standard of proof is a preponderance of the evidence as to all matters before an administrative separation board.

12. Weight and Credibility of Evidence. The board will rely upon its own judgment and experience in determining the weight and credibility to be given material or testimony received in evidence.

6317. WITNESSES. Testimonial evidence may be presented to the administrative board through the personal appearance of the witness, through the use of oral or written depositions, unsworn written statements, affidavits, testimonial stipulations, or any other accurate and reliable means for presenting testimonial evidence. The testimony of a witness may be excluded if the legal advisor or president of the board determines that its probative value is substantially outweighed by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

1. Attendance. Within a reasonable period of time before the date set for the administrative board hearing, the respondent or the respondent's counsel will submit a written request to the convening authority, via the president of the board, for all witnesses requested to testify on behalf of the respondent. Failure to submit a request for witnesses in a timely fashion shall not automatically result in denial of the request, but if it would be necessary to delay the hearing in order to obtain a requested witness, lack of timeliness in submitting the witness request may be considered along with other factors in deciding whether to provide the witness. If the requested witness is not physically located at the command, the respondent may request TAD or invitational travel orders. Civilian witnesses whose attendance is required shall be issued invitational travel orders.

a. If production of a witness will require expenditure of funds by the convening authority, the written request for attendance of the witness shall also contain the following:

(1) A synopsis of the testimony that the witness is expected to give.

(2) An explanation of the relevance of such testimony to the issues of separation or characterization.

(3) An explanation as to why written or recorded testimony would not be sufficient to provide for a fair determination.

b. The convening authority may authorize expenditure of funds for production of witnesses only if the president (after consultation with a judge advocate) or the legal advisor (if appointed) determines that:

(1) The testimony of a witness is not cumulative;

(2) The personal appearance of the witness is essential to a fair determination on the issues of separation or characterization;

(3) Written or recorded testimony will not accomplish adequately the same objectives;

(4) The need for live testimony is substantial, material, and necessary for proper disposition of the case; and

(5) The significance of the personal appearance of the witness, when balanced against the practical difficulties in producing the witness, favors production of the witness. Factors to be considered in relation to the balancing test include, but are not limited to, the cost of producing the witness, the timing of the request for production of the witness, the potential delay in the proceedings that may be caused by producing the witness, or the likelihood of significant interference with military operational deployment, mission accomplishment, or essential training.

c. If the convening authority determines that the personal testimony of a witness is required, the hearing will be postponed or continued if necessary to permit the attendance of the witness.

d. The hearing shall be continued or postponed to provide the respondent with a reasonable opportunity to obtain a written statement from the witness if a witness requested by the respondent is unavailable in the following circumstances:

(1) When the president determines that the testimony of the witness is not required;

(2) When the commanding officer of a military witness determines that the military necessity precludes the witness' attendance at the hearing; or

(3) When a civilian witness declines to attend the hearing.

e. Any expense incident to the appearance of material witnesses on active duty with any of the Armed Forces before an administrative separation board

will be charged to the operation and maintenance allotment of the convening authority of the board.

f. Paragraph 6317.1d(3) does not authorize a Federal employee to decline to appear as a witness if directed to do so in accordance with applicable procedures of the employing agency.

2. Testimony. The respondent, the respondent's counsel, and the recorder shall be afforded a reasonable opportunity to interview a witness before calling the witness to testify before the administrative board.

a. The testimony of all witnesses appearing in person before the board, at the discretion of the president may be taken under oath or affirmation, except that the respondent may make an unsworn statement. A respondent's unsworn statement may include matters concerning the acts or omissions which

form the basis for discharge, matters in extenuation or mitigation, or any other relevant matter. The respondent may not be cross-examined on such an unsworn statement. Evidence may be introduced by the recorder to rebut any statements of fact contained in it. The respondent's unsworn statement may be oral, in writing, or both and may be made by the respondent or the counsel, or by both of them. The respondent's statement should be factual and not argumentative in nature.

b. No witness, including the respondent, appearing before the board shall be compelled to incriminate themselves or to answer any questions the answer to which may tend to incriminate them. Nor shall they be compelled to make any statement or produce evidence if the statement or evidence is not material to any matter under investigation and may tend to degrade them. Other than the respondent, any person, may be called as a witness before the board, whether or not they request to be a witness. If a witness, including the respondent, is accused of, suspected of, or charged with an offense under the UCMJ, the president shall inform the witness of the nature of the offense and the service member's Article 31, UCMJ, rights. If the witness is not subject to the UCMJ, the witness should be provided an appropriate, lawful advisement of rights. If a witness exercises the right to refrain 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 administrative separation board.

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 president, may direct witnesses 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 matters before the board can be fairly heard and to eliminate the possibility that disclosures of the substance of the witness' testimony may influence the testimony of a witness still to be heard.

6318. OATHS. The oath or affirmation to be given pursuant to this chapter will be under JAG Manual, section 0212, 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. All findings and recommendations shall be determined by a majority of the voting board members. A tie vote shall be resolved in favor of the position more favorable to the respondent. All voting members shall sign the appropriate board report, majority or minority.

2. The board shall determine whether each allegation in the notice of proposed separation is supported by a preponderance of the evidence.

3. If the board finds that one or more of the allegations are supported by the evidence, it shall then determine whether the findings warrant separation for the reason(s) stated in the notice. If more than one reason was stated in the notice, there shall be a separate determination for each reason.

4. Findings. The board shall state:

a. The specific evidence it considered relating to each act, omission, or circumstance alleged in the notice;

b. Its determination for each alleged act, omission, or circumstance, that the preponderance of evidence does or does not support that act, omission, or circumstance;

c. The specific reason for separation defined in the notification letter and chapter 6 of this Manual to which each act, omission, or circumstance supported by a preponderance of the evidence applies.

5. 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 under 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 per 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 IRR as a mobilization asset to fulfill the respondent's total service obligation except when the board has recommended separation on the basis of homosexual conduct, 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 IRR, the board should consider how the respondent's performance, training, and availability affects the respondent's potential for useful service under conditions of full mobilization. The option of transfer to the IRR applies to cases involving separation from active duty or from the Selected Marine Corps Reserve.

6. Minority Report. If a member does not concur in the findings, opinions, or recommendations of the majority of the board, the member shall prepare a minority report stating explicitly the reason(s) for disagreeing with the majority report. The minority report may also include additional findings of fact, opinions, and recommendations. All members concurring in the minority report shall sign the report.

6320. RECORD OF PROCEEDINGS AND REPORT OF THE BOARD. In cases where the board recommends separation, the record of the proceedings shall normally be kept in summarized form unless a verbatim record is required by the separation authority or authorized by the convening authority. In cases where the board recommends retention, a record of the proceedings is optional unless required

by the separation authority. However, a summarized or verbatim record shall be prepared in any case in which the CMC is the separation authority, and in any case in which the board recommends retention and the separation authority elects to forward the matter to the Secretary of the Navy under paragraph 6309.2. The board reporter shall retain all materials necessary to prepare a transcript should the separation authority elect to forward the case to the Secretary. 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 of either or both, by a member in lieu of the president or by a member in lieu of the recorder. Whether or not a written transcription is ultimately required, at a minimum, the proceedings shall be recorded using audio tapes or a court reporter if available. The recorder will determine the availability of court reporters after consulting with the SJA, law center director, or the OIC Legal Services Support Section (LSSS).

1. When a record of proceedings is required, it shall contain, as a minimum:

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. Acknowledgment 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 non-voting recorder, and their respective legal qualifications.

f. Copies of the letter of notification to the respondent, advisement of rights, and acknowledgment 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.

i. All exhibits accepted by the board for consideration with Recorder and Respondent exhibits marked in such a manner to differentiate between them. Each exhibit will be clearly and individually identified within the record of proceedings, and each exhibit shall be clearly marked and sequentially numbered or lettered, e.g., “Govt Exhibit 1,” “Respondent Exhibit A,” “Board Exhibit I,” etc.

j. A majority board report signed by all concurring voting members.

k. A minority board report, if applicable, signed by all concurring voting members.

2. In all cases, the findings and recommendations of the board shall be in verbatim form.

3. The convening authority shall forward to the separation authority, via the chain of command, the findings and recommendations of the board, the record of proceedings, and the recommendations of subordinate commanders, if applicable, and shall make a recommendation with specific rationale on each of the board’s findings and recommendations.

6321. SUBSEQUENT ADMINISTRATIVE SEPARATION BOARD PROCEEDINGS

1. No Marine will be subjected to administrative separation 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, or where the previous administrative separation board recommended separation but the proceedings were determined to be null and void (i.e., the board was improperly convened or constituted). Evidence before a subsequent board is not the same as evidence before a previous board when subsequent conduct or performance forms the basis, in whole or in part, for a new proceeding, or when there is new or newly discovered evidence that was not reasonably available at the time of the prior proceeding.

2. Except when the previous board results were obtained by fraud or collusion, a subsequent board considering the same evidence may not return a recommendation less favorable to the respondent than that returned by the previous board.

3. Conduct is considered to have previously been the subject of administrative separation board proceedings when the previous board has submitted the record of its proceedings to the convening authority and when the board's record include one of the recommendations prescribed in paragraph 6319.

4. When a subsequent board is convened, no voting Marine of the subsequent board shall have served on a previous board as a voting member and no voting Marine of the subsequent board may 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 the assistant recorder of the subsequent board.

5. The record of the proceedings of the previous board may be furnished to the subsequent board. However, the subsequent board will not be furnished the findings, opinions, or recommendations of the previous board, nor the specific comments of the convening or separation authority concerning the previous board. Additionally, any evidence considered by the separation authority to have been prejudicial to the substantial rights of the respondent, or to have been obtained by fraud or collusion, will not be provided to the subsequent board. Such excluded matter, however, should be furnished to 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, except as provided in paragraph 6321.2. The subsequent board

shall submit its findings, opinions, and recommendations, de novo (as new). 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.

6. 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 before 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.

7. If a subsequent board is convened, the record of the first proceeding should be attached to the record of the subsequent proceeding.

Figure 6-1. Commands Delegated by the CMC (SJA) as Discharge Authority For Other Commands

CG, MCB Quantico
HQBN, HQMC
MarBks Annapolis, MD
MarBks Washington, DC
MarCorAdminDet Ft Leavenworth, KS
MarCorAdminDet Patuxent River, MD
MarCorDet Newport, RI
MarCorDet Aberdeen, MD
MarCorDet Ft Devens, MA
MarCorDet Ft Lee, VA
MSGBN Quantico, VA
MarSptBn Washington, DC
Chem Bio Incident Response Force

COMMARFORLANT
HQSVCCO MarForLant
EWTGLant
HQFMFEUR
MarBks Guantanamo Bay, Cuba
MarCorAdminDet Dam Neck, VA
MCSFBn
All MarDets on ships
MATSG Oceana
NMITC Oceana

COMCABEAST
MATSG Pensacola, FL
MATSG Cecil Field, FL
MATSG Meridian, MS
MATSG Corpus Christi, TX
MATSG Millington, TN

COMCABWEST
MarCorAdminDet Ft Huachuca, AZ
MarCorAdminDet Ft Bliss, TX
MarAvnDet NWC China Lake, CA
MATSG Lemoore, CA
MarAvnDet Point Magu, CA
MATSG Whidbey Island, WA

COMMARCORLOGBASES
MarCorAdminDet Ft Gordon, GA
MarCorAdminDet Redstone Arsenal, AL
MarCorAdminDet MacDill AFB, FL

COMMARFORRES
4th MarDiv
4th MAW
4th FSSG

CG I/II/III MEF
MEU Command Element

CG, 1st/2d/3d MARDIV
MEU Ground Combat Element

CG, 1st/2d/3d MAW
MEU Aviation Combat Element

CG, 1st/2d/3d FSSG
MEU Combat Service Support Element

CG, MCB Camp Pendleton
MCSA Kansas City, MO
MCTSSA MCB Camp Pendleton, CA
MCMWTC Bridgeport, CA
RSU MCB Camp Pendleton, CA

CG, MCRD/ERR Parris Island, SC
MarCorAdminDet Ft Knox, KY
MarCorAdminDet Ft McClellan, AL
MarCorDet Kessler AFB, MS

CG, MCRD/WRR San Diego, CA
MarCorAdminDet Chanute AFB, IL
MarCorAdminDet Ft Goodfellow AFB, TX
MarCorAdminDet Ft B. Harrison, IN
MarCorAdminDet Ft Sill, OK
MarCorAdminDet Lackland AFB, TX
MarCorAdminDet Monterey, CA
EWTGPac Coronado, CA

MarCorAdminDet Ft Benning, GA
MarCorAdminDet Lowry AFB, CO
Blount Island Cmd Jacksonville, FL

Figure 6-1. Commands Delegated by the CMC (SJA) as Discharge Authority For Other Commands

Figure 6-2. Sample Format for Notification Without an Administrative Separation Board

From: Commanding Officer
To: (Individual Marine)

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

Ref: (a) MCO 1900.16F (MARCORSEPMAN)

Encl: (1) Purpose and Scope of the Naval Discharge Review Board (NDRB) and Board for Correction Naval Records (BCNR)
(2) Acknowledgment of Respondent's Rights

1. You are hereby notified that I intend to recommend to the (Separation Authority; e.g., Commanding General) that you be discharged from the U.S. Marine Corps/released from active duty to a Reserve component per paragraph (insert paragraph number) of the reference by reason of (state the general and specific bases for discharge 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 (under honorable conditions) 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 before 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 have the right to request an administrative board if you have 6 or more years of total active and reserve military service.

e. 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.

Figure 6-2. Sample Format for Notification Without an Administrative Separation Board

Figure 6-2. Sample Format for Notification Without an Administrative Separation Board - Continued

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

f. (Use if applicable). Although you are FMCR/retired list eligible, you have refused to request transfer to the FMCR/retired list as provided in paragraph 6106.4 of the reference. If separation is approved, you may lose all retainer/retired pay and benefits.

5. If you are separated before you complete an active duty service requirement incurred because you received advanced education assistance, bonuses, or special pays, you may be required to reimburse the U.S. government on a pro rata basis for the unserved portion of the active service requirement.

6. Information on the Purpose and Scope of the NDRB and the 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, 4 May 94. Must allow at least 2 working days) by completing and returning enclosure (2), citing time and date completed. Failure to respond by the prescribed time constitutes a waiver of your rights.

Signature

Figure 6-2. Sample Format for Notification Without an Administrative Separation Board - Continued

Figure 6-2. Sample Format for Notification Without an Administrative Separation Board - Continued

(Letterhead)

From: (Individual Marine)
To: Commanding Officer

Subj: ACKNOWLEDGMENT OF MY RIGHTS TO BE EXERCISED OR WAIVED DURING SEPARATION PROCEEDINGS

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 (an honorable or a general (under honorable conditions) characterization of service and that the least favorable characterization which I may receive is general (under honorable conditions).

3. In view of the above, I choose to execute the following rights:

a. _____ I (have) (have not) included statements in rebuttal to this proposed separation.

b. _____ I (have) (have not) consulted with counsel. I realize it is in my best interests to do so before exercising or waiving any of my rights. My counsel's name is: _____.

c. _____ I (do) (do not) desire to obtain copies of documents that will be forwarded to the (Separation Authority) supporting this proposed separation.

d. _____ If I have 6 or more years of total active and reserve military service, I (do) (do not) request an administrative board.

e. _____ (if applicable) Although I am FMCR/retired list eligible, I have refused to request transfer to the FMCR/retired list. I understand that, if separation is approved, I may lose all retainer/retired pay and benefits.

4. _____ I understand that if I am separated before I complete an active duty service requirement incurred because I received advance education assistance, bonuses, or special pays, I may be required to reimburse the U.S. government on a pro rata basis for the unserved portion of the active service requirement.

5. _____ I have read and fully understand the information contained in the Purpose and Scope of the NDRB and BCNR.

_____	_____	_____	_____
Witness	Date	Respondent	Date

Figure 6-2. Sample Format for Notification Without an Administrative Separation Board – Continued

Figure 6-3. Sample Format for Notification With an Administrative Separation Board

(Letterhead)

From: Commanding Officer
To: (Individual Marine)

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

Ref: (a) MCO 1900.16F (MARCORSEPMAN)

Encl: (1) Purpose and Scope of the Naval Discharge Review Board (NDRB) and Board for Correction Naval Records (BCNR)
(2) Acknowledgment of Respondent's Rights

1. You are hereby notified that I intend to recommend to the (Separation Authority; e.g., Commanding General) that you be discharged from the U.S. Marine Corps/released from active duty to a Reserve component of the USMC per paragraph _____ of the reference by reason of (state the general and specific bases for separation contained in the reference).

2. The basis (bases if multiple reasons) for this recommendation is (describe the circumstances supporting the commanding officer'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 of service which you may receive is (honorable/general (under honorable conditions)/under other than 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 (under honorable conditions)/under other than honorable characterization of service. (Include the following language if applicable: Although you are FMCR/Retired List eligible, you have refused to request transfer to the FMCR/Retired List as provided in paragraph 6106.4 of the reference. If separation is approved, you may lose all retainer/retired pay and benefits).

4. As a result of these separation proceedings, you have the following rights:

a. You have the right to consult with qualified counsel before electing or waiving any of your rights. It is in your best interest to do so before waiving any of your rights.

b. You have the right to request a hearing before an Administrative Separation Board per paragraph _____ of the reference.

c. You have the right to present written statements to the (Separation

Authority) in rebuttal to this proposed separation and in lieu of having a hearing.

Figure 6-3. Sample Format for Notification With an Administrative Separation Board

Figure 6-3. Sample Format for Notification With an Administrative Separation Board - Continued

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

d. You have the right to obtain copies of documents that will be forwarded to the (Separation Authority) supporting this proposed separation. Classified documents shall be summarized.

e. You have the right to waive any of these rights after being afforded an opportunity to consult with counsel.

5. Should you request a hearing before an Administrative Separation Board, you would be afforded the following rights:

a. To appear in person before such a board or be represented by counsel if you are confined by civil authorities.

b. To be represented by military counsel. Appointed, or of your choice, if available.

c. To be represented by civilian counsel if you desire and at your own expense.

d. To challenge voting members of the board or the legal advisor, if any, for cause only.

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 before the board's closing the hearing for deliberation on findings and recommendations.

j. Upon written request to the (Convening Authority), to be provided with a copy of the report of the board and the endorsement.

k. Failure to appear without good cause at a hearing constitutes waiver of your right to be present at the hearing.

l. You have the right to make a sworn or unsworn statement.

m. You have the right to examine evidence presented by the board, to cross-examine witnesses appearing before the board, to submit evidence before the board, and to present final argument before the board.

Figure 6-3. Sample Format for Notification With an Administrative Separation Board - Continued

Figure 6-3. Sample Format for Notification With an Administrative Separation Board - Continued

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

n. Failure to respond after being afforded a reasonable opportunity to consult with counsel constitutes waiver of the rights in paragraph 6304.1d to 6304.1m of the reference.

6. If you are separated before you complete an active duty service requirement incurred because you received advanced education assistance, bonuses, or special pays, you may be required to reimburse the U.S. Government on a pro rata basis for the unserved portion of the active service requirement.

7. Information on the purpose and scope of the NDRB and BCNR is provided to you as enclosure (1).

8. You are directed to respond in writing to this notice no later than (time and date; e.g., 0900, 4 May 2001; must allow at least 2 working days) by completing and returning enclosure (2), citing time and date completed. Failure to respond by the prescribed time constitutes a waiver of your rights.

Figure 6-3. Sample Format for Notification With an Administrative Separation Board – Continued

Figure 6-3. Sample Format for Notification With an Administrative Separation Board - Continued

(Letterhead)

From: (Individual Marine)
To: Commanding Officer

Subj: ACKNOWLEDGMENT OF MY RIGHTS TO BE EXERCISED OR WAIVED DURING SEPARATION PROCEEDINGS

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 (under honorable conditions)/under other than honorable conditions characterization of service and that the least favorable characterization which I may receive is general (under honorable conditions)/under other than honorable conditions. (Include the following language if applicable: Although I am FMCR/Retired List eligible, I have refused to request transfer to the FMCR/Retired List. I understand that, if separation is approved, I may lose all retainer/retired pay and benefits).

3. In view of the above, I choose to execute the following rights:

a. _____ I (have) (have not) consulted with counsel. I realize it is in my best interests to do so before exercising or waiving any of my rights. My counsel's name is: _____.

b. _____ I (do) (do not) request a hearing before an Administrative Separation Board.

c. _____ In lieu of a hearing, I (have) (have not) included written statements in rebuttal to this proposed separation.

d. _____ 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 Separation Board, I realize I have the following rights:

a. _____ To be present or represented by counsel if I am confined by civil authorities.

b. _____ To be represented by appointed military counsel, or counsel of my choice, if available.

c. _____ To be represented by civilian counsel if I desire and at my own expense.

Figure 6-3. Sample Format for Notification With an Administrative Separation Board - Continued

Figure 6-3. Sample Format for Notification With an Administrative Separation Board - Continued

Subj: ACKNOWLEDGMENT OF MY RIGHTS TO BE EXERCISED OR WAIVED DURING SEPARATION PROCEEDINGS

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.

i. _____ I or my counsel may present argument before the board's closing the hearing for deliberations on findings and recommendations.

j. _____ Upon written request to the (Convening Authority), to be provided with a copy of the report of the board and the endorsement.

k. _____ Failure to appear without good cause at a hearing constitutes waiver of my right to be present at the hearing.

5. _____ I understand that if I am separated before I complete an active duty service requirement incurred because I received advance education assistance, bonuses, or special pays, I may be required to reimburse the U.S. government on a pro rata basis for the unserved portion of the active service requirement.

6. _____ I have read and fully understand the Purpose and Scope of the NDRB and BCNR.

_____	_____	_____	_____
Witness	Date	Respondent	Date

Figure 6-3. Sample Format for Notification With an Administrative Separation Board – Continued

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 4: VOLUNTARY ADMINISTRATIVE SEPARATIONS

6401. GUIDELINES. An enlisted Marine may request voluntarily separation 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. Paragraph 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. The separation authority receives the Marine's request after it has been forwarded and endorsed via the chain of command. The separation authority then directs the discharge or release from active duty of the Marine, if either is warranted, or disapproves the Marine's request and directs retention.

3. Characterization. The following characterization of service will apply when the Marine's request for separation is:

a. Defective Enlistment/Reenlistment. Honorable, unless an uncharacterized 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 6204.1.

b. Convenience of the Government. Honorable, or general (under honorable conditions), unless an uncharacterized entry level separation is required under paragraph 6204.1.

4. Notification. Use the notification procedures in paragraph 6303 if the 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 average duty proficiency/conduct marks.

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 eligible for an honorable discharge and separating for the reasons contained in this paragraph before EAS/EOS. The separation authority will direct discharge in those cases which clearly demonstrate a Marine has no mobilization potential. The separation authority also directs discharge if the condition which resulted in the Marine's separation

from active duty would preclude the Marine from worldwide assignability/ deployability as a member of the Reserves. Use the procedures in chapter 1 when transferring Marines to the IRR.

a. Transfer to the IRR is prohibited if:

(1) Separated by reason of homosexual conduct, drug use, defective enlistment;

(2) Characterization of discharge is under other than honorable;

(3) Diagnosed as HIV-1 positive; or,

(4) Assigned a reenlistment code of RE-4.

b. Transfer to the IRR vice discharge is appropriate for Convenience of the Government separation by reason of:

(1) Early release to further education (paragraph 6405);

(2) Pregnancy (paragraph 6408);

(3) Surviving family member (paragraph 6410); or,

(4) Married to other service members (paragraph 6416).

6. Unique Requirements. Each request for voluntary separation has its own procedures and criteria which should be followed for a proper determination. These unique requirements are fully explained under the appropriate paragraph in this section.

7. Submission of Request. All requests for voluntary early release requiring either CMC or Secretary of the Navy discharge authority must be received by CMC not less than 6 weeks before the requested separation date. Submissions received at CMC less than six weeks before the requested separation date will not receive favorable consideration.

8. Withdrawals. Requests for voluntary separation may be withdrawn by the Marine at any time before action on the request by the separation authority. Requests must be made in writing to the separation authority and endorsed by the chain of command.

9. Reimbursement Requirement. In those cases that may be subject to a reimbursement requirement for recoupment of advance education assistance costs, bonuses, or special pays, the Marine must be advised of such requirement before submitting a request for voluntary separation. Failure to provide such advisement, however, shall not constitute grounds for avoiding a reimbursement requirement unless otherwise expressly provided by law or superior regulation.

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/career planning 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/career planning 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, for example:

(1) Enlistment of an individual who lacks the capacity to understand the significance of enlisting in the military services; or

(2) Enlistment of an individual whose enlistment is involuntary by reason of coercion 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 as soon as practical; 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 to make a proper determination.

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 uncharacterized entry level separation or an order of release from the custody and control of the Marine Corps is required. The separation authority for all separations under this paragraph is the CMC (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 before 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, Air Force, or Coast Guard. Upon receipt of official notification of the enlistment of a Reservist in the Regular Army, Navy, Air Force, or Coast Guard, commanders will effect the discharge of the Reservist as of the day before such enlistment, and forward the discharge certificate to the member's new organization, if known, or to the CMC (MMSB-10) with a statement as to the reason for nondelivery.

3. Discharge for Enlistment in Another Reserve Component of the Armed Forces. See paragraph 3004.

4. Reservists who do not have a military obligation who enlist or accept appointment in a Reserve component of another Armed Force will be discharged per the criteria and procedures stated in paragraph 6403.3, 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 a commission or appointment in any branch of the Armed Forces. All applications for commission, appointment, or

acceptance into a program leading to such must be submitted via the CMC (MMSR). Applications shall include a statement acknowledging that, should the Marine be accepted in the applied for program, the Marine agrees to separation from the Marine Corps. Only the CMC may direct separation after receipt of certification from the gaining service that the Marine has been selected to accept a commission or an appointment, or has been accepted into a program leading to a commission or an appointment.

2. Commanding officers may separate an active duty Marine for immediate reenlistment when the Marine has less than 3 months remaining to serve on the enlistment (see MCO P1040.31H, Enlisted Career Planning and Retention Manual).

3. Active duty Marines may be separated under the provisions of an announced early release program authorized by the CMC.

4. The GCMCA may separate an active duty Marine 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 to reenlist.

5. The GCMCA may separate an active duty Marine assigned to sea duty who is within 90 days of the date of expiration of active obligated service 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 before the member's expiration of active obligated service if the member returned to the CONUS from the first overseas port-of-call; or

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's 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 before the member's expiration of active obligated service.

6405. EARLY RELEASE TO FURTHER EDUCATION

1. General. GCMCA's may authorize particularly deserving enlisted Marines to be released from active duty before expiration of active service for the purpose of pursuing their education via college or a vocational/technical school. A vocational school is to include any state or local police department, fire department, or state, city, or county service agency that would require the Marine to attend a full-time course of instruction lasting 3 months or more. The educational institution must be accredited as specified in par 6405.3. Marines who request early release for education will be considered for promotion. 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. 12303. However, all other Reservists who are "set back" in training at a recruit depot and cannot meet the last date for entrance to college may be separated (MCO P1001R.54 refers).

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

d. Marines who 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. 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.

d. Applications will normally be denied if the Marine has:

(1) Received fully funded education, or education for which the Marine incurred obligated service;

(2) Completed advanced technical training;

(3) Received special compensation during the current enlistment (e.g., reenlistment bonus);

(4) A military occupational specialty which requires retention; or

(5) Become indebted to the Government as a result of unearned leave (advance and excess leave), advance pay, reduction in grade, and fines and forfeitures.

e. Waiver of the criteria in the preceding paragraph will only be considered when the Marine makes a cash remittance before initiation of separation processing.

3. Application. An application format is provided in figure 6-5.

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 paragraph 6405.3a, 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 is accredited in the Education Directory for Postsecondary Education published yearly by the Department of Health, Education, and Welfare or has been determined by the United States Office of Education to be eligible for such listing.

(3) That the Marine will be in a full-time 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 paragraph 6405.3a, 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 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 before 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. A Marine who is accepted on probation meets 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 the 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 GCMCA.

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.

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 GCMCA at least 4 weeks before the requested date of separation. Marines assigned to OCONUS commands should apply 6 weeks before the requested date of separation.

d. The approved separation date will usually be 10 calendar days before the class starting date. In no event will it exceed 30 days.

e. Commanders may grant leave while awaiting separation in conjunction with this program as authorized by MCO P1050.3H; 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.

5. Exceptions and Waivers

a. The requirement for an applicant to be eligible for an honorable separation and the maximum permissible early release of 90 days will not be waived.

b. Leave must not be authorized to exceed this 90-day limit.

c. Address any other exceptions to the CMC (MMSR-3) for a final determination.

d. Cases that fail to meet the above requirements may, in exceptional circumstances, be submitted to the Secretary of the Navy under Secretarial Plenary Authority/Best Interest of the Service (paragraph 6421) via the CMC (MMSR-3). These cases should be coordinated with the CMC (MMSR-3) before submission. This authority will be reserved exclusively for superior Marines faced with a "once in a lifetime" opportunity.

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.

1. In the case of a Reservist who is eligible for the Reserve Retired List or is already on the Reserve Retired List, the Reservist will be relieved from active duty.

2. Applications will normally be denied if the Marine has:

a. Received fully funded education or education for which the Marine incurred obligated service;

b. Completed advanced technical training;

c. Received special compensation during the current enlistment (e.g., reenlistment bonus);

d. A military occupational specialty which due to military exigencies requires retention; or

e. Become indebted to the Government as a result of unearned leave (advance and excess leave), advance pay, reductions in grade, and fines and forfeitures. However, an individual Marine may be considered eligible for early separation provided the individual makes a cash remittance before the initiation of separation processing.

6407. DEPENDENCY OR HARDSHIP

1. General. The CMC and the GCMCA may direct the separation of enlisted Marines for dependency or hardship. Application from Marines who have been granted temporary additional duty with a unit for the purpose of applying for this type of separation will be forwarded to the CMC (MMSR-3) for consideration. Marines granted Permissive Temporary Additional Duty (PTAD) to a unit for humanitarian reasons and subsequently request a hardship discharge will continue to submit this request to the CMC (MMEA 86) for consideration per paragraph 1301 of MCO P1000.6G (ACTSMAN). The CMC (MMEA 86 and MMSR-3) will determine if the request meets humanitarian/hardship discharge criteria.

2. Criteria. Separation may be directed when genuine dependency or undue hardship exists under the following circumstances:

a. The hardship or dependency is not temporary;

b. Conditions have arisen, or have aggravated, to an excessive degree since entry into the Marine Corps and the Marine has made every effort to remedy the situation;

c. The administrative separation will eliminate or materially alleviate the condition; and

d. There are no other means of alleviation reasonably available.

3. Undue hardship does not necessarily exist because of altered present or expected income, family separation, or other inconveniences normally incident to military service.

a. Separation will not be authorized for personal convenience alone; when the Marine requires medical treatment; or solely by reason of the Marine's wife being pregnant.

b. Separation will not be disapproved solely because the Marine's services are needed in the unit or because the Marine is indebted to the Government or to an individual. All attempts should be made to collect the debt before separation, if this will not place further hardship on the Marine.

4. Application. The Marine's request consists of two parts, a statement of the circumstances and substantiating documentation, as explained below.

a. The Marine must submit a statement containing the following:

(1) Reason for Request. The clearer the "picture" of the situation the Marine provides, the greater the likelihood a proper decision will be made. It would be helpful to address the criteria in paragraph 6407.2;

(2) Complete home address of the family member and the Marine;

(3) The Marine's marital status, date of marriage, and number of family members;

(4) Names and addresses of persons familiar with the situation;

(5) Names, ages, addresses, and occupations of all immediate family members and reasons why they cannot provide the necessary help (if deceased indicate date of death); and

(6) If the request is based on the financial difficulties of a Marine's family member(s), provide statements of both income and expenses, and assets and liabilities of that (those) family member(s). Assets will include a listing of all property, securities, and funds owned except clothing and household furnishings. For this type of request, also provide a statement of the Marine's own financial obligations including specific amounts and methods of past and current contributions/allotments to the family member(s).

b. The Marine must submit substantiating documentation as enclosures to the request.

(1) Where practicable, statements must be submitted from the family members concerned. If applicable, indicate the status of parents (unmarried, divorced or widowed). The intent is on quality of information provided, not quantity.

(2) If dependency or hardship is the result of a family member's death, provide a certificate or other proof.

(3) If dependency or hardship is the result of a family member's disability, provide a doctor’s statement showing when the disability occurred, the nature of the disability, probable duration, and the requirement for the service member to medically assist the family member.

5. Commander's Action. Marines who meet the criteria above, have completed a statement, and gathered the substantiating documentation may submit an application via the chain of command, or, if on temporary additional duty for the purpose of applying for separation, may submit the application to the CMC (MMSR-3). 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:

a. A definite recommendation for approval or disapproval with justification. If a Marine is requesting either an extension, PTAD, humanitarian transfer, or hardship discharge, the command will make a definite recommendation with justification;

b. The Marine's normal EAS, EOS, and date the Marine's current enlistment began;

c. Status of any disciplinary action pending. Disciplinary action must be resolved before separation;

d. Effective date, amount, and purpose of all allotments (only if the hardship/dependency is because of financial difficulties). If the applicant claims to be making cash contributions, substantiating evidence should be furnished (e.g., money order receipts, copies of canceled checks);

e. Command endorsements will include a command point of contact with telephone number; and

f. Any other information deemed appropriate.

6. Dependency or Hardship Board. In most cases, the separation authority will approve or disapprove a Marine's request based solely upon the documentation provided by the Marine. However, in the event the separation authority determines the circumstances of a particular case warrant its referral to a board, the Marine commander exercising special court-martial

jurisdiction over the Marine will appoint a board, consisting of not less than three members that are senior to the applicant before whom the Marine will appear. This board shall consist entirely of military personnel. It will be the responsibility of the board to study and evaluate all available information, interview the Marine, and make recommendations concerning the ultimate disposition of the case. The report of the board will include a brief summary of any factors considered in arriving at its recommendations which are not apparent in the application. The authority to appoint a board may be limited by higher authority when such action is deemed desirable (e.g., when one board may conveniently consider all cases in a larger command). Marines who have been granted temporary additional duty with a unit for the purpose of applying for a hardship discharge will not be provided the opportunity to appear before a hardship board due to the time constraints in which the request must be resolved.

7. Separation Authority. Upon receipt of the Marine's request, the separation authority will take the following action:

a. Carefully and sympathetically review the request.

b. Request supplemental information 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.

d. If the Marine's discharge is warranted, take final action regardless of the board's recommendation. If the Marine is discharged, place the hardship request and supporting papers on the document side of the service record, and forward it with the health and dental records per MCO P1070.12.

e. If the Marine's discharge is not warranted, 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 before final action, the Marine may submit a statement withdrawing the request for discharge.

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 CONUS, then

(1) Commands located in the CONUS will effect the separation locally; or

(2) Commands located outside the United States will transfer the Marine concerned to the Marine Corps activity nearest the point to which transportation is authorized.

b. If the Marine to be separated has a home of record outside the CONUS and is entitled to and elects transportation 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. See paragraph 1006.

6408. PREGNANCY

1. An enlisted woman whose pregnancy has been certified by a medical officer must notify her commanding officer in writing if she desires separation.

2. Requests for separation will not receive favorable consideration unless there are extenuating circumstances or the request otherwise complies with criteria in paragraph 6407 of this Manual.

3. The following criteria will dictate retention except in the most extraordinary of circumstances:

a. Executed orders in the known pregnancy status;

b. Received fully funded education; or education for which she incurred obligated service;

c. Completed advanced technical training;

d. Received special compensation, during the current enlistment (e.g., reenlistment bonus);

e. Holds a military occupational specialty which requires retention; or

f. Indebted to the Government as a result of unearned leave (advance and excess leave), advance pay, reductions in grade, and fines and forfeitures. However, an individual Marine may be considered eligible for early separation provided the individual makes a cash remittance before the initiation of separation processing.

4. Regardless of the limitations in paragraph 6408.3, a request for separation may be approved by the separation authority, on a case-by-case basis, when the request demonstrates overriding and compelling factors of personal need which justify separation for pregnancy, i.e., continuation on active duty would jeopardize the health of the Marine and/or the child.

5. The forms in figure 6-4 will be used for informing female Marines of their eligibility for maternity care.

6. Female Marines should be notified that single or dual service parents are required to complete a family care plan per MCO 1740.13A.

7. The prohibition of pregnancy discharges within 4 weeks of delivery, as mandated in MCO 5000.12D, does not apply to voluntary requests for separation. However, the Marine requesting voluntary separation must be advised of her rights and medical benefits available after discharge. A page 11 entry relating these facts must be made in the SRB and signed by the Marine.

6409. CONSCIENTIOUS OBJECTION. Process per MCO 1306.16E.

6410. SURVIVING FAMILY MEMBER. Process per DoD Directive 1315.15 for "Survivorship."

6411. OFFICER CANDIDATE DISENROLLMENT. Officer candidates may submit a written request to the CG, MCRC (MRO) for voluntary disenrollment from any of the Marine Corps Officer Candidate Programs. Discharge is authorized only if the candidate did not incur, or does not have, any service obligation.

6412. NOT SELECTED FOR PROMOTION TO STAFF SERGEANT

1. Sergeants may request discharge before their EAS after their commander verifies they have twice failed selection for promotion. The Marine must acknowledge in the request that the unearned portion of any reenlistment bonuses will be recouped. Commanders should advise Marines electing this option that separation pay entitlements may be affected. Separation pay authority and entitlement resides with the CMC (MMEA-6). Sergeants deleted from the selection list for any reason, including misconduct, are considered passed for promotion.

2. Approval or disapproval of the request will be based on the needs of the Marine Corps. Marines serving a dependents restricted tour may not be discharged under this provision.

3. Assign an RE-1B reenlistment code to Marines discharged under this provision unless another reenlistment code is directed by the CMC.

4. Requests will not receive favorable consideration if the Marine has:

a. Received fully funded education, or education for which the Marine incurred obligated service;

b. Completed advanced technical training;

c. Received special compensation during the current enlistment;

d. A military occupational specialty which, due to military exigencies, requires retention; or

e. Become indebted to the Government as a result of unearned leave (advance and excess leave), advance pay, reductions in grade, and fines and forfeitures. However, an individual Marine may be considered eligible for early separation provided the individual makes a cash remittance before the initiation of separation processing.

5. Authority to grant separation pay (full, half, not entitled) and eligibility to transfer to the IRR will be issued via a unit diary history statement when the separation is approved.

6413. REDUCTION FROM SNCO TO SERGEANT OR BELOW

1. A Marine may request discharge after the commanding officer verifies he or she has been reduced in grade from a 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 Marine Corps.

3. Assign an RE-3C reenlistment code to a Marine discharged under this provision unless another reenlistment code is directed by the CMC (MMSR).

4. Requests will normally be denied if the Marine has:

a. Received fully funded education, or education for which the Marine incurred obligated service;

b. Completed advanced technical training;

c. Received special compensation during the current enlistment (e.g., reenlistment bonus);

d. A military occupational specialty which due to military exigencies requires retention; or

e. Become indebted to the Government as a result of unearned leave (advance and excess leave), advance pay, reductions in grade, and fines and forfeitures. However, an individual Marine may be considered eligible for early separation provided the individual makes a cash remittance before the initiation of separation processing.

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 CMC (MMSR). The following definitions apply.

a. Regular minister of religion. 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. 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 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. separation under this basis requires that the Reservist be discharged from the Marine Corps.

6415. TRANSFER TO THE NAVY HOSPITAL CORPS. A Marine may request transfer to the Navy Hospital Corps. This program requires prior experience in the medical field. Applications should include proof of education and training.

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 their service member 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 CMC (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;

c. The spouse's separation has exceeded 18 months or, if one is serving overseas, is assigned there on the shortest "all others" tour as specified in MCO P1300.8R;

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 not receive favorable consideration if the Marine has:

a. Received fully funded education, or education for which the Marine incurred obligated service;

b. Completed advanced technical training;

c. Received special compensation during the current enlistment (e.g., reenlistment bonus);

d. A military occupational specialty which due to military exigencies requires retention; or

e. Become indebted to the Government as a result of unearned leave (advance and excess leave), advance pay, reductions in grade, and fines and forfeitures. However, an individual Marine may be considered eligible for early separation provided the individual makes a cash remittance before the initiation of separation processing.

3. Only one of the individuals may be separated under this provision.

6417. TRANSFER TO THE NAVY AS A RELIGIOUS PROGRAM SPECIALIST. A Marine may request transfer to the Navy as a religious program specialist. This program requires prior experience as a chaplain's assistant and recommendations from a chaplain submitted directly to the Chief of Naval Personnel.

6418. SEPARATION OF SELECTED MARINE CORPS RESERVISTS IN THE DELAYED ENTRY PROGRAM (DEP)

1. Selected Marine Corps Reservists in the DEP may be voluntarily discharged if:

a. The discharge is requested by the member;

b. None of the provisions for entry level separation contained in section 2 of this chapter apply;

c. The reason for the requested discharge is:

(1) Permit return/or retention in school;

(2) Member moves to a location where participation in the Selected Marine Corps Reserve would be impractical; or

(3) Cogent personal reason determined to be legitimate by the district director.

2. Discharge under this provision may be effected by the district director and will be uncharacterized. The district director will notify the inspector-instructor or site commanding officer of the Reserve unit to which the

enlistee is, or would have been, assigned of the discharge and cite this paragraph as authority for the separation.

6419. SEPARATION IN LIEU OF TRIAL BY COURT-MARTIAL

1. A Marine may be separated upon his or her request in lieu of trial by special or general court 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. This provision may not be used as a basis for separation when the current version of the 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.

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 a Marine who has 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 uncharacterized.

3. Procedures

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 acknowledge the waiver of 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 following is understood:

(1) The elements of the offense(s) charged;

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

(3) The adverse nature of such 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 lesser-included offense, for which a punitive discharge is authorized;

(2) A summary of the evidence or list of documents (or copies) provided to the Marine pertaining to the offenses for which a punitive discharge is authorized; and

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.

h. In cases where the separation in lieu of trial by court-martial is disapproved, there is no requirement to forward the request and supporting documents to the CMC (MMSB-20) for inclusion in the Marine's OMPF.

i. Conditional requests are not authorized. While a Marine may request the separation authority to consider a higher characterization than “under other than honorable conditions” no request will be conditioned upon receipt of a higher characterization. See paragraph 6419.3d(2).

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 1006.4.

6421. SEPARATION IN THE BEST INTEREST OF THE SERVICE

1. The Secretary of the Navy, by use of secretarial plenary authority, may approve the voluntary separation of any Marine before the expiration of that Marine's term of service after determining that a separation is in the best interest of the Marine Corps.

2. Use this paragraph for unusual cases not covered by any other provisions of this chapter.

3. The procedures set forth in paragraph 6214 apply.

4. Forward requests for separation under this paragraph to the Secretary of the Navy via the CMC (MMSR). Include a statement explaining the circumstances of the case and why no other reason for separation under this Manual is considered appropriate.

5. HIV-1. For voluntary separation for service members who test positive for the HIV-1 virus, refer to SECNAVINST 5300.30C.

6. Separation under this paragraph will be characterized as honorable or general (under honorable conditions) unless an uncharacterized entry level separation is required.

Figure 6-4. Notification of Eligibility for Maternity Care

(Letterhead)

From: Commanding Officer
To: (Individual Marine)

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 Form 214. You should register at a military medical activity where suitable facilities are available at least 30 days before 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 Department of the Navy assumes responsibility for care of the child only during your hospitalization. Further arrangements for the care of your child must be made by you. If you contemplate release of your 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 family members.

(Signature)

(Letterhead)

From: (Individual Marine)
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.

(Signature)

Figure 6-4. Notification of Eligibility for Maternity Care

Figure 6-5. Sample Request for Early Release to Further Education

(Letterhead)

From: (Marine's Grade, Name, SSN, and MOS)
To: General Court-Martial Convening Authority
Via: (Chain of Command)

Subj: EARLY RELEASE TO FURTHER EDUCATION

Ref: (a) MCO P1900.16F

Encl: (1) Unqualified acceptance notification
(2) Proof of necessary tuition funds

1. Per the reference, I request an early release to further my education and provide the following information:

a. Enclosure (1) is my unqualified acceptance at _____. (List school's name and complete mailing address. Include telephone number if known.)

b. Tuition will be paid by _____ (list one of the following: VEAP; New GI Bill; self; parents; student loan; other) as indicated in enclosure (2). (Examples of proof may be: LES; scholarship letter; savings statement; etc.)

c. Type of degree being sought is a(n) _____. (List one of the following: associate's; bachelor's; master's; technical/vocational; police/fireman certification.)

d. Latest possible date to register this term is _____.

e. Class convening date this term is _____.

f. Class convening date next term is _____.

g. Full-time status at this school is _____. (List the school's minimum number of credit hours per semester, quarter or term considered to be a full-time student, excluding evening classes. In the case of police/fire training academies, list the course length.)

h. (List marital status.)

i. I desire release on _____. This is the most academically opportune time for me to attend school because _____ (list reason(s)).

2. I understand that if I am granted an early release, failure to attend school may result in my recall to active duty and/or prosecution for fraudulent separation.

(Marine's signature)

Figure 6-5. Sample Request for Early Release to Further Education

Figure 6-5. Sample Request for Early Release to Further Education - Continued

(Letterhead)

FIRST ENDORSEMENT ON (SNM'S LETTER/AA FORM) OF (DATE)

From: (Unit)
To: General Court-Martial Convening Authority
Via: (Chain of Command)

Subj: EARLY RELEASE TO FURTHER EDUCATION OF (SNM)

Ref: (a) MCO P1900.16F, par. 6405

1. Per the reference, the following is submitted:

a. SNM's EAS is _____.

b. SNM's PEBD is _____.

c. SNM's in service Pro/Con marks are ___/___.

d. SNM (is) (is not) command essential.

e. SNM does not have any obligation to the Marine Corps per paragraph 6405.2e. (If SNM is obligated, list obligation(s) recommending approval or disapproval.)

f. SNM's leave balance: current _____; anticipated at time of release.

g. SNM is eligible for an honorable discharge.

h. SNM is not seeking early release to avoid service.

2. POC at this unit is _____ at DSN # _____.

3. I (do) (do not) recommend SNM for early release on (See note).

4. SNM is currently assigned to UDP. (Give estimated date of return to CONUS.)

(Signature)

Note: The CO may request a preferred date of release due to operational commitments and present any other information concerning SNM's request.

Figure 6-5. Sample Request for Early Release to Further Education – Continued

Table 6-3. Separation Authority for Voluntary Separations – Active Duty

If the Marine is:	And the General Basis for Separation is:	And the Specific Basis for Separation is:	Then the Separation Authority is:
On Active Duty	Defective Enlistment/Reenlistment	Defective Enlistment/ Reenlistment	CMC (MMSR)
	Convenience of the Government	Early release to further education	GCMCA
		Early release to accept public office; not selected for promotion to SSgt; reduction from SNCO to Sgt or below; Marine married to other service member; Change in service obligation (par. 6404.1)	CMC (MMSR)
		Dependency/Hardship	CMC (MMSR) and GCMA
		Conscientious Objector	CMC (MM)
		Surviving Family Member	CMC (MMEA)
		Pregnancy	CMC (MMSR); GCMCA; recruiting district commanding officers; commanding officers of separate commands who have special court martial convening authority

Table 6-3. Separation Authority for Voluntary Separations – Active Duty

Table 6-3. Separation Authority for Voluntary Separations - Continued
Reservist on Inactive Duty

If the Marine is:	And the General Basis for Separation is:	And the Specific Basis for Separation is:	Then the Separation Authority is:
	Defective Enlistment/Reenlistment	Defective Enlistment/ Reenlistment	CMC (MMSR)
	Convenience of the Government	Not selected for promotion to SSgt, reduction from SNCO to Sgt or below, Reservists becomes a minister, Marine married to other service member	CMC (MMSR)
		Dependency/Hardship	CMC (MMSR); COMMARFORRES
A Reservist; on Inactive Duty officers;		Pregnancy	CMC (MMSR); GCMCA; recruiting district commanding officers; commanding officers of separate commands who have special court martial convening authority
		Change in Service Obligation	COMMARFORRES; recruiting district commanding officers; CG MCRSC; commanders of SMCR units
An Officer Candidate	Convenience of the Government	Officer Candidate Disenrolls	CG, MCRC (MRO)

Table 6-3. Separation Authority for Voluntary Separations - Continued
Reservist on Inactive Duty

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 7

RETIREMENT OF ENLISTED MARINES AND TRANSFER TO THE FLEET MARINE CORPS RESERVE (FMCR)

	PARAGRAPH	PAGE
GENERAL	7001	7-2
CREDITABLE SERVICE	7002	7-2
ELIGIBILITY FOR RETIREMENT OF ENLISTED MARINES	7003	7-3
ELIGIBILITY FOR TRANSFER TO THE FMCR	7004	7-4
APPLICATION FOR RETIREMENT OR TRANSFER TO THE FMCR	7005	7-6
RECEIPT OF REQUEST FOR RETIREMENT/TRANSFER TO THE FMCR	7006	7-9
RETIREMENT/TRANSFER TO THE FMCR ORDERS AND RELEASE FROM ACTIVE DUTY	7007	7-10
RETIREMENT/FMCR CERTIFICATES AND LAPEL PIN	7008	7-11
MODIFICATION OF FMCR/RETIRED LIST DATES FOR CONVENIENCE OF THE GOVERNMENT	7009	7-11
RETIREMENT CEREMONY	7010	7-12
ACCRUED LEAVE	7011	7-12
RETIRED GRADE	7012	7-12
GRADE WHILE A MEMBER OF THE FMCR	7013	7-12
RETIRED PAY	7014	7-12
FMCR RETAINER PAY	7015	7-12
PAY ACCOUNTS	7016	7-12
CURRENT ADDRESS AND RESIDENCE OF RETIRED AND FMCR ENLISTED MARINES	7017	7-12
RETIREMENT OF MEMBERS OF THE FMCR	7018	7-12
RECALL OF ENLISTED MARINES FROM THE RETIRED LIST	7019	7-13
RECALL OF MEMBERS FROM THE FMCR	7020	7-13

FIGURE

7-1 FORMAT FOR ORDERS FOR RELEASE FROM ACTIVE DUTY AND TRANSFER TO FMCR 7-14

7-2 FORMAT FOR ORDERS FOR TRANSFER TO THE RETIRED LIST 7-18

CHAPTER 7

RETIREMENT OF ENLISTED MARINES AND TRANSFER TO THE FLEET MARINE CORPS RESERVE (FMCR)

7001. GENERAL

1. This chapter outlines policies and procedures governing retirement and transfer of active duty enlisted Marines to the Fleet Marine Corps Reserve (FMCR). This chapter also contains administrative instructions including retirement procedures for Marines while members of the FMCR. Retirement of Reserve enlisted members not on active duty and disability retirements are covered in chapters 3 and 8, respectively.

2. The purpose of the FMCR is to maintain a ready manpower pool of trained Marines for recall and mobilization.

3. Age. Enlisted Marines are not allowed to serve past the last day of the month in which they reach age 55, unless they are retirement/FMCR eligible.

7002. CREDITABLE SERVICE

1. This paragraph contains information pertaining to service creditable toward eligibility for retirement/transfer to the FMCR.

2. For the purposes of this paragraph:

a. Active Service is defined as active duty and means full-time duty in the active military service of the United States. Service creditable for retirement/transfer to the FMCR includes:

(1) Active service (and active duty for training performed on or after 10 August 1956) in the Army, Navy, Air Force, Marine Corps, Coast Guard, and/or their Reserve components;

(2) Any service which is otherwise creditable may be counted even if the service was performed before a member attained the statutory age for enlistment; and

(3) Such service may not be counted if it is determined to be fraudulent and is voided for that reason.

b. Constructive Service is defined as full credit for an enlistment or extension between 2 January 1968 to 30 December 1977 that is terminated within 3 months of the expiration of enlistment or extension. The following applies:

(1) Used to compute service eligibility for transfer to the FMCR or increase the retired pay multiplier; and

(2) Not creditable for basic pay purposes. See paragraph 1402.

3. To compute active service for retirement/transfer to the FMCR of enlisted Marines, the following periods of time lost, as defined and computed per the DoDFMR Volume 7B, must be deducted from Regular Marine Corps enlistments or other periods of active service.

a. Unauthorized absence;

b. Confinement;

c. Nonperformance of duty;

d. Sickness due to misconduct;

e. Also deducted from active service for retirement/transfer to the FMCR:

(1) Time served under an enlistment from which discharged based on fraudulent enlistment;

(2) Time served under an enlistment determined to be void;

(3) Time held beyond expiration of enlistment or obligated active service while awaiting or undergoing trial by court-martial or awaiting completion of appellate review of such trial, unless:

(a) The trial resulted in acquittal of all charges involved;

(b) No findings of guilty were upheld upon appellate review; or

(c) The member was placed in a full duty status.

(4) Time served under a sentence which included forfeiture of all pay and allowances unless:

(a) The sentence was disapproved or set aside upon appellate review; or

(b) The member was placed in a full duty status.

(5) Involuntary periods of leave without pay granted per current instructions to await completion of appellate review of court-martial sentences which include punitive discharges.

4. Safety Zone. Per 10 U.S.C. 1176, enlisted members who are within 2 years of qualifying for transfer to the FMCR shall be retained on active duty until qualified for transfer to the FMCR, unless the member is first retired, separated or discharged under any other provision of the law. This sanctuarial protection is commonly referred to as the safety zone. The sanctuary provisions do not preclude:

a. Administrative separation;

b. Separation under the disbility statutes; and

c. Worldwide assignability/full deployability.

7003. ELIGIBILITY FOR RETIREMENT OF ENLISTED MARINES

1. An enlisted Marine serving in the Regular Marine Corps who applies for retirement after completing 30 or more years of active service in the Armed Forces shall be retired.

2. An enlisted Marine includes a Marine of the Regular Marine Corps or Marine Corps Reserve who holds a permanent enlisted grade. Each Marine will be retired in the grade in which the Marine was serving at the time of retirement, unless otherwise entitled to a higher grade by having served satisfactorily as an officer.

7004. ELIGIBILITY FOR TRANSFER TO THE FMCR

1. An enlisted member of the Regular Marine Corps or Marine Corps Reserve who completes 20 or more years of active service in the Armed Forces may request transfer to the FMCR. Marines will not be authorized service beyond Enlisted Career Force Controls (ECFC) service limits to meet minimum time-on-station (TOS)/rotation tour date (RTD). The approval or disapproval of these requests is based on the needs of the service. For Marines serving in a critical MOS, transfer to the FMCR will be delayed until their EAS or the earliest possible date consistent with the needs of the Marine Corps. Deferment of transfer to the FMCR is on a case-by-case basis.

2. OCONUS Marines. Marines serving on an overseas tour will not be approved for transfer to the FMCR before completion of their tour as prescribed in MCO P1300.8R, Marine Corps Personnel Assignment Policy, unless subject to ECFC. The following applies:

a. Marines serving at an overseas duty station and desiring to transfer to the FMCR:

(1) Who will be fully eligible for such transfer at RTD or within 60 days after RTD, are required to transfer to the FMCR at RTD or the last day of the month in which the Marine becomes fully eligible;

(2) Who accept PCS orders to the CONUS are required to complete 1 year at the CONUS duty station, regardless of eligibility or EAS;

(3) Who have less than 1 year to attain eligibility or until EAS, may request an overseas tour extension until the desired transfer date.

b. Qualified Marines desiring transfer to the FMCR at their completed RTD may return to the CONUS (MCC W95) to effect the transfer at any one of the specified locations in paragraph 1006.5, and must indicate their selection (MCC) in the request. See paragraphs 1006.7 and 1010 for separation leave requirements;

c. For Marines (not serving an unaccompainied tour) assigned to an overseas location the following applies:

(1) If, at 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; and

(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. PCS Orders

a. Marines who have been issued, or notified they will receive, PCS orders may request cancellation of the pending assignment provided a request

for transfer to the FMCR is submitted. Requests will be approved based upon the needs of the Marine Corps.

(1) Marines eligible to transfer to the FMCR must request an FMCR date on or before the last day of the month after the effective date of their expected arrival at the new duty station.

(2) Marines eligible for transfer to the FMCR within 12 months of the date of arrival at the new duty station must request an FMCR date on the last day of the month after initial eligibility.

b. Marines not eligible for transfer to the FMCR within 12 months of the date of arrival at the new duty station will be required to execute PCS orders and complete the required minimum tour at the new duty station.

c. Requests involving cancellation of PCS orders and transfer to the FMCR must be forwarded to the CMC (MMSR-2) via naval message, with the CMC (MMEA) as an information addressee. Submit the request no later than 10 working days after receipt of orders. Requests that do not comply with this criteria will not normally be given favorable consideration.

d. Marines requesting transfer to the FMCR in lieu of PCS orders will not normally be granted additional service beyond the date established in paragraph 7004.3a.

e. Requests to withdraw a transfer to the FMCR are not given favorable consideration when PCS orders have been canceled or not issued.

4. Marines Assigned to Deploying Units. Marines assigned to a CONUS unit (joined or attached) which is scheduled to deploy outside the CONUS for a period in excess of 90 days may request 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 the unit. To be eligible, Marines applying must have completed 2 years TOS within the same geographical

location as the unit scheduled to deploy outside the CONUS. For transfer to the FMCR requests, scheduled unit rotation to the CONUS and RTD will be considered the same. Submit requests for transfer to the FMCR at least 4 months before the deployment date and before the unit's official lock on date. When assigned to, or in direct support of, a carrier (CV) deployment, submit requests at least 9 months before deployment.

5. Service-in-Grade (SIG). Also called time-in-grade (TIG). Marines in the grade of gunnery sergeant or above must serve 2 years in their current grade or to service limits, whichever occurs first, before transfer to the FMCR. Waiver of this requirement may only be approved by the Secretary of the Navy and only in instances of humanitarian or hardship situations. Marines in the grade of gunnery sergeant and above are required to extend or reenlist to have sufficient obligated service to serve the minimum time-in-grade of two years before promotion to the new grade is effected.

6. Time On Station (TOS). Whenever PCS orders are issued (no cost, low cost, or fully funded) and those orders result in a change of geo-location, the member incurs the requisite obligated TOS requirement per MCO P1300.8R, unless the Marine is subject to ECFC.

7. Education Programs. Marines who have attended a military or civilian course lasting 20 weeks or more will not be approved for transfer to the FMCR before the completion of 24 months of active duty following completion of the

course, or after they were terminated from the course, if attendance was in compliance with official orders. Marines who have successfully completed a military or civilian course less than 20 weeks in length will not be approved for transfer to the FMCR before the completion of 12 months active duty following completion of the course.

8. Waivers. Waivers of the policies in paragraph 7004 will be considered only when one of the following conditions exists:

a. A Marine requesting waiver of any criteria must submit a written request via the chain of command with justification and endorsements to the CMC (MMSR-2). Requests for waivers via unit diary will be disapproved.

b. Waiver requests will only be considered when one of the following conditions exist.

(1) A substantial hardship of a compassionate or unusual financial nature must exist which is not of a temporary nature and is not susceptible to relief by other means and can be alleviated only by separation from active duty. Justify waiver requests per criteria in paragraph 6407. Opportunity for civilian employment does not warrant waiver of the criteria.

(2) The Marine has limited assignability by reason of health or national security.

(3) The CMC determines that the Marine's continued active service is inconsistent with the best interests of the Marine Corps.

c. Waivers of minimum TIG requirements must be approved by the Secretary of the Navy; they will not normally be given favorable consideration.

9. Waivers of the eligibility criteria for transfer to the FMCR will not be granted based on a Marine's unsatisfactory or substandard performance or conduct. Early transfer to the FMCR becomes an option only after all efforts to correct the problem through administrative and/or disciplinary action are exhausted. Requests for transfer to the FMCR requiring waiver of the eligibility criteria will include a full report of the facts and action taken by the commanding officer to rectify the situation.

10. Transfer to the FMCR effective later than requested may be directed when, in the best interest of the Marine Corps, a delay is necessary for orderly relief, additional administrative processing, or completion of the current tour/orders.

11. A Marine must be serving on a valid contract of enlistment or extension to be eligible to retire or transfer to the FMCR.

12. A Marine awarded a punitive discharge will not be eligible for transfer to the FMCR unless that part of the sentence is remitted.

7005. APPLICATION FOR RETIREMENT OR TRANSFER TO THE FMCR

1. Reporting units must submit requests for retirement/transfer to the FMCR via the unit diary per MCO P1080.40B (MCTFSPRIM). The Marine requesting action is required to sign a copy of Appendix J from this Manual. Retirement must be on the first day of the month. Effective date of transfer to the FMCR will be the last day of the month. Marines at service limits will be

authorized transfer to the FMCR at the end of the month in which their EAS falls, unless they are sooner eligible and specifically request an earlier date. Submit requests for retirement/transfer to the FMCR not more than 14 months and not less than 4 months before the requested date. Requests submitted outside this time frame are not accepted in the MCTFS and must be submitted, with justification and endorsements, by separate correspondence or message to the CMC (MMSR-2). Marines returning to the CONUS may elect separation at one of the duty stations identified in paragraph 1006.5.

2. Marines requesting retirement/transfer to the FMCR 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 expeditious processing of a Marine's request; nor will they be considered as a hardship justification to warrant waiver of the eligibility criteria. Marines approaching ECFC limits must carefully manage their leave and PTAD. ECFC waivers soley to use leave or PTAD are not favorably considered.

3. By signing Appendix J, requesting retirement/transfer to the FMCR the Marine certifies understanding the provisions of SECNAVINST 1850.4D, which

states that in order to qualify for physical disability retirement benefits outlined in 10 U.S.C. chapter 61, a Marine must be on active duty at the time the Secretary of the Navy approves any proceedings of a physical evaluation board (PEB).

4. Commanding Officer Responsibilities

a. Submission of Request

(1) Ensure the request is submitted 4 to 14 months from the effective date of retirement/transfer to the FMCR. The request must allow at least 4 months of lead time for the processing of the application and issuance of orders for a replacement. Unit diary entries outside this window will not process. Terminal leave and PTAD are granted at the discretion of the commanding officer and a replacement will not be provided to the unit during terminal leave or PTAD.

(2) Ensure the requested date meets the eligibility criteria in paragraphs 7003 and 7004.

(3) Sign the pre-application checklist to certify that the Marine has been advised of the ramifications of retirement/transfer to the FMCR before the request is submitted.

b. Survivor Benefit Plan (SBP). Counsel the Marine and spouse concerning options under the SBP. See MCO 1740.11B and the Separation and Retirement Branch web page for more information.

(1) The commanding officer is responsible, before the Marine's detachment from the command and at least 30 days before the effective date of retirement/transfer to the FMCR, for forwarding the DD Form 2656, Retired Pay Data Form, with SBP election, tax withholding information, and a permanent mailing address to the:

DFAS-CL (Code PRRA)
P.O. Box 99191
Cleveland, OH 44199-1126

(2) A Marine is automatically enrolled in SBP with full coverage absent an election form with spousal concurrence for other than full coverage.

(3) An election not to participate in SBP, election for coverage of spouse and child, child only, or election for coverage on a reduced base amount must be documented on the Retired Pay Data Form.

(4) SBP elections are made on the Retired Pay Data Form.

(5) Elections other than full coverage require spousal concurrence.

(6) If no election is made before effecting retirement, the Defense Finance and Accounting Service (DFAS) will automatically grant full SBP coverage and adjust the Marine's retired pay accordingly.

c. DEFENSE ENROLLMENT ELIGIBILITY REPORTING SYSTEM (DEERS). Failure to ensure that family member information in DEERS is current and accurate will result in a denial of medical benefits.

d. Counsel the Marine concerning his or her potential for recall to active duty and/or mobilization.

e. Ensure that waiver requests justified by the Marine and endorsed by the command are submitted by separate correspondence to the CMC (MMSR-2).

5. Requests for transfer to the FMCR and promotion consideration by Marines denied further service as a result of being twice failed of selection for promotion, or for Marines who are approaching service limits, and whose EAS is after the scheduled adjournment date of the board, must be submitted via message to the CMC (MMSR-2 and MMPR-2). The Marine must state in the message:

a. That transfer to the FMCR is requested per policy regarding failure of selection or approaching service limits;

b. That the Marine desires to be considered for promotion; and,

c. That, if selected, the Marine will accept promotion and serve 2 years of active duty from the date the promotion is effected.

6. Once the request for retirement/transfer to the FMCR has been submitted, immediately notify the CMC (MMSR-2) by message if the Marine is:

a. Found not physically qualified (see paragraph 1011). This will not terminate processing action by the CMC (MMSR-2); however, retirement/transfer orders and other documents will be held in abeyance, if not issued. If issued, the command will hold the orders and documents pending instructions from the CMC (MMSR-2). If the Marine is subsequently found fit, immediately notify the CMC (MMSR-2). If the Marine is referred to the Naval Disability Evaluation System, notify the CMC (MMSR-2) with pertinent details and request disposition instructions. See chapter 8 for disability retirement processing;

b. Deceased;

c. Reassigned;

d. Promoted or selected (also notify MMPR-2);

e. Processed for disciplinary action; or

f. Subject of lost time (include number of days and reason).

7. PHYSICAL EXAMINATIONS. See paragraph 1011.

8. Modification or Cancellation of Requests

a. Submit requests to modify or cancel a retirement/transfer to the FMCR with justification and endorsements via separate correspondence/message to the CMC (MMSR-2) not later than 45 days before the effective date. Requests can not be submitted by unit diary. Approval will be based on the following criteria:

(1) Bona fide humanitarian or hardship circumstance; or

(2) A critical need exists for the Marine's grade and MOS which cannot be reasonably filled through the normal assignment/promotion process;

(3) Needs of the Service;

(4) ECFC considerations; and

(5) Requests for cancellation require the CMC to consider the relative strength of the Marine's MOS and the effect that cancellation may have on projected promotion opportunities for other Marines in that MOS.

b. Requests for modification after cancellation or nonissuance of orders will not be favorably considered.

c. The effective date of any modification should not exceed 14 months from the date of the original request, otherwise request cancellation.

d. Modifications requested after a Marine has started separation leave, or after replacement action by this Headquarters has been initiated, will only be considered if a bona fide humanitarian or hardship circumstance exists.

7006. RECEIPT OF REQUEST FOR RETIREMENT/TRANSFER TO THE FMCR. See Appendix E for detailed instructions on the use of the unit diary system in MCTFS for retirement processing.

1. Request Submission. Acceptance of the unit diary request will be indicated on the reporting unit's Diary Feedback Report (DFR) and the Transaction Research File (TRF). A "request" reenlistment-extension-retirement (RER) flag will post in MCTFS indicating a request submission. Additionally, a planned reenlistment-enlistment-retirement (PRR) date will post reflecting the requested retirement date. The Marine should maintain liaison with the appropriate unit administrative personnel until request acceptance is confirmed via the DFR.

2. Acknowledgment. A "request" RER flag does not indicate receipt at Headquarters Marine Corps (HQMC). The CMC (MMSR-2) acknowledges receipt of the request by entering a "pending" RER flag in the unit diary. The pending flag will reflect on the unit's DFR. Additionally, a pre-retirement package is mailed to the Marine concerned via the parent unit within 10 working days of receipt of the request.

3. Approval Authority. The Secretary of the Navy is the approval authority for retirement requests. Staffing requires approximately 60 days to obtain approval, to prepare necessary letters and certificates, and to prepare a statement of service which documents the Marine’s service and is also used to determine retainer/retired pay. The CMC (MMSR-2) posts approvals in MCTFS which reflect on the unit's DFR with an "approved" RER flag. Written authority for release or issuance of orders is not provided. The "approved" RER flag is the authority to release. Authority to grant an extension to meet the approved date for retirement/transfer to the FMCR is provided via a unit diary history statement at the time of approval. The responsible order writing unit will issue orders.

4. Effective Date. The effective date may be changed when, in the best interest of the Marine Corps, a delay is necessary to provide time for orderly relief, or for completion of the current tour or an ordered tour of duty.

5. Disapprovals. Should a retirement request be disapproved, notification of the disapproval will be reflected on the unit's DFR by a corresponding "disapproved" (0-zero) RER flag. Requests submitted via separate correspondence will be disapproved via Naval message.

7007. RETIREMENT/TRANSFER TO THE FMCR ORDERS AND RELEASE FROM ACTIVE DUTY

1. Authority for release from active duty and transfer to the FMCR or Retired List will be issued by the CMC (MMSR-2).

a. Retirement. The first day of the month is the effective date of retirement and the last day of active duty is the preceeding day. Retired pay commences on the effective date of retirement.

b. Transfer FMCR. Transfer to the FMCR is effected on the last day of the month and Marines assume a status in the FMCR on the first day of the following month.

c. See figure 7-1 for transfer to the FMCR orders format.

d. See figure 7-2 for transfer to the Retired List orders format.

2. Authority to release from active duty may be issued up to 12 months in advance of the approved transfer date.

3. Release from active duty will not be made on a date other than as provided for by the CMC (MMSR-2), unless a modification to the approved date is granted by the CMC (MMSR-2). Marines detached after the approved date are considered to be in a retired status as of the approved date, unless the Marine is in receipt of orders continuing him or her on active duty in a retired and retained status before the effective date of retirement.

4. Once the CMC approval authority is received, immediately notify the CMC (MMSR-2) by message when any of the conditions outlined in paragraph 7005.6 occur.

5. Commanding Officer Responsibilities

a. Issue orders per the format contained in figure 7-1 or 7-2.

b. Comply with paragraph 1101.7 regarding documents and records to be fowarded to the CMC.

c. Per MCO P1070.12K (IRAM), forward the service and health (medical and dental) records to:

(1) Service Records:

Commandant of the Marine Corps (MMSB-20)
Headquarters, U.S. Marine Corps
2008 Elliot Road
Quantico, VA 22134-5030

(2) Health Records:

Department of Veterans Affairs
Records Management Center
P.O. Box 150950
St. Louis, MO 63115-8950

d. Honor the Marine's desires for an appropriate retirement ceremony.

7008. RETIREMENT/FMCR CERTIFICATES AND LAPEL PIN. Certificates and a lapel pin will be provided by the CMC (MMSR-2) for delivery by the reporting command to the Marine; if received in unsatisfactory condition immediately notify the CMC (MMSR-2) for replacement.

7009. MODIFICATION OF FMCR/RETIRED LIST DATES FOR CONVENIENCE OF THE GOVERNMENT. Only the CMC (MMSR-2) may modify an approved retirement/transfer to the FMCR. When such situations occur contact the CMC (MMSR-2) immediately for disposition instructions. **Convenience of the Government MCTFS entries made by the unit will not process and the Marine will be dropped from the active duty rolls without CMC intervention.** See paragraph 1011.2.

1. Convenience of the Government - Medical (CofGM). Modification for medical reasons requires hospitalization as an in-patient or acceptance of a medical medical board by the President of the Physical Evaluation Board.

a. If found fit for duty, the Marine's contract will be extended and his or her retirement/transfer to the FMCR date will be established by this Headquarters as:

(1) The first day of the second month following the month in which found fit for duty for retirement; or

(2) The last day of the month following the month in which found fit for duty for transfer to the FMCR.

b. If found unfit for duty, see details in chapter 8 of this Manual for disability retirement processing.

2. Convenience of the Government - Legal (CofGL). If a pending transfer FMCR/retirement requires modification for legal processing the following pertains:

a. A Marine pending punitive discharge proceedings may be retained as CofGL beyond EAS/ECC. If the Marine is allowed to transfer to the FMCR/retire, the chain of command and the CMC (MMSR-2) will determine a new retirement date and an appropriate extension of contract.

b. Marines to whom jurisdiction has attached by commencement of action with a view to trial (by apprehension, arrest, confinement, or filing of charges) before release from active duty, may be retained on active duty. Once jurisdiction has so attached, it continues for purposes of trial, sentence, and punishment. Additionally, personnel may be retained if subject to the initiation of a preliminary inquiry, subject to information of a discreditory nature that may lead to a preliminary inquiry or the assumption of jurisdiction, to include, but not limited to, a restraining order against their person.

7010. RETIREMENT CEREMONY. See paragraph 1012.

7011. ACCRUED LEAVE. See paragraph 1010.

7012. RETIRED GRADE. A Marine is retired in the grade in which serving at the Time of retirement. However, if the Marine previously served as an officer, the Secretary of the Navy may advance the Marine to the highest officer grade served satisfactorily upon retirement at 30 years of total service. The Comptroller General has ruled that military personnel may be advanced to the highest officer grade held in any Armed Force in which they served satisfactorily.

7013. GRADE WHILE A MEMBER OF THE FMCR. A Marine who transfers to the FMCR does so in the grade held on the day released from active duty and transferred

to the FMCR. Advancement to any officer grade upon retirement is explained in paragraph 7018.

7014. RETIRED PAY. See paragraph 1402.

7015. FMCR RETAINER PAY. See paragraph 1402.

7016. PAY ACCOUNTS. See paragraph 1403.

7017. CURRENT ADDRESS AND RESIDENCE OF RETIRED AND FMCR ENLISTED MARINES. See paragraph 1404.

7018. RETIREMENT OF MEMBERS OF THE FMCR

1. When a member of the FMCR completes 30 years of combined active, inactive and constructive service, or when found not physically qualified, the Marine will, without application, transfer to the Retired List.

2. For the purpose of retirement, a member's years of service are computed by adding:

a. The years of service credited upon transfer to the FMCR; and

b. The years of service, active and inactive, while a member of the FMCR.

3. Unless otherwise entitled to higher pay per paragraph 7018.4, each member transferred to the Retired List is entitled to retired pay at the same rate as retainer pay.

4. Upon transfer to the Retired List, Marines who formerly served as officers will be advanced to the highest officer grade in which the Marine served satisfactorily as determined by the Secretary of the Navy.

a. Eligible Marines transferring to the Retired List upon completion of 30 years of total service will be entitled to retired pay at the rate of the basic pay of either the highest officer grade or enlisted grade held on the date of retirement, whichever is most favorable.

b. If advancement to an officer grade will result in entitlement to lesser retired pay, a Marine who applies to the Secretary of the Navy within 3 months after advancement will, subject to the Secretary's approval, be restored to the former grade for pay purposes.

5. The CMC (MMSR-2) will issue notification to each Marine transferred from the FMCR to the Retired List advising him or her of their change in status.

7019. RECALL OF ENLISTED MARINES FROM THE RETIRED LIST

1. An enlisted 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 will receive full pay and allowances at the respective grade.

2. A retired enlisted Marine serving on active duty in time of war or national emergency will be released from active duty per instructions issued by the CMC.

3. Retired enlisted Marines not on active duty will receive retired pay as provided by law and will be paid monthly by the Defense Finance and Accounting Service, Cleveland Center (Code RO), P.O. Box 99191, Cleveland, OH 44199-1126.

7020. RECALL OF MEMBERS FROM THE FMCR

1. A member of the FMCR may be ordered to active duty without consent:

a. In time of war or national emergency declared by Congress, for the duration of the war or national emergency and for 6 months thereafter;

b. In time of national emergency declared by the President; or,

c. When otherwise authorized by law.

2. In time of peace, a member of the FMCR may be required to perform not more than 2 months active duty training in each 4-year period.

3. Members recalled to active duty will resume their FMCR status upon release from active duty. No request is required.

Figure 7-1. Format for Orders for Release from Active Duty and Transfer to the FMCR

(Letterhead)

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

Subj: RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE FLEET MARINE CORPS RESERVE (FMCR)

Ref: (a) Title 10, U.S. Code 6330
(b) MCO P1900.16F (MARCORSEPMAN)
(c) JFTR, par. U5130, U5230, and U5345-H
(d) MCO P5512.11B (ID CARDS)
(e) MCO P1080.40B (MCTFSPRIM), par. 4306
(f) MCO P1070.12K (IRAM)
(g) MCO P7301.104

Encl: (1) Retired Pay Data Form (DD Form 2656)
(2) Travel/Dependent Travel Voucher (DD Form 1351-2/1351-2C)
(3) Certificate of Transfer to the FMCR

1. On (PRR plus 1 day) you will be placed in the Fleet Marine Corps Reserve (FMCR) per references (a) and (b). Accordingly, at 2359 (PRR (Example 31 August 2001)) 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 (c). Active duty pay and allowances terminate (PRR).

2. As of (PRR), you will complete (TOT SVC) cumulative service of which (ACTIVE SVC) is active/active constructive service. You had (INACTIVE SVC) inactive service and earned (INACDU POINTS) inactive duty points equivalent to (INACDU POINTS EQ) months for pay under reference (a). On (PRR), you will complete (RET PAY MULT SVC) service creditable for the retired pay multiplier. You had (CONSTRUCTIVE SERVICE) constructive service creditable toward the retired pay multiplier. Your retirement from the FMCR will be effective without request on (ADV GRADE ED) at the completion of 30 years cumulative service.

3. Upon receipt of these orders notify your commanding officer of your desires regarding a retirement ceremony per reference (b).

4. Your commanding officer will issue an application for an identification card pursuant to reference (d), issue a DD Form 214, and report your retirement per reference (e).

5. Furnish the disbursing officer maintaining your active duty pay accounts a copy of these orders for settlement of your pay account.

6. Enclosure (1), to include a permanent mailing address, should be completed and submitted to your commanding officer or his representative. Your commanding officer is responsible for its forwarding 30 days before the date of your approved transfer to the Fleet Marine Corps Reserve to the

Figure 7-1. Format for Orders for Release from Active Duty and Transfer to the FMCR

Figure 7-1. Format for Orders for Release from Active Duty and Transfer to the FMCR - Continued

Defense Finance and Accounting Service at: DFAS-CL (PRRA), P.O. Box 99191, Cleveland, OH 44199-1126. Retain a copy of this form for your files. It is your documentation of your Survivor Benefit Plan (SBP) coverage election. Should this form not be received by DFAS, you will have your retainer pay reduced to correspond to the maximum SBP coverage and the maximum tax withholding.

7. You have stated that your future address for mailing purposes is:
Report changes of address to the Defense Finance and Accounting Service at the address in paragraph 6. You may also telefax your address changes by calling 1-800-469-6559. Ensure you include your signature over your SSN.

8. You may select a home and receive travel allowance for the travel performed there from this command per reference (c), which also addresses entitlement to family members travel and to storage and shipment of household goods. Ensure you understand its contents before detaching from this command. All travel must be completed within 1 year from the date of your release from active duty and transfer to the FMCR. Complete the home of selection endorsement before submission of these orders for settlement of travel. Once a home is selected and travel allowance is received for travel, the selection is irrevocable. If travel is completed within 60 days after the retirement date, forward enclosure (2) to the appropriate travel office at the last duty station; otherwise, submit it to the Defense Finance and Accounting Service at: DFAS-KC, Separation Division (PMCMS), 1500 East 95th Street, Kansas City, MO 64197-0001.

9. The officer having custody of your service record and health (medical and dental) record will forward the originals per reference (f). You should make and retain a personal copy of these records for safekeeping.

10. Enclosure (3) recognizes your transfer to the FMCR.

11. You (are/are not) entitled to extraordinary heroism pay.

12. Advise your commanding officer immediately should you be found not physically qualified for transfer to the FMCR. The CMC (MMSR-2) should be notified without delay via message with pertinent information and requesting disposition instructions.

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 (MCO P1020.34F, paragraph 8003 and 11002).

14. Per reference (g) expenditures under these orders are chargeable to:
(Cite pertinent appropriation data from reference (g)).

15. As a member of the FMCR, in 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. Keep your Record of Emergency Data (NAVMC 10526) current.

Figure 7-1. Format for Orders for Release from Active Duty and Transfer to the FMCR – Continued

Figure 7-1. Format for Orders for Release from Active Duty and Transfer to the FMCR - Continued

Ensure you include your signature over your SSN. This can be accomplished by contacting the nearest Marine Corps activity in your area or by writing to:

Headquarters United States Marine Corps (MMSR-7)
3280 Russell Road
Quantico, VA 22134-5103

16. Your presence will be missed by your fellow Marines. We request that you continue to support them in their undertakings. On behalf of the Commandant of the Marine Corps and those with whom you have served, I express sincere appreciation for your faithful service and wish you health, happiness, and every success in the future.

By direction

Copy to:
Disbursing Officer
Marine Concerned
Service Record

Figure 7-1. Format for Orders for Release from Active Duty and Transfer to the FMCR – Continued

Figure 7-1. Format for Orders for Release from Active Duty and Transfer to the FMCR – Continued

HOME OF SELECTION ENDORSEMENT

I certify that I have selected (city), (State) as my home incident to transfer to the FMCR and arrived there 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)

Figure 7-1. Format for Orders for Release from Active Duty and Transfer to the FMCR – Continued

Figure 7-2. Format for Orders for Transfer to the Retired List

(Letterhead)

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

Subj: RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE RETIRED LIST

Ref: (a) Title 10, U.S. Code 6326
(b) MCO P1900.16F (MARCORSEPMAN)
(c) JFTR, par. U5130, U5230, and U5345-H
(d) MCO P5512.11B (ID CARDS)
(e) MCO P1080.40B (MCTFSPRIM), par. 4305
(f) MCO P1070.12K (IRAM)
(g) MCO P7301.104

Encl: (1) Retired Pay Data Form (DD Form 2656)
(2) Travel/Dependent Travel Voucher (DD Form 1351-2/1351-2C)
(3) Certificate of Retirement

1. On (PRR) (Example 1 September 1999) you will be placed on the Marine Corps Retired List per references (a) and (b). Accordingly, at 2359 (PRR minus 1 day (Example 31 August 2001) 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 (c). Active duty pay and allowances terminate (PRR minus 1 day (Example 31 August 2001)).

2. As of (PRR), you will complete (TOT SVC) cumulative service of which (ACTIVE SVC) is active service. You had (INACTIVE SVC) inactive service and earned (INACDU POINTS) inactive duty points equivalent to (INACDU POINTS EQ) months for pay under reference (a). On (PRR minus 1 day (Example 31 August 1999)), you will complete (RET PAY MULT SVC) service creditable for the retired pay multiplier.

3. Upon receipt of these orders notify your commanding officer of your desires regarding a retirement ceremony per reference (b).

(The following will be inserted as paragraph 3 to the orders of Marines who are advanced in grade on the retired list: "3. 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 _____.")

4. Your commanding officer will issue an application for an identification card pursuant to reference (d), issue a DD Form 214, and report your retirement per reference (e).

5. Furnish the disbursing officer maintaining your active duty pay accounts a copy of these orders for settlement of your pay account.

6. Enclosure (1), to include a permanent mailing address, should be completed and submitted to your commanding officer or his representative. Your

Figure 7-2. Format for Orders for Transfer to the Retired List

Figure 7-2. Format for Orders for Transfer to the Retired List – Continued

commanding officer is responsible for its forwarding 30 days before your approved retirement date to the Defense Finance and Accounting Service at: DFAS-CL (PRRA), P.O. Box 99191, Cleveland, OH 44199-1126. Retain a copy of this form for your files. It is your documentation of your Survivor Benefit Plan (SBP) coverage election. Should this form not be received by DFAS, you will have your retired pay reduced to correspond to the maximum SBP coverage and the maximum tax withholding.

7. You have stated that your future address for mailing purposes is: Report changes of address to the Defense Finance and Accounting Service at the address in paragraph 6. You may also telefax your address changes by calling 1-800-469-6559. Ensure you include your signature over your SSN.

8. You may select a home and receive travel allowance for the travel performed there from this command per reference (c), which also addresses entitlement to family members travel and to storage and shipment of household goods. Ensure you understand its contents before detaching from this command. All travel must be completed within 1 year from the date of your release from active duty and transfer to the Retired List. Complete the home of selection endorsement before submission of these orders for settlement of travel. Once a home is selected and travel allowance is received for travel, the selection is irrevocable. If travel is completed within 60 days after the retirement date, forward enclosure (2) to the appropriate travel office at the last duty station; otherwise, submit it to the Defense Finance and Accounting Service at: DFAS-KC, Separation Division (PMCMS), 1500 East 95th Street, Kansas City, MO 64197-0001.

9. The officer having custody of your service record and health (medical and dental) record will forward the originals per reference (f). You should make and retain a personal copy of these records for safekeeping.

10. Enclosure (3) recognizes your retirement.

11. Advise your commanding officer immediately should you be found not physically qualified for retirement. The CMC (MMSR-2) should be notified without delay via message with pertinent information and requesting disposition instructions.

12. 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 (MCO P1020.34F, paragraph 8003 and 11002).

13. Per reference (g) expenditures under these orders are chargeable to: (Cite pertinent appropriation data from reference (g).

14. As a retired Marine, in 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. Keep your Record of Emergency Data (NAVMC 10526) current.

Ensure you include your signature over your SSN. This can be accomplished by contacting the nearest Marine Corps activity in your area or by writing to:

Figure 7-2. Format for Orders for Transfer to the Retired List – Continued

Figure 7-2. Format for Orders for Transfer to the Retired List – Continued

Headquarters United States Marine Corps (MMSR-7)
3280 Russell Road
Quantico, VA 22134-5103

15. Your presence will be missed by your fellow Marines. We request that you continue to support them in their undertakings. On behalf of the Commandant of the Marine Corps and those with whom you have served, I express sincere appreciation for your faithful service and wish you health, happiness, and every success in the future.

By direction

Copy to:
Disbursing Officer
Marine Concerned
Service Record

Figure 7-2. Format for Orders for Transfer to the Retired List – Continued

Figure 7-2. Format for Orders for Transfer to the Retired List – Continued

HOME OF SELECTION ENDORSEMENT

I certify that I have selected (city), (State) as my home incident to transfer to the retired list and arrived there 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)

Figure 7-2. Format for Orders for Transfer to the Retired List – Continued

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

	PARAGRAPH	PAGE
AUTHORITY AND RESPONSIBILITY FOR DISABILITY EVALUATION . .	8001	8-5
GENERAL	8002	8-5
DEFINITIONS	8003	8-6
COUNSELING	8004	8-10

SECTION 1: DISABILITY EVALUATION SYSTEM (DES)

GENERAL	8101	8-13
MEDICAL EVALUATION BOARDS (MEBs)	8102	8-14
INFORMAL PEB	8103	8-16
FORMAL PEB	8104	8-17
OFFICER DISABILITY REVIEW BOARD (ODRB)	8105	8-19
ACTION BY THE SECRETARY OF THE NAVY	8106	8-19

SECTION 2: RETIREMENT BY REASON OF PERMANENT PHYSICAL DISABILITY

AUTHORITY	8201	8-20
DISPOSITION INSTRUCTIONS	8202	8-20
RETIRED PAY PROCEDURES	8203	8-21
RETIREMENT CEREMONY	8204	8-21
CURRENT ADDRESS AND RESIDENCE	8205	8-21

SECTION 3: TEMPORARY DISABILITY RETIRED LIST (TDRL)

AUTHORITY	8301	8-22

TRANSFER TO THE TDRL 8302 8-22

TDRL PAY PROCEDURES 8303 8-22

PERIODIC PHYSICAL EXAMINATIONS (PPE) 8304 8-22

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

	PARAGRAPH	PAGE
DISPOSITION OF TDRL MEMBERS IN HANDS OF CIVIL AUTHORITIES	8305	8-23
CURRENT ADDRESS AND RESIDENCE	8306	8-23
REMOVAL FROM THE TDRL	8307	8-23

SECTION 4: DISCHARGE OF MARINES NOT PHYSICALLY QUALIFIED FOR RETENTION

DISABILITY DISCHARGE WITH SEVERANCE PAY 8401 8-25

DISABILITY DISCHARGE WITHOUT SEVERANCE PAY 8402 8-25

SEPARATION PROCEDURES FOR DISCHARGE WITH OR WITHOUT SEVERANCE PAY 8403 8-25

DISCHARGE FOR DISABILITY EXISTING PRIOR TO SERVICE . . . 8404 8-25

DISCHARGE FOR PERSONALITY DISORDERS AS DETERMINED BY A MEDICAL EVALUATION BOARD (MEB) 8405 8-27

DISCHARGE OF MEMBER OF AN OFFICER TRAINING PROGRAM FOUND NOT PHYSICALLY QUALIFIED FOR RETENTION 8406 8-27

DISCHARGE OF RESERVISTS NOT ON ACTIVE DUTY FOUND NOT PHYSICALLY QUALIFIED FOR RETENTION IN THE MARINE CORPS RESERVE 8407 8-28

DISCHARGE OF RESERVISTS ORDERED TO INVOLUNTARY ACTIVE DUTY FOR UNSATISFACTORY PARTICIPATION FOUND NOT PHYSICALLY QUALIFIED 8408 8-30

SECTION 5: DES ADMINISTRATIVE PROCEDURES AND POLICIES

GENERAL 8501 8-31

MARINES PENDING RETIREMENT OR DISCHARGE 8502 8-31

PHYSICAL EXAMINATION FOR SEPARATION FROM ACTIVE DUTY . . . 8503 8-31

DISPOSITION OF PERSONNEL AWAITING FINAL DETERMINATION OF PHYSICAL DISABILITY (HOME AWAITING ORDERS). 8504 8-31

VOLUNTARY SEPARATION BEFORE COMPLETION OF FINAL ACTION ON PHYSICAL DISABILITY PROCEEDINGS 8505 8-33

RESPONSIBILITIES 8506 8-34

CERTIFICATE IN LIEU OF ORDERS 8507 8-37

CONCURRENT DISCIPLINARY/ADMINISTRATIVE ACTION FOR MISCONDUCT AND PHYSICAL DISABILITY PROCEEDINGS 8508 8-37

	PARAGRAPH	PAGE
LEAVE	8509	8-38
DISABILITY TAX LIABILITY EXCLUSION	8510	8-38
DEATH IMMINENT (DI) PROCESSING	8511	8-39

SECTION 6: LIMITED DUTY PROCESSING PROCEDURES AND POLICIES

GENERAL 8601 8-41

PURPOSE 8602 8-41

SYSTEM OVERVIEW 8603 8-41

POLICY 8604 8-43

LIGHT DUTY 8605 8-44

AUTHORIZATION FOR PARTIAL/NO PFT 8606 8-44

DEPLOYABILITY/PCS 8607 8-45

PERMANENT LIMITED DUTY (PLD) 8608 8-45

FIGURE

8-1 NAVY DISABILITY EVALUATION SYSTEM SEQUENTIAL PROCESS 8-48

8-2 FORMAT FOR ORDERS HOME PENDING FINAL DISPOSITION OF PHYSICAL EVALUATION BOARD

PROCEEDINGS 8-49

8-3 FORMAT FOR ORDERS TRANSFERRING MARINES TO THE RETIRED LIST AND HOME OF SELECTION ENDORSEMENT . . . 8-52

8-4 FORMAT FOR ORDERS TRANSFERRING MARINES TO THE TEMPORARY DISABILITY RETIRED LIST 8-56

8-5 FORMAT FOR NON-MEDICAL ASSESSMENT (NMA) QUESTIONNAIRE AND NON-MEDICAL ASSESSMENT (NMA) NARRATIVE SUMMARY . . 8-60

TABLE

8-1 ELIGIBILITY INDEX TABLE 8-63

8-2 ELIGIBILITY INDEX TABLE FOR REGULAR MARINES AND RESERVISTS ON ACTIVE DUTY FOR MORE THAN 30 DAYS (NOT TO INCLUDE 45-DAYS INVOLUNTARY TRAINING FOR ACTIVE DUTY) 8-64

PAGE

8-3 ELIGIBILITY INDEX TABLE FOR RESERVISTS ON ACTIVE DUTY FOR 30 DAYS OR LESS, INACTIVE DUTY TRAINING, OR 45-DAYS INVOLUNTARY TRAINING FOR ACTIVE DUTY . . . 8-66

8-4 COMPUTING DISABILITY RETIRED PAY 8-68

CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

8001. AUTHORITY AND RESPONSIBILITY FOR DISABILITY EVALUATION

1. The provisions of this chapter are applicable to all Marines who are being evaluated within the Naval Disability Evaluation System (DES) to determine physical fitness for continued active service or continued service in the Marine Corps Reserve.

2. The statutory authority for all disability processing is 10 U.S.C. chapter 61. 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. Fitness for active duty of any Marine under the Secretary's jurisdiction;

b. Percentage of disability of any Marine at the time of separation from active duty;

c. Entitlement to, and payment of, disability severance pay; and

d. Suitability of any Marine for reappointment, reenlistment, or reentry into active duty.

3. Disability Evaluation System processing is not an appropriate alternative to either administrative or punitive separation processing.

8002. GENERAL

1. The laws pertaining to physical disability retirement or separation must be administered expeditiously, fairly, equitably, and with due regard for the interests of both the Marine and the Government. Fit, Unfit, and Presumed Fit (PFit) signify specific and unique conditions that describe the physical evaluation of Marines within the DES. For the purposes of this chapter these terms are capitalized to highlight their importance in describing the physical condition of a Marine in the evaluation process.

2. Disability retirement pay and severance pay authorized by 10 U.S.C. chapter 61 are benefits provided to Marines who become Unfit to perform duty because of a physical disability incurred or aggravated while on active duty or inactive duty training.

3. Marines who incur or aggravate a disease or injury during active service which impairs their earning capacity for civil occupations, but does not preclude performance of full military duties, may be eligible for compensation under laws administered by the Department of Veterans Affairs (DVA) even

though they do not qualify for disability retirement or severance pay through the military disability system.

4. The fact that a Marine is found Unfit for duty due to a physical disability 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 or aggravated while entitled to receive basic pay. The phrase "while entitled to receive basic pay" encompasses all duty which entitles a Marine to receive active duty pay, as well as, any duty without pay which by law may be counted as duty with pay.

5. Leave. Marines who are being evaluated within the DES, if otherwise physically able to do so, will be permitted to take earned annual leave. The command authorizing leave will notify the appropriate Physical Evaluation Board Liaison Officer (PEBLO) of the inclusive dates and the leave address and phone number. Commands will recall the Marine if required by the hospital or the PEB.

6. Promotion

a. Marines (enlisted and officer) processed through the DES who are otherwise eligible, may be promoted per the appropriate Promotion Manual. Enlisted Marines retained on active duty in a Permanent Limited Duty (PLD) status on the convening date of of the appropriate selection board are not eligible for selection consideration for promotion. Officers retained on active duty in a PLD status retain their eligibility for selection consideration for promotion.

b. Marines (enlisted and officer) who have been selected for promotion and are to be separated because of a disability before their seniority number being reached, may be promoted with a date of rank the first day of the month of separation and effective the last day of active duty, provided they are otherwise qualified. Commanding officers may request via the CMC (MMPR) that an officer’s promotion be delayed if that officer is mentally, physically, morally, or professionally unqualified for promotion to the next grade.

c. To compute disability severance pay, a Marine’s grade upon discharge due to physical disability is determined per 10 U.S.C. 1212. The grade of a Marine retired due to a physical disability is determined per 10 U.S.C. 1372.

7. Advancement on the Retired List. A Marine being retired for physical disability will be advanced:

a. To the grade selected; or

b. To the highest temporary or permanent grade in which the Marine 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 before the Marine's retirement date, the notification of the

determination will be forwarded to the Marine's retirement address by the CMC (MMSR-4).

8. The delegated authority conferred by provisons of this chapter is permissive and does not preclude referral to, or decision by, the CMC (MMSR-4) for the final disposition of any case.

8003. DEFINITIONS. Definitions that apply to physical evaluation and disability determination.

1. CMC (MMSR-4). Disability Section, Separation and Retirement Branch, Personnel Management Division, Manpower and Reserve Affairs Department, Headquarters United States Marine Corps (HQMC), which acts on behalf of the

CMC to oversee all Marines processing through the Disability Evaluation System (DES).

2. Combat-Related Injury or Disease. Physical disability is combat-related if it makes the member Unfit, and it was incurred as a direct result of armed conflict, while engaged in extra hazardous service, under conditions simulating war, or caused by an instrumentality of war.

3. Compensable Disability. A medical condition that leads to a determination that a Marine is Unfit by reason of physical disability. This determination meets the statutory criteria under 10 U.S.C. chapter 61 for entitlement to disability retired or severance pay.

4. Conditions Not Constituting a Physical Disability. Certain conditions not constituting a physical disability and not ratable in the absence of an underlying ratable causative disorder. These conditions include, but are not limited to, those listed below. Such conditions should be referred for appropriate administrative action under chapter 6 of this Manual.

a. Sleepwalking;

b. Incapacitating fear of flying;

c. Airsickness, travel sickness;

d. Certain mental disorders including personality disorders;

e. Obesity and;

f. Psuedofolliculitis barbae of the face and/or neck.

5. Death Imminent Processing. When a competent medical authority determines that a Marine’s death is expected within 72 hours, the Marine may be referred expeditiously into the Disability Evaluation System (DES). To ensure maximum benefits for the Marine’s eligible family members, terminally ill Marines must be retired before death, rather than remain on active duty. To protect the

interests of the Government and the Marine, disposition shall be placement on the Temporary Disability Retired List (TDRL) provided all requirements under statute, legal opinions, and regulations are met. See paragraph 8511.

6. Disability Evaluation System (DES). The Department of the Navy's system of evaluation of fitness for duty and disposition of physical disabilities in accordance with 10 U.S.C. chapter 61 and DoD directives.

7. Disposition. Physical Evaluation Board (PEB) directed action taken by HQMC affecting a Marine's status within the Marine Corps, specifically:

a. Fit to continue naval service, resulting in return to duty, separation under other provisions of law, or removal from the Temporary Disability Retired List (TDRL)

b. Unfit to continue naval service, resulting in discharge with or without severance pay, transfer to the TDRL, continuance on the TDRL, or transfer to the Permanent Disability Retired List (PDRL).

8. Duty Limitation Codes. Defined in MCO P1080.20M, Marine Corps Total Force System Codes Manual, (MCTFSCODESMAN) to identify restrictions to combat or other types of duty. Displayed in MCTFS RT01 and TOUR screens. As used in

this chapter the definition signifies restrictions based on medical and physical fitness for duty.

a. Code "Q", "LD MED BOARD." A Marine assigned limited duty by an approved medical evaluation board (MEB). This code is entered in MCTFS by the Marine's command when a Marine is placed on temporary limited duty (TLD) by a competent authority or is undergoing disability evaluation. The code is removed from MCTFS by the Marine's command when the Marine has been returned to full duty by a competent authority or found Fit by the Physical Evaluation Board (PEB).

b. Code "S", "Retn Ld Stat". Personnel retained in a limited duty status as a result of Secretary of the Navy action. This code authorizes permanent limited duty and is entered and removed from MCTFS only by the CMC (MMSR-4).

9. Existed Prior to Service (EPTS). A Physical Evaluation Board (PEB) finding that establishes a Marine is Unfit to continue naval service due to a physical disability which manifested or existed prior to military service, and which has not been aggravated permanently by military service. Although symptoms may not have revealed themselves prior to the Marine's entry on active duty, the condition may still be determined to have existed prior to service. It may also be determined that the pre-existing condition was not aggravated by the Marine's service because the current condition of the Marine is the result of the natural progression of the pre-existing condition; i.e., the Marine's current condition is the same as it would have been had the Marine never come on active duty. A Marine found Unfit-EPTS is not eligible for disability severance pay or disability retirement if the Marine has less than 8 years cumulative active service, but may be eligible for severance pay or retirement under other provisions of law.

10. Fit. A finding by the Physical Evaluation Board (PEB) that a Marine is Fit to continue naval service based on evidence that the Marine is able to reasonably perform the duties of his or her office, grade, rank or rating, to include duties during a remaining period of Reserve obligation. Marines found Fit by the PEB are eligible for appropriate assignment. A finding of Fit by the PEB does not preclude subsequent determinations of unsuitability for deployment, PFT participation, disqualification for special duties, temporary limited duty, or administrative action (to include possible separation) resulting from such determinations.

11. Light Duty. Status a Marine may be placed in for a maximum of 30 days, when a competent medical authority (physician) determines that a medical condition exists and interferes with the performance of duty. A physician may recommend up to 30 days of light duty when the Marine is expected to be returned to full duty within those 30 days. A Marine who is not returned to full duty after 30 days must have a medical evaluation board (MEB) initiated and completed within the following 30 days to evaluate the condition. Light duty is not authorized for Reservists on inactive duty.

12. Line of Duty. In absence of clear and convincing evidence to the contrary, disease or injury suffered by a Marine will be considered to have been incurred in the line of duty. Disease or injury suffered by a Marine will not be considered to have been incurred in the line of duty when found under any one of the following circumstances:

a. As a result of the Marine's intentional misconduct or willful neglect;

b. While avoiding duty by desertion or unauthorized absence;

c. While confined under sentence of court-martial which includes 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.

13. Medical Evaluation Board (MEB) Report. Evaluation convened at a military treatment facility (MTF) to identify a Marine whose physical/mental qualification to continue on full duty is in doubt or whose physical/mental limitations preclude the Marine’s return to full duty within a reasonable period of time or at all. MEBs are convened to evaluate and report on the diagnosis, prognosis for return to full duty, plan for further treatment, and medical recommendation for disposition of Marines. An MEB may return a Marine to full duty, recommend a period of limited duty, be forwarded to the CMC (MMSR-4) for departmental review, or be forwarded to the Physical Evaluation Board for determination of fitness to continue naval service.

14. Medical Hold. A temporary status, not to exceed 30 days, that follows the period of light duty and is used to allow a medical evaluation board (MEB) to be dictated on a Marine's injury/illness.

15. Non-Medical Assessment (NMA). When a Marine is referred for physical evaluation (i.e., medical evaluation board - MEB), the commanding officer's assessment of the Marine's performance of duty may provide better evidence of the Marine's ability to perform duties than a clinical estimate by a physician. Particularly in cases of chronic injury/illness and cases where objective evidence is minimal or lacking altogether, documents such as letters from the chain of command, annual performance evaluations, credential reports, or personal testimony may more accurately reflect a Marine's capacity to perform. SECNAVINST 1850.4D, The Department of the Navy Disability Evaluation Manual (DEM) requires NMAs from the Marine's commanding officer on all MEBs, except in cases of critical illness or injury in which return to duty is not expected. Commanding officers play a vital role in providing valuable information as to how the Marine's physical and/or mental condition affects the Marine's ability to function on a daily basis. See figure 8-5 for the NMA questionnaire form and a sample of a well-written narrative summary.

16. Notice of Eligibility (NOE). A document issued when an injury or disease was incurred or aggravated by Reserve service and may authorize benefits to include medical care, travel to and from medical treatment, incapacitation pay and/or drill pay, and processing through the Disability Evaluation System (DES).

17. Permanent Limited Duty (PLD). A specified continuation on active duty in a limited duty status after a Marine is determined Unfit by the Physical Evaluation Board (PEB) as a result of a physical disability. PLD is requested through the PEB, recommended by the CMC (MMSR-4), and authorized by the PEB, based on the best interests of the Marine Corps and the Marine.

18. Physical Disability. Any impairment due to disease or injury, regardless of degree, that reduces or prevents a Marine's actual or presumed ability to engage in gainful employment or normal activity.

19. Physical Evaluation Board (PEB). The PEB acts on behalf of the Secretary of the Navy to make determinations of fitness to continue naval service, 8004

entitlement to benefits, disability ratings, and disposition of referred Marines.

20. Presumption of Fitness (PFit). A Physical Evaluation Board (PEB) finding applied to officers and enlisted Marines referred to the PEB within 12 months of mandatory retirement or after the approval of voluntary retirement, who, therefore, are evaluated under a Presumption of Fitness. PFit means evidence establishes that the Marine's functional impairment has not caused a premature termination of a career. Marines found PFit are afforded the same rights within the DES as those found Fit to continue naval service. Marines found PFit are not eligible for disability retirement, but are eligible for retirement under other provisions of law, and for evaluation by the DVA for disability compensation. The PFit ruling may rarely be overcome when it can

be established by a preponderance of evidence that the illness/injury meets the strict guidelines of SECNAVINST 1850.4D (Disability Evaluation Manual), paragraph 3305. These guidelines allow for evaluation of acute and grave illnesses and injuries that occur within the presumptive period or conditions that may warrant a disability rating of 60% or greater.

21. Temporary Limited Duty (TLD). A specified period of limited duty recommended by a medical evaluation board (MEB) at a military treatment facility (MTF). Assignment to TLD can only be made once the Marine has a completed MEB, and if the prognosis is that the Marine can be restored to full duty within the specified period. The cumulative period of TLD shall not normally exceed 16 months. TLD is not authorized for Reservists on inactive duty.

a. TLD for enlisted Marines may be approved at the local MTF for up to an initial 8 months without approval from the CMC (MMSR-4). The MTF must notify the Marine's command and the CMC (MMSR-4) via naval message and forward a copy of the abbreviated limited duty form to the CMC (MMSR-4).

b. All officer MEBs recommending a period of TLD, enlisted MEBs recommending subsequent periods of TLD, and enlisted MEBs recommending initial periods of TLD longer than 8 months, must be submitted to the CMC (MMSR-4) for Departmental Review.

c. Upon Departmental Review, TLD may be approved, or the MEB may be forwarded to the PEB for determination of fitness. A reevaluation of the Marine must be made 2 months before the completion of any period of TLD, and the MTF must inform the Marine's command and the CMC (MMSR-4) of the Marine's new medical status before the completion of the TLD period.

22. Unfit. A finding by the Physical Evaluation Board (PEB) that a Marine is Unfit to continue naval service based on evidence which establishes that the Marine is unable to reasonably perform the duties of his or her office, grade, rank or rating, to include duties during a remaining period of Reserve obligation. The PEB requests that the CMC (MMSR-4) separate or retire members found Unfit to continue naval service.

8004. COUNSELING

1. Each Marine will be counseled throughout the course of disability evaluation processing by a Physical Evaluation Board Liaison Officer (PEBLO). The objective of counseling is to ensure that the Marine fully understands the significance of all findings and recommendations made by the PEB, and the

benefits to which the Marine may become entitled as a result of physical disability.

2. The PEBLO is an experienced senior enlisted member of the naval service (GySgt or above), or civilian hospital employee, trained to counsel Marines undergoing physical disability evaluation. The PEBLO provides authoritative

and timely answers to questions and assists Marines in understanding their rights and entitlements.

3. Counseling is initially the responsibility of the PEBLO who is assigned to an MFT which conducts the MEB on the Marine. The PEBLO counsels the Marine on the policies and procedures of the PEB and notifies the Marine of the preliminary findings of the PEB and the options available to the Marine. Upon notification of the PEB's findings, the Marine has 15 calendar days to make an election of options, either accepting or disagreeing with the findings. The PEBLO forwards the election of options to the PEB which takes action consistent with the election of options. If the Marine demands and is entitled to a formal hearing, the PEB arranges for the Marine's appearance at a formal hearing. A judge advocate is assigned to represent the Marine at the formal hearing.

4. Counseling is provided at the following stages of the physical disability evaluation process:

a. Upon notification of the findings and recommendations of the MEB, the Marine will be counseled by personnel from the MTF, Medical Board section;

b. When it appears that a Marine may be eligible for discharge for a disability which existed prior to service (EPTS);

c. Upon notification of the preliminary findings of the PEB (see paragraph 8103), the Marine will be counseled by a PEBLO at the MTF;

d. At a formal hearing (see paragraph 8104); and,

e. Upon notification of the recommended findings of the Hearing Panel of the PEB.

f. Upon receipt of the findings letter signed by the President of the PEB which finalized the Hearing Panel's recommended findings for possible petition for relief from final action.

5. Commander's Responsibilities. Commanding officers must ensure that no Marine who has an MEB pending before the PEB for action is discharged, retired, or sent home awaiting orders until the Marine unconditionally accepts the preliminary findings of the PEB and:

a. The Marine has been counseled concerning veterans benefits.

b. The Marine has submitted, or refused to submit, a Veterans Application for Compensation or Pension at Separation from Service, DVA Form 21-526.

c. An appropriate entry has been entered in the service record concerning receipt of counseling and the Marine desires to submit, or not submit, an application for benefits from the DVA. See the current edition of MCO P1754.5

d. Survivor Benefit Plan (SBP). Counsel the Marine and spouse concerning options under the SBP (MCO 1740.11B), if applicable.

(1) The commanding officer is responsible, before a retired Marine's detachment from the command and at least 30 days before the effective date of retirement, for forwarding the DD Form 2656, Retired Pay Data Form, with SBP election, tax withholding information, and a permanent mailing address to:

DFAS-CL (Code PRRA)
P.O. Box 99191
Cleveland, OH 44199-1126

Or call (800) 321-1080

(2) A Marine is automatically enrolled in SBP with full coverage absent an election form with spousal concurrence for other than full coverage.

(3) An election not to participate in SBP, election for coverage of spouse only, or election for coverage on a reduced base amount must be documented on the Retired Pay Data Form.

(4) If no election is made before effecting retirement, the Defense Finance and Accounting Service (DFAS) will automatically grant full SBP coverage and adjust the Marine's retired pay accordingly. See MCO 1741.11, Survivor Benefit Plan.

e. Defense Enrollment Eligibility Reporting System (DEERS). Inaccurate family member information in DEERS will result in a denial of medical benefits.

CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

SECTION 1: DISABILITY EVALUATION SYSTEM (DES)

8101. GENERAL

1. The DES is composed of the Military Treatment Facilities (MTFs), the Physical Evaluation Board (PEB), and the CMC (MMSR-4). The PEB is one of three boards within the Naval Council of Personnel Boards (NCPB) a component of the Office of the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN, M&RA). The PEB is composed of an Informal PEB in Washington, D.C. and Formal PEBs in Bethesda, MD and San Diego, CA. The purpose, composition, responsibilities, policies, and procedures of the PEB are described below. The MTF plays an important part within the DES since it convenes a Medical Evaluation Board (MEB) which is generally the basis for entry of a Marine into the DES.

2. A Marine whose ability to perform the duties of office, grade, or MOS is questioned because of the presence of a physical impairment will normally be referred through an MEB to the PEB for disposition. PEB disposition instructions are provided in the tables at the end of this chapter as indicated below:

a. For determination of eligibility for processing see table 8-1, Eligibility Index Table.

b. For disposition of physically Unfit Regular Marines and Reservists ordered to active duty for more than 30 days refer to table 8-2, Eligibility Index Table for Regular Marines and Reservists on Active Duty for More Than 30 Days (Not to Include 45-Days Involuntary Training for Active Duty).

c. For disposition of physically Unfit Reservists on active duty for 30 days or less refer to table 8-3, Eligibility Index Table for Reservists on Active Duty for 30 Days or Less, Inactive Duty Training, or 45-Days Involuntary Active Duty for Training.

3. Summary Overview

a. A case enters the Department of the Navy DES when an MEB report is dictated and accepted by the PEB for the purpose of determining a Marine's fitness to continue service. The Marine's condition most likely is permanent, and/or any further period of temporary limited duty (TLD) is unlikely to return the Marine to full duty. A condition is considered permanent when the nature and degree of the condition render the Marine unable to continue naval service within a reasonable period of time (normally 16 months or less).

b. Referral of an MEB to the PEB can come from 2 sources: MEBs referred by the CMC (MMSR-4) to the PEB for determination of fitness, and MEBs

submitted directly to the PEB by a MTF. A Marine's case is accepted by the PEB when all medical and non-medical information necessary to evaluate the case is received by the PEB. Once a case is accepted by the PEB, the Informal PEB conducts a record review of the case. The Marine concerned is notified of the preliminary findings and given 15 calendar days in which to make a decision concerning the findings. If the Marine accepts the preliminary

findings, the case is finalized and the CMC (MMSR-4) is requested to make an appropriate disposition (i.e., separate, retire, or return to duty.)

c. If the Marine does not agree with the preliminary findings, the Marine can request reconsideration of that decision by the same Informal PEB and request a personal appearance before the Formal PEB. If the Formal PEB hears a case, it makes findings, and, subsequent to legal review and/or quality assurance review, findings are sent to the Marine via certified mail (return receipt requested). If the Marine accepts the findings, the case is finalized and appropriate disposition by the CMC (MMSR-4) is requested. If a Marine disagrees with the findings/results of the Formal PEB, the Marine is given 15 calendar days from the date of receipt of the findings letter to petition the Director, Naval Council of Personnel Boards (DIRNCPB). The Marine has the right to petition the Board for Correction of Naval Records (BCNR) at any time after final action on his or her case.

8102. MEDICAL EVALUATION BOARDS (MEBs)

1. General. Navy Medical Publication P-117, The Manual of the Medical Department (MANMED), chapter 18 and SECNAVINST 1850.4D, Disability Evaluation Manual (DEM), chapters 1, 3, 8, and 11 contain instructions on MEBs. The following paragraphs contain specific information on MEBs as they apply to the DES.

a. Issuing a Marine orders home for the purpose of awaiting final disposition of an MEB is not authorized, except per paragraph 8504.

b. Only commanding generals at the recruit depots, provided the MEB recommends discharge and the convening authority of the MEB concurs, 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 service (EPTS). This authority only applies to Marines in their first 180 days of duty. See paragraph 8404.

c. Provided the MEB recommends discharge, and the convening authority of the MEB concurs, a General Court Martial Convening Authority (GCMCA) of a Marine Corps activities within the United States is authorized to discharge Marines for character (personality) disorders or primary mental deficiency because they are conditions not constituting a physical disability, as are other conditions set forth in the DEM. See paragraph 8405. Contact HQMC (MMEA/MMOA) for disposition of Marines stationed overseas.

2. Purpose. An MEB is convened to report on a Marine when doubt exists concerning the Marine's state of health. An MEB reports a diagnostic summary of the Marine's physical condition and recommends one of the following dispositions to the convening authority:

a. Return to full duty;

b. Assignment to temporary limited duty (TLD) pending further examination at a later date;

c. Discharge by reason of physical disability upon determination that such disability EPTS and was not service aggravated (Note. These MEBs must, nevertheless, be referred to the PEB, except as specified in paragraph 8102.1c and 8404.);

d. Discharge by reason of unsuitability, erroneous enlistment, or Convenience of the Government; or

e. Refer the MEB to the PEB when the Marine's ability to meet the requirements of active service is questionable.

3. Convening Authority. An MEB may be ordered (or convened) by the CMC (MMSR-4) or the commanding officer of the MTF at which the Marine is a patient.

4. Composition. An MEB, 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 Public Health Service.

5. Procedures. The board considers and reports on the case of a Marine who is referred to it by competent authority. The policy and procedures to be followed by an MEB are prescribed by the MANMED and DEM.

6. Rebuttals. Unless it is determined that the information, findings, opinions, and recommendations in the MEB might have an adverse effect on the Marine's physical or mental health, the Marine is:

a. Allowed to read the MEB or furnished a copy;

b. Afforded an opportunity to submit a statement in rebuttal to any portion of the MEB; and

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 to refer the MEB to the PEB, and the convening authority concurs, the MEB is endorsed and forwarded to the PEB. Provide the CMC (MMSR-4) with an information copy.

b. When the CMC is the convening authority of the MEB, and referral to the PEB is the indicated disposition, the MEB will be forwarded to the CMC (MMSR-4) for appropriate action.

c. When the indicated disposition is referral to the PEB, and the convening authority of the MEB does not concur, the Marine concerned will be advised and afforded an opportunity to submit a statement in rebuttal. The convening authority forwards the MEB report with statements to the CMC (MMSR-4) for determination.

8. Marines Declared Mentally Incompetent While in the Hands of Civil Authorities. Occasionally, Marines in the hands of civil authorities are declared not responsible for their acts because of mental incompetence as determined by those civil authorities. These Marines may or may not be referred to a civil mental institution for confinement or treatment. Such cases must be referred to the CMC (MMSR-4) for determination and disposition. The CMC refers these cases to the PEB without the benefit of an MEB. Any information obtained from the civil authorities pertinent to the Marine's present state of health is included in the report to the CMC (MMSR-4).

9. Marines Found Mentally Incompetent by Military Authorities. Marines found mentally incompetent by a competency board will be processed by the PEB for

determination of fitness to continue active service. In such cases, however, only the next of kin (as identified by the Record of Emergency Data), court-appointed guardian, or trustee accepted by the Judge Advocate General of the Navy will be permitted to make the election of options required after the PEB findings are issued.

8103. INFORMAL PEB

1. General. The DEM, chapter 4 contains the policies and procedures of the Informal PEB. It is a board of three officers located at the Navy Yard, Washington, D.C., and functions as the initial level of evaluation within the DES.

2. Purpose. The Informal PEB is the initial level of evaluation of Marines to determine their continued ability to reasonably perform the duties of office, grade, or MOS on active duty; to investigate the nature, cause, degree, and probable permanency of disabilities; and, to make appropriate findings.

3. Composition. The Informal PEB is composed of three senior commissioned officers of the Navy and Marine Corps (two line officers and a medical officer) as appointed by the Secretary of the Navy.

4. Procedures. The Informal PEB is conducted as an informal documentary review, without the personal appearance of the Marine. The board's evaluations and determinations are based on medical records, MEBs, line of duty/misconduct investigations, and any other non-medical documentation which may have a bearing on the case.

5. Preliminary Findings. The preliminary findings are forwarded to the Physical Evaluation Board Liaison Officer (PEBLO) at the MTF that referred the Marine's MEB to the PEB for review. The PEBLO will then counsel the Marine about the preliminary findings and the options available. The preliminary findings may be:

a. Fit to continue naval service;

b. Unfit to continue naval service, with the unfitting conditions constituting the physical disability identified and appropriate VA Codes and disability percentage ratings assigned;

c. Unfit to continue naval service, but not ratable because the physical disability was not incurred or aggravated while the Marine was entitled to basic pay (generally involves EPTS determinations);

d. Unfit to continue naval service, but not ratable because the physical disability was incurred as the result of intentional misconduct or willful neglect, or was incurred during a period of unauthorized absence;

e. Unfit to continue naval service (for Reserve Marines), because the physical disability is the proximate result of performance of active duty (a Notice of Eligibility (NOE) was granted by the CMC);

f. Physically Qualified (for Reserve Marines not granted an NOE); or

g. Not Physically Qualified (for Reserve Marines not granted an NOE).

If the findings are Unfit and the condition is a ratable condition, and the percentage of disability assigned is 30% or more, a determination of whether the physical disability is stable and whether it is either permanent or may be permanent is made to determine whether the Marine is to be placed on the Temporary Disability Retired List (TDRL) or the Permanent Disability Retired List (PDRL). The findings also record the PEB's opinion as to whether the physical disability is combat-related.

6. Marine's Action on Preliminary Findings. After counseling by the PEBLO, the Marine is statutorily granted 15 calendar days from the date of notification of the preliminary findings to execute one of the following options:

a. Accept the Preliminary Findings. If the Marine accepts the preliminary findings, the PEB will take final action by issuing a Notification of Decision for the Secretary of the Navy. The Marine must be advised that failure to submit a written statement in response to the notification of the preliminary findings letter constitutes acceptance of the preliminary findings and waiver of a formal hearing and petition for relief from final action.

b. Conditionally Accept the Preliminary Findings. The Marine may accept the preliminary findings under specified conditions, e.g., "I accept the

preliminary findings on condition that I not be separated until (date)." The PEB refers the conditions to the CMC (MMSR-4) for final recommendations and concurrence. If the condition is approved, the PEB finalizes the case by issuing a Notification of Decision. If the condition is disapproved, the PEB considers the preliminary findings not acceptable and the Marine is referred to a formal hearing, if desired.

c. Submit a Request for Reconsideration of Fit Findings. If found Fit to continue naval service, the Marine may request reconsideration of the case by the Informal PEB. The reconsideration will include new medical information not previously available or considered supporting the Marine's argument and indicates whether the Marine desires a formal PEB if he is subsequently found Unfit to continue naval service. However, if the Fit to continue naval service finding is confirmed upon reconsideration, there is no right to a hearing.

d. Demand a Formal Hearing in Unfit for Duty Findings. If the preliminary findings involve an Unfit for duty determination, the Marine may demand a formal hearing. Orders will be issued for a formal hearing directing the Marine to appear before one of the two regional Formal PEBs on a specified date.

(Note. No Marine shall be separated or retired for physical disability without a formal hearing, if such is requested by the Marine per 10 U.S.C. 1214.)

8104. FORMAL PEB

1. General. The DEM chapter 4, contains instructions on formal PEB hearing panels. Commanding officer responsibilities for Marines appearing before formal hearings follow.

2. Purpose. Formal PEB Hearing Panels afford a full and fair hearing (formal hearing) to evaluate the fitness of a Marine to perform the duties of office, grade, or MOS; to investigate the nature, cause, degree, and probable

permanency of disabilities presented by the Marine; and, to make appropriate recommended findings.

3. Convening Authority. The Director, NCPB, acting for the Secretary of the Navy, has convened the following Formal PEB Hearing Panels:

a. National Naval Medical Center, Bethesda, MD 20014; and,

b. U.S. Naval Hospital, San Diego, CA 92134.

4. Composition. A hearing panel is composed of 3 senior commissioned officers of the Navy and Marine Corps as appointed by the Director, NCPB.

5. Counsel. A Marine appearing before a hearing panel will be represented by a military lawyer or civilian attorney retained at the Marine's own expense.

6. Proceedings. Hearings are conducted per the DEM.

7. Personal Appearance. The Marine will appear in person before the panel unless there is an opinion by medical authority that to do so would be detrimental to the health of the Marine. Failure to appear when so directed or authorized shall be considered as a waiver of the Marine's right to appear before the panel unless it is reasonably shown that such failure was through no fault of the Marine. Failure to appear may be subject to administrative action under the UCMJ. However, the hearing panel, at its discretion, may waive the appearance of the Marine, if requested by the Marine, and hold an "in absentia" hearing. In the case of a Reservist, personal appearance is at the Marine's own expense.

8. Recommended Findings. The hearing panel will make recommended findings. The Marine will be counseled that recommended findings are advisory only and not final or conclusive until acted upon by the President of the PEB. The findings issued by the President are the same as those set forth in paragraph 8103.5.

9. Final Findings. The recommended findings of the hearing panels are forwarded to the President, PEB for quality assurance, legal review, and concurrence by the President. The President issues a "findings" letter notifying the Marine of the final findings of the PEB.

10. Rebuttal. The Marine shall be afforded 15 calendar days to file a rebuttal to the final PEB findings. Failure to file a rebuttal within the statutory 15 calendar day period results in a presumed acceptance of the hearing panel recommendation. The case will be returned to the PEB for review and final action.

11. Petition for Relief from Final Action (PFR). Upon receipt of the findings letter issued by the President of the PEB, the Marine is statutorily granted 15 calendar days to file a PFR. Failure to file a PFR within the 15 calendar days results in a presumed acceptance of the findings of the PEB. The PEB will take final action by issuing a Notification of Decision.

12. Pending Disciplinary or Adverse Administrative Action. Marines pending disciplinary proceedings that could result in an unsuspended punitive separation or administrative discharge proceedings for misconduct will have their PEB proceedings held in abeyance pending the results of those proceedings. The command must notify the CMC (MMSR-4) of these situations. See paragraph 8508.

13. Reservists on Inactive Duty. A Reservist on inactive duty found Not Physically Qualified (NPQ) because of physical disability involving an injury or disease determined not to be the proximate result of the performance of active duty may request to appear before a formal hearing for an opportunity to demonstrate that he or she is physically qualified for retention in the Marine Corps Reserve.

8105. OFFICER DISABILITY REVIEW BOARD (ODRB). The ODRB is not a component of the DES, but is an ad hoc board convened by the Director, NCPB to review, at the request of an officer retired or released from active duty without pay for physical disability, the findings and decisions of the PEB.

8106. ACTION BY THE SECRETARY OF THE NAVY

1. The findings and recommendations through the DES pursuant to statutory authority have no legal effect until approved by the Secretary of the Navy. The Director, NCPB and the President, PEB have been given authority to act for the Secretary. This authority does not prevent the referral of any case to the Secretary.

2. The effective date of retirement or discharge is specified by the CMC (MMSR-4), and is within 4 to 6 weeks after the issuance of the Notification of Decision by the President, PEB to allow for final outprocessing.

CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

SECTION 2: RETIREMENT BY REASON OF PERMANENT PHYSICAL DISABILITY

8201. AUTHORITY. Per 10 U.S.C. 1201 and 1204, the Secretary of the Navy may retire certain Marines considered Unfit to perform the duties of office, grade, or MOS because of a permanent physical disability. See table 8-2 for eligibility determination.

8202. DISPOSITION INSTRUCTIONS

1. General

a. Expeditious handling of the administrative procedures in the separation or retirement of disabled Marines is critical. Commanders must carefully execute their authority so as to ensure each Marine receives his or her full entitlements.

b. To avoid inadvertently depriving a Marine of maximum benefits, all actions must be completed to effect retirement at the earliest practicable date since the DVA compensation for Marines with high disability ratings may substantially exceed active duty pay or physical disability retired pay.

c. Before retirement, a Marine may be authorized hospitalization at a DVA hospital, provided the Marine is on active duty at time of admission. To prevent premature retirement which may preclude DVA hospitalization, immediately request that the CMC (MMSR-4) hold the retirement in abeyance. Only the Secretary of the Navy may defer an officer statutory retirement.

d. The CMC (MMSR-4) authorizes the parent command to effect disability retirement. The approval authority is transmitted electronically via the unit diary system in MCTFS to the parent and command reporting unit. Upon receipt, the responsible order writing unit issues orders. The authority to release contains all necessary data to generate orders per figure 8-3.

e. Within 2 weeks of issuing the authority to release, the CMC (MMSR-4) prepares and forwards retirement documents to the command.

2. Specific. To retire a Marine for permanent physical disability, commanding officers will comply with the following:

a. Commence separation processing immediately.

(1) If transfer to a DVA hospital is authorized and the effective date of transfer is before the date of retirement, immediately notify the CMC

(MMSR-4). A list of administrative activities responsible for hospitalized Marines is contained in MCO 6320.2D, Administration and Processing of Hospitalized Marines.

(2) If transfer to a DVA hospital is authorized and the effective date of transfer is after the date of retirement, immediately advise the CMC (MMSR-4) of the effective date of transfer to the DVA hospital.

b. Upon completion of separation processing, but not later than the date of retirement, forward the Marine's completed DD Form 2656, Retired Pay Data Form to: DFAS-CL (Code PRRA), P.O. Box 99191, Cleveland, OH 44199-1126. Ensure that an appropriate unit diary drop entry is made reflecting the release of the Marine per CMC (MMSR-4) instructions.

c. Issue retirement orders using the appropriate format in the figures at the end of this chapter. Furnish the local disbursing officer settling the pay account a copy of the retirement orders immediately upon issuance. Additionally, furnish any other administrative information necessary to close the active duty pay account to the disbursing officer. The effective date of retirement is the day following the last day of active duty. Disability retirements are governed by law and must be effected as directed. Effecting a disability retirement on any date other than that directed by the CMC is not authorized.

d. Notify those Marines ordered home awaiting final disposition of physical evaluation proceedings of the effective date of their retirement, by the most expedient means available. This notification must be made before the effective date. Then, immediately mail the retirement orders directly to the Marine.

e. Counsel the Marine and spouse regarding the Survivor Benefit Plan (SBP) per paragraph 8004.5 and MCO P1741.11B. No Marine shall be sent home awaiting orders without being counseled on SBP and unconditionally accepting the findings of the PEB.

f. If the Marine has been transferred to a new duty station, immediately notify the CMC (MMSR-4).

8203. RETIRED PAY PROCEDURES. See section 4 of chapter 1. A very basic computation of retired pay is presented in table 8-4.

8204. RETIREMENT CEREMONY. See paragraph 1012.

8205. CURRENT ADDRESS AND RESIDENCE. Keep the CMC (MMSR-7) informed at all times of current home mailing address. See paragraph 1404.

CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

SECTION 3: TEMPORARY DISABILITY RETIRED LIST (TDRL)

8301. AUTHORITY. Per 10 U.S.C. 1376, the Secretary of the Navy is required to maintain a TDRL containing the names of Marines transferred to the TDRL per 10 U.S.C. 1202 and 1205. The CMC (MMSR-4) maintains the TDRL for the Marine Corps. The list consists of Marines who would be qualified for permanent disability retirement, but for the fact that the Marine's disability is not determined to be of a permanent nature and stable. See table 8-2 for eligibility determination.

8302. TRANSFER TO THE TDRL

1. General. See paragraph 8202.1.

2. Specific. Follow instructions contained in paragraph 8202.2, except use the format in figure 8-4 vice figure 8-3 to issue orders. Upon transfer to the TDRL, the Marine's command will forward the Marine's complete health record to CMC (MMSB-16) for maintenance while the Marine is on the TDRL.

8303. TDRL PAY PROCEDURES. See section 4 of chapter 1. A very basic computation of retired pay is presented in table 8-4. 10 U.S.C. chapter 61 provides that the maximum time that a Marine's name can be carried on the TDRL in a pay status is 5 years.

8304. PERIODIC PHYSICAL EXAMINATIONS (PPE)

1. The law requires that Marines placed on the TDRL undergo periodic physical examinations (PPEs) at least once every 18 months to determine whether there has been a change in the physical disability for which the Marine was temporarily retired. This includes Marines who have waived retired pay in order to receive compensation from the DVA, as they are still members of the naval service.

2. The CMC (MMSR-4) issues orders to Marines on the TDRL to proceed and report for PPEs, normally via the commanding officer of the designated examining activity. The examining facility will endorse the orders and specify the date, time, and place to which the Marine is to report. TDRL PPEs shall be furnished on the same priority as those given to active duty Marines. Voluntary selection of an examination place may be permitted, however, reimbursement may not exceed the amount authorized for travel and transportation to and from the Marine's home of record and the nearest military activity at which PPEs are conducted.

3. If a Marine on the TDRL fails to report as ordered for the required PPE, entitlement to disability retired pay will be terminated, and the Marine may be administratively removed from the TDRL. Should just cause for failure to report be established, payments may be reinstated and may be made retroactive for a period not to exceed one year.

4. To ensure an accurate and complete PPE, the Marine shall provide the examining physician, for submission to the PEB, copies of all medical records (civilian, DVA, and all military medical records) documenting treatment since the last TDRL reevaluation.

5. A Marine on the TDRL is entitled to travel and transportation allowances authorized for a Marine in his or her grade traveling in connection with orders for a PPE and any appearances before the PEB, per the Joint Federal Travel Regulations (JFTR). Marines are required to liquidate travel claims within 5 days of completion of execution of official orders.

8305. DISPOSITION OF TDRL MEMBERS IN HANDS OF CIVIL AUTHORITIES. Whenever a Marine is confined by civil authorities or is hospitalized in an institution under State or local control, the report of the medical officer or medical assistant serving the confinement facility or institution may be submitted for the PPE. For detailed provisions, see SECNAVINST 1850.4D (DEM), enclosure (3).

8306. CURRENT ADDRESS AND RESIDENCE. It is imperative that all Marines on the TDRL keep the CMC (MMSR-4), and DFAS Cleveland aware of their current address at all times. Failure to respond to correspondence or orders issued to the address on file with the CMC (MMSR-4) and DFAS Cleveland, either willfully or through neglect, may result in the suspension of disability retired pay and is considered as showing intent to abandon benefits.

8307. REMOVAL FROM THE TDRL

1. Upon acceptance and evaluation of a PPE, the PEB shall make one of the following dispositions:

a. Retention on the TDRL;

b. Transfer to the PDRL;

c. Discharge with or without entitlement to receive severance pay; or

d. Fit to continue naval service. See paragraph 8307.3.

2. If the Marine is retained on the TDRL, PPEs will continue at 18-month intervals. However, final reevaluation must take place before the end of five years, when by law, final disposition must be made .

3. A Marine whose condition has improved to such a degree that the PEB issues a finding of Fit to continue naval service, may, subject to the Marine's consent, be reappointed to the active list or reenlisted, if otherwise qualified for reenlistment. If a Marine does not consent to reappointment or reenlistment, the Marine shall be removed from the TDRL and discharged.

4. A member of the Marine Corps Reserve found Fit to continue naval service may, subject to the Marine's consent, be reappointed or reenlisted, as appropriate, in the Marine Corps Reserve. Reappointment or reenlistment in the Marine Corps Reserve does not guarantee assignment to active duty.

5. A Marine's failure to report for a PPE, to give just cause for failure to report, or to furnish current medical information for use in lieu of a final

PPE may result in administrative removal from the TDRL upon completion of 5 years on that list, with the loss of all benefits to which the Marine may be entitled under 10 U.S.C. chapter 61.

CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

SECTION 4: DISCHARGE OF MARINES NOT PHYSICALLY QUALIFIED FOR RETENTION

8401. DISABILITY DISCHARGE WITH SEVERANCE PAY. Per 10 U.S.C. 1203 and 1206, certain Marines not eligible for retirement by reason of physical disability, but found Unfit for duty by reason of physical disability, may be discharged from the Marine Corps with severance pay. Disability severance pay is computed by multiplying twice the monthly base pay by the number of years of active service, not to exceed 12 years. If a member has less than 6 months of combined service, there is no disability severance pay entitlement. Further eligibility requirements are contained in tables 8-2 and 8-3 of this Manual and the current edition of DoD Financial Management Regulation, Volume 7A, Chapter 35, paragraph 3504.

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 Marine Unfit to perform the duties of office, grade, or MOS and which results from the Marine'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 per 10 U.S.C. chapter 61. Additionally, a Marine who is found Unfit for duty because of a physical disability which was neither incurred nor aggravated during any period in which the Marine was entitled to basic pay (i.e., existed prior to service), shall be discharged without severance pay per 10 U.S.C. chapter 61.

8403. SEPARATION PROCEDURES FOR DISCHARGE WITH OR WITHOUT SEVERANCE PAY

1. Upon receipt of the PEB Notification of Decision, the CMC (MMSR-4) will direct the discharge of a Marine by reason of physical disability with or without severance pay. When the command receives authority to release a Marine (refer to Appendix E), the commanding officer will issue orders per the appropriate format contained in the figures at the end of this chapter. Ensure the Marine is separated on the date approved by the CMC (MMSR-4).

2. If the Marine has been transferred, immediately notify the CMC (MMSR-4).

8404. DISCHARGE FOR DISABILITY EXISTING PRIOR TO SERVICE (EPTS)

1. General. SECNAVINST 1850.4D (DEM) provides information on a medical evaluation board (MEB) convened to discharge an enlisted Marine for physical disability not incurred in or aggravated by service. See paragraph 8002.6.

a. Only commanding generals at the recruit depots 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 service (EPTS), provided:

(1) The Marine is in the first 180 days of duty;

(2) The Marine has appeared before an MEB, 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;

(3) The MEB recommends discharge;

(4) The convening authority of the MEB concurs with the opinions of the board;

(5) The Marine has been fully advised, by the convening authority of the MEB, of the right to demand a full and fair hearing before the PEB before discharge;

(6) The Marine, after being advised of the right to a full and fair hearing before discharge, waives that right, in writing, on form NAVMED 6100/3;

(7) 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;

(8) There are no pending administrative discharge proceedings for misconduct or disciplinary proceedings which could result in a punitive discharge; and

(9) There is no evidence that the Marine is under investigation or is being processed as a security risk.

b. All other cases, where it is determined by an MEB that the disability EPTS, must be referred to the PEB for determination.

c. Physical conditions of Marines with less than 180 days active duty are evaluated per the minimum standards for enlistment, appointment, or induction. Physical conditions of Marines with 180 days or more active duty are evaluated by the PEB per the minimum standards set forth in enclosure (3) of the DEM. Marines who exceed the minimum standards are not separated for physical disability.

2. When the commander believes that an enlisted Marine, qualified for discharge by reason of physical disability under this paragraph, should be discharged by reason of administrative separation for misconduct, or as the result of disciplinary proceedings leading to a punitive discharge, the disability proceedings will be suspended and monitored. The command should immediately notify the CMC (MMSR-4) by naval message. Additionally, forward the MEB to the CMC (MMSR-4) for final action once all administrative/punitive proceedings are completed per chapter 6, and all unsuspended punishment and convening authority action is complete.

3. The authority for discharge is paragraph 8404.

4. Paragraph 8404 is not applicable to officers. Officers will be discharged only when authorized by the CMC.

5. Erroneous Enlistment

a. Separate Marines with medical conditions which disqualify them from serving on active duty by reason of erroneous enlistment on the basis of not meeting the physical standards for enlistment. If an MEB is convened, the convening authority must ensure the MEB states the Marine is not qualified

under physical standards for enlistment or induction. All of the following additional criteria must be met.

(1) The condition was present at the time of enlistment and has not been service aggravated.

(2) The condition, had it been known, would have disqualified the Marine from enlistment.

(3) The condition is not the result of fraudulent conduct on the part of the Marine.

(4) The Marine must voluntarily waive his or her right to be considered for disability by the PEB.

b. In addition to active duty members, this paragraph applies to members of the Marine Corps Reserve on active duty for more than 30 days, or on active duty for less than 30 days who have a Notice of Eligibility (NOE).

c. A Marine with a medical condition (either physical or mental), not determined to be a physical disability by a medical officer, which EPTS and precludes the Marine from serving on active duty may be separated under this paragraph. For these cases only, use this paragraph as the authority for separation.

d. The separation authority is the GCMCA.

e. Forward all other erroneous enlistments to the CMC (MMSR-3).

f. Only the Secretary of the Navy has authority to discharge a Marine on the basis of physical disability. Process MEB cases identifying a physical disability EPTS per the DEM, to include submitting the MEB’s recommendations and findings to the PEB.

6. NAVMED P-117 (MANMED) requires that when an MEB results in the discharge of a Marine, and it is determined that the conditions reported EPTS, and the pre-entry physical examination was performed at a Military Entrance and Processing Station (MEPS), a copy of the MEB with a copy of the pre-entry SF 88 and SF 93 will be forwarded to Commander, U.S. Military Entrance Processing Command, 2500 Green Bay Road, North Chicago, IL 60064. Insert the terminated health record inside the service record and forward per the MANMED article 16-9, and MCO P1070.12K (IRAM), paragraph 4001.5, table 4-1.

8405. DISCHARGE FOR PERSONALITY DISORDERS AS DETERMINED BY A MEDICAL EVALUATION BOARD (MEB). MEBs reporting a diagnosis of personality disorder and recommending the Marine's separation due to unsuitability should ordinarily be processed for separation per paragraph 6203.3, if the convening authority of the MEB concurs with the opinion of the board.

8406. DISCHARGE OF MEMBER OF AN OFFICER TRAINING PROGRAM FOUND NOT PHYSICALLY QUALIFIED FOR RETENTION

1. The Commanding General, MCCDC, is authorized to discharge members of officer training programs upon notification by the Chief, Bureau of Medicine and Surgery (BUMED) that the Marine is not physically qualified for retention on active duty as an enlisted Marine subject to the following provisions:

a. Upon a medical officer's report that an officer candidate is not physically qualified for retention, the commander will forward the SF 88 to the Chief, BUMED (Code 25) provided the 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; and

(3) Submits a request for discharge by reason of being found not physically qualified for retention on active duty.

b. If the officer candidate desires to enter or remain on active duty, the commander will forward the SF 88 to the CG, MCRC (MRRE-3) via the Chief, BUMED (Code 25) with a recommendation on retention.

c. Authority for discharge is paragraph 8406.

2. When the officer candidate is found physically qualified for retention as an enlisted Marine, but is not physically qualified for appointment as an officer in the Marine Corps, the commander will forward the SF 88 to the CG, MCRC (MRRE-3) via Chief, BUMED (Code 25).

3. When the officer candidate is on active duty and is found not physically qualified due to incurring or aggravating an injury or disease after the initial "reporting-in" physical examination, the candidate will be processed per the DEM.

8407. DISCHARGE OF RESERVISTS NOT ON ACTIVE DUTY FOUND NOT PHYSICALLY QUALIFIED FOR RETENTION IN THE MARINE CORPS RESERVE

1. Per 37 U.S.C. 204(g), 204(h), and 206(a), Reservists ordered to perform active duty for training or inactive duty for training for any period of time,

who incur an injury, illness, or disease en route to or from such duty or during that duty, in the line of duty and not due to their own intentional misconduct or willful neglect, are entitled to medical care and disability pay as provided by law or regulation.

a. Only Reservists authorized NOE benefits for an injury, illness, or disease, will be referred to the PEB for a disability evaluation per the DEM.

b. Reservists not in receipt of NOE benefits and determined not physically qualified (by an MEB, the Chief, BUMED, or the CMC (MMSR-4)), are referred to the PEB for a physical disability evaluation only if the Reservist requests a review by the PEB.

c. If the Marine disagrees with the findings of the Informal PEB and requests a formal hearing, the case will be referred by the PEB to a Formal PEB for evaluation. Members of the Marine Corps Reserve not on active duty, who request to appear in person before a formal hearing, must agree to do so at no expense to the Government. The formal hearing will normally be conducted by the Formal PEB located nearest the Marine's residence. See paragraph 8104.3.

2. The Commander, Marine Forces Reserve (COMMARFORRES) is authorized to discharge an enlisted Reservist not on active duty upon notification by the Chief, BUMED that the Reservist is not physically qualified for retention in the Marine Corps Reserve subject to the following provisions:

a. Upon receipt of a medical officer's report that an enlisted Reservist has been determined to be not physically qualified, the commander will forward all medical records and any other additional correspondence that may be relevant to the Chief, BUMED (Code 25). Furnish separation orders complete with all endorsements to the Defense Finance and Accounting Service at: DFAS-KC (PMCRAF), 1500 East 95th Street, Kansas City, MO 64197-0001. The orders will contain the following:

(1) Marine's last name, first name, and middle initial;

(2) Social security number;

(3) Grade;

(4) Date of discharge;

(5) Years, months, and days of active service, less periods covered by a NOE; and

(6) A brief statement explaining entitlement to disability severance pay.

b. Upon endorsement by the Chief, BUMED that the Reservist is not physically qualified for retention in the Marine Corps Reserve, the

COMMARFORRES will inform the Reservist with an appropriate letter for reply and provide the following information:

(1) Medical description of the physical defect;

(2) Laws mandating the Marine Corps require any person not physically qualified for assignment to active duty to be discharged or retired from the Marine Corps Reserve;

(3) Notification that the member has 15 calendar days, from the date of the letter, to respond and request discharge due to not being physically qualified, request transfer to the retired list from the CMC (MMSR-5), or request review by the PEB. If no response is received, action will be taken to involuntarily discharge the member by reason of physical disqualification.

c. When requesting a hearing before the PEB, the Marine will be advised that disability benefits are payable only if the Marine is entitled to active duty pay and allowances and has been issued an NOE to receive such allowances. If an NOE has not been issued, the PEB findings will be either Physically Qualified or Not Physically Qualified for duty and a corresponding determination on retention. If the Marine's case is considered by the PEB, and the Marine does not agree with the recommendation of the Informal PEB and requests a formal hearing, the case will be referred by the PEB to a Formal PEB for evaluation. A member of the Marine Corps Reserve, not on active duty, who desires to appear in person before a formal hearing, must agree to do so at no expense to the Government. The formal hearing will normally be conducted by the Formal PEB nearest the Marine's residence. See paragraph 8104.3.

d. When the above actions are completed, take appropriate administrative action per the following instructions.

(1) Discharge the Reservist upon receipt of the Marine's written request under authority contained in this Manual.

(2) If the Reservist requests a hearing before the PEB, refer the Marine's case to the CMC (MMSR-4). Include all medical records and pertinent correspondence. Cases received without sufficient medical evidence will be returned for resubmission.

3. Reserve officers found not physically qualified will be processed in a fashion similar to enlisted Reservists with the following exceptions:

a. When a medical officer's report is received stating that a Reserve officer is not physically qualified, the commander will forward the SF 88, Report of Medical History (SF 93), and other relevant correspondence to the CMC (MMSR-5) via Chief, BUMED (Code 252).

b. When the Chief, BUMED endorses that the Reserve officer is not qualified for retention in the Marine Corps Reserve, the CMC (MMSR-5) will

inform the Reserve officer per paragraph 8407.2b, and furnish the officer an appropriate form letter to reply.

c. When the above actions are completed, the CMC will:

(1) Discharge the Reserve officer upon receipt of their written request;

(2) Transfer the Reserve officer to the Retired List, if eligible; or

(3) Refer the case to the PEB for a determination on the officer's fitness for further service in the Marine Corps Reserve, if a Reserve officer requests a hearing before the PEB.

8408. DISCHARGE OF RESERVISTS ORDERED TO INVOLUNTARY ACTIVE DUTY FOR UNSATISFACTORY PARTICIPATION FOUND NOT PHYSICALLY QUALIFIED

1. Enlisted Marines ordered to involuntary active duty for unsatisfactory participation will be ordered to undergo a physical examination before reporting for such duty, if not physically examined during the preceding 12 months.

2. If physically qualified, the Marine will carry out the remainder of orders.

3. If found physically unqualified, the orders will be terminated per the instructions found within those orders. Forward the SF 88 and SF 93, with appropriate consultations to the Chief, BUMED (Code 252) via the COMMARFORRES.

CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

SECTION 5: DES ADMINISTRATIVE PROCEDURES AND POLICIES

8501. GENERAL. This section contains general administrative procedures and policies for processing Marines through the DES. For the purposes of this section, and when referring to non-disability retirements, the term "retirement" will include transfers to the FMCR, unless otherwise specified.

8502. MARINES PENDING RETIREMENT OR DISCHARGE

1. The commanding officer of a Marine who has a CMC approved date for retirement or who has a specified retirement date under other provisions of law, will immediately notify the CMC (MMSR-2 and MMSR-4) and seek guidance if a physical condition is discovered which may result in that Marine being retained beyond the retirement date for medical reasons. Notify the CMC (MMSR-3) of Marines with approved discharge dates if similar medical circumstances exist.

2. A mandatory retirement or discharge may be held in abeyance only if a Marine is hospitalized as an inpatient in emergency circumstances, or if an MEB is accepted at the PEB before the Marine’s retirement date. Upon acceptance of the MEB at the PEB, a CMC approved retirement or discharge will be held in abeyance until the completion of the DES process. If a Marine is subsequently found Unfit by reason of physical disability, the Marine may be retired per the provisions of this chapter.

a. Officers. If an officer, whose approved retirement has been held in abeyance due to a medical condition, is subsequently found Fit for duty by the PEB, see chapter 2 of this Manual. For discharges refer to chapter 4 or 5.

b. Enlisted Marines. If an enlisted Marine, whose approved retirement has been held in abeyance due to a medical condition, is subsequently found Fit for duty by the PEB, see chapter 7 of this Manual.

8503. PHYSICAL EXAMINATION FOR SEPARATION FROM ACTIVE DUTY. See paragraph 1011.

8504. DISPOSITION OF PERSONNEL AWAITING FINAL DETERMINATION OF PHYSICAL DISABILITY (HOME AWAITING ORDERS)

1. A Marine on active duty found Unfit by the PEB, whose continued treatment is not warranted, and who has unconditionally accepted the preliminary findings of the Informal PEB may, subject to the Marine's consent and the command’s approval, be ordered home to await final disposition of proceedings.

Commanders should use the services of any Marine who does not desire orders home to await disposition, in a manner consistent with the Marine's physical capabilities.

2. Commanders of Marines stationed in the United States may issue orders directing an enlisted Marine to proceed home to await final disposition of proceedings, provided:

a. The Marine consents;

b. The PEB (not an MEB) determines the Marine is Unfit for continued naval service, the Marine has signed the Election of Options unconditionally accepting the preliminary findings of the Informal PEB, waived the right to demand a full and fair hearing and to submit a Petition for Relief from Final Action, or has already appeared in person at a full and fair hearing, has requested the case be finalized, and waived the right to submit a Petition for Relief from Final Action. If the preliminary findings of the Informal PEB are Fit for continued naval service, and the Marine is retirement eligible under other provisions of law, or has indicated an intent to reenlist, the Marine will not be ordered home;

c. Further hospitalization and treatment are not required; and

d. A Marine ordered home has a positive leave balance and agrees to liquidation of accrued leave while awaiting final disposition. For further information see MCO P1050.3H and the Department of Defense Finance Management Regulations (DoDFMR).

3. Commanders of OCONUS Marines, to include Hawaii-based commands, will request PCS orders (MCC W95) by priority message from the CMC (MMEA/MMSR-4) within 48 hours of the Marine accepting preliminary findings of Unfit for duty from the Informal PEB.

4. Enlisted Marines will be issued orders in the format contained in the current edition of MCO P1000.6G, Assignment, Classification, and Travel System Manual (ACTS). Use this paragraph as the authority. Request orders by message from the CMC (MMSR-4) for travel OCONUS.

5. Enlisted Marines ordered home or to a point of selection to await final disposition will 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 family members 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, using the mode which requires the least travel time. For more comprehensive information, consult the DoDFMR.

6. A Marine's unused leave balance 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 travel via the shortest usually traveled route, using the one which requires the least travel time. For more comprehensive information, consult the DoDFMR.

7. Transportation of family members and household effects is authorized under change of station orders issued pursuant to the authority provided by this paragraph for travel to the Marine's home or a designated place. Advise Marines that since entitlements to transportation of family members and household effects will not accrue unless and until the Marine is either permanently or temporarily retired or otherwise separated, transportation costs for travel and shipment of household effects and family members may be borne by the Marine should the Secretary of the Navy ultimately find the Marine Fit for duty. Mileage and other transportation allowances, including transportation of dependents and household effects, are settled or adjusted

upon actual separation or retirement, permanent or temporary per the provisions of the JFTR and MCO P4650.37C (MCTIM).

8. A claim for reimbursement for travel performed by family members incident to change of station orders issued under this authority will be submitted to the disbursing officer maintaining the Marine's pay record at the time of separation. A claim for reimbursement for travel performed by family members incident to the Marine's retirement (permanent or temporary) or separation will be submitted to the disbursing officer maintaining the Marine's pay record at the time of separation. The claim will include:

a. All original orders and modifications;

b. Retirement orders; and

c. Travel Voucher (DD Form 1351-2) and, if applicable, Voucher for Dependent Travel (DD Form 1351-2C). When a Marine with dependents is transferred under orders issued pursuant to this authority, the disbursing officer will advise the Marine of the procedures for submitting claims for transportation of dependents and will furnish sufficient copies of DD Form 1351-2/2C. See paragraph 1009.

9. Commanders will collect and destroy the Marine's identification card (DD Form 2 Active) and issue a temporary identification card (DD Form 2 Active) valid for no more than 180 days. If appropriate, a retired identification card (DD Form 2 (Retired) will be issued per MCO 5512.11B.

10. Request, via message to the CMC (MMSR-4), authorization of orders for officers desiring orders home to await final action.

11. If retirement orders are not received within 60 days of detachment from the parent unit, Marines home awaiting orders will immediately contact the CMC (MMSR-4) or the last administrative unit to which assigned.

8505. VOLUNTARY SEPARATION BEFORE COMPLETION OF FINAL ACTION ON PHYSICAL DISABILITY PROCEEDINGS

1. Do not discharge or release upon expiration of active duty Regular or Reserve Marines ordered to active duty for more than 30 days (except those Marines ordered to active duty for training) if medical treatment or disability proceedings have not been completed, unless the Marine specifically requests such discharge or release from active duty. Marines approved for separation under any program that incurs a Reserve obligation and who have conditions which are cause for referral into the DES are prohibited from waiving physical disability evaluation. If a Marine requests separation before final action by the Secretary of the Navy, the Marine will be instructed that separation before that time may prejudice any future claim for disability benefits. If, after this explanation, the Marine still desires separation, make the following page 11 entry on the administrative remarks page of the service record:

"I 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 the PEB under 10 U.S.C. section 1214. I request discharge (release from active duty), before final action by the Secretary of the Navy, despite the explanation given me that this may prejudice my case for disability benefits. I still desire separation. I have been advised of my right to file a claim

with the Department of Veterans Affairs (DVA)for compensation, pension or hospitalization. I (do) (do not) desire to file a claim with the DVA for compensation, pension, or hospitalization.

_____ _____

(Signature of Marine) (Date) (Signature of Judge Advocate)(Date)"

a. Any Marine contemplating a waiver of rights pursuant to this paragraph must be counseled by a judge advocate. This entry must be dated and signed by the Marine and witnessed by a judge advocate before actual separation.

b. When a Marine executes the above waiver, notify the CMC (MMSR-4) by message and forward a copy of the page 11 entry to the CMC (MMSR-4).

2. Marines eligible to retire, or with a request to retire pending, and who are also pending physical disability proceedings will be advised that authorization to retire will not be issued until final disposition of physical disability proceedings. If a Marine is pending physical disability proceedings, applications for retirement should not be submitted and, if submitted, will not be processed unless the Marine opts to waive the rights and benefits to which entitled under 10 U.S.C. chapter 61. If the Marine still desires to retire after subject counseling, make the following page 11 entry on the administrative remarks page of the service record:

"I 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 the PEB under 10 U.S.C. 1214. With full knowledge of my rights in this matter I request to retire or transfer to the FMCR on (date) 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 Department of Veterans Affairs (DVA)for compensation, pension or hospitalization. I (do) (do not) desire to file a claim with the DVA for compensation, pension or hospitalization.

_____ _____

Signature of Marine) (Date) (Signature of Judge Advocate)(Date)"

a. Any Marine contemplating a waiver of rights pursuant to this paragraph must be counseled by a judge advocate. This entry must be dated and signed by the Marine and witnessed by a judge advocate before actual separation.

b. When a Marine executes the above waiver, notify the CMC (MMSR-4) by message and forward a copy of the page 11 entry to the CMC (MMSR-4).

8506. RESPONSIBILITIES

1. Commanding Officer

a. Responsible for the proper administration of all light duty and limited duty Marines, and for identifying and tracking MEB processing through final disposition.

b. Appoints a Limited Duty Coordinator (SNCO or above) in writing to:

(1) Identify and track all personnel within the command undergoing processing through the DES;

(2) Ensure Marines not in a full duty status in excess of 60 days are placed on temporary limited duty (TLD) and have proper medical documentation;

(3) Ensure proper administrative action has been taken on all personnel within the command who are currently on light duty, TLD, permanent limited duty (PLD), and undergoing processing through the DES;

(4) Monitor the status of all Marines in the command who are on Convenience of the Government medical hold;

(5) Monitor the status of all Marines sent home awaiting final disposition by the PEB;

c. Upon receipt of a request from the military treatment facility (MTF), provides complete non-medical assessment (NMA) to the MTF within calendar 15 days.

d. Ensures that members of his or her command who are sick, injured, or have a medical defect are in a bona fide light duty or TLD status, as appropriate.

e. Ensures that all nondeployable Marines are properly identified in SORTS per current edition of MCO 3000.13C (SORTS SOP).

f. Assigns duty limitation code "Q" in MCTFS for all Marines in a bona fide TLD status (requires medical board action and appropriate documentation), and removes the duty limitation code "Q" for Marines not in a bona fide TLD status.

g. Conducts line of duty/misconduct investigations (LODI), as required.

h. Notifies the CMC (MMSR-4) immediately via naval message (with the Convening Authority, Medical Boards Section of the MTF as an information addressee if a Marine is pending PEB action) when:

(1) A Marine undergoing disability processing is facing administrative (misconduct)/legal (punitive) separation proceedings;

(2) A Marine is on PLD without a duty limitation code of "S" in MCTFS. Only the CMC (MMSR-4) has the authority to enter or remove duty limitation "S" codes from MCTFS;

(3) A Marine is in an expired PLD status. Ensure the Marine is reevaluated, as stipulated in their letter of assignment to PLD, and forward results of the MEB to the PEB for disposition informing MMSR-4; and

(4) A Marine is not on a bona fide period of TLD, and not in a full duty status in excess of 60 days without an MEB.

i. Separates a Marine upon completion of disability processing, as directed by the CMC (MMSR-4), within required time frames.

j. Returns a Marine to full duty before completing an assigned period of TLD, upon an MTF determination that the Marine is Fit.

k. Notifies the CMC when a Marine found Fit by the PEB is the subject of a CMC directed separation; (MMSR-2 for retirements and MMSR-3 for separations).

l. Enters/removes duty limitation code "Q" in/from MCTFS, as required, per MCO P1080.40B (MCTFSPRIM)).

m. Coordinates with the MTF to ensure a Marine is reevaluated 60 days before expiration of TLD.

n. Ensures that a Marine assigned to PLD is reevaluated 120 days before the end of the PLD period, and that the evaluation is forwarded to the PEB for disposition, also informing the CMC (MMSR-4) via naval message.

o. Ensures a Marine undergoing DES processing reports for all appointments and keeps the command informed of results.

p. Makes an appropriate statement in the request for reenlistment or extension pertaining to the medical duty status of a Marine; i.e.,

Fit for full duty, on light duty, TLD (start/stop date, first/second period), or PLD (start/stop date). A request for reenlistment/extension should be be denied if a Marine is on TLD and the Marine should be retained for Convenience of the Government Medical (CoFGM) until found Fit or Unfit by the PEB.

q. Will not reenlist a Marine who, after reenlistment authority has been granted by the CMC (MMEA-6), is assigned a TLD status. Instead, the Marine should be medically retained for CoFGM and CMC (MMEA-6) immediately notified via naval message.

r. Ensures appropriate comments are made in section A and section I of a Marine's fitness report, if a Marine takes a partial PFT or fails to take a semiannual PFT because of a medical condition (i.e., appropriate assignment to TLD or PLD or undergoing disability evaluation by the PEB).

2. Medical Treatment Facility (MTF). The Marine liaison at the MTF is responsible for administratively assisting the MTF perform the following functions.

a. Conducts MEBs.

b. Recommends assignment of a member to a period of TLD.

c. Reevaluates member 60 days before the termination of TLD;

d. Notifies the CMC (MMSR-4) via naval message, with an information copy to the Marine's command, of all MEB actions.

e. For a first period of TLD of less than 8 months for enlisted Marines, forwards a copy of the original MEB with supporting documentation to the CMC (MMSR-4) for historical record.

f. For a first period of TLD greater than 8 months for enlisted Marines, forwards a copy of the original MEB with supporting documentation to the CMC (MMSR-4) for departmental review.

g. For any subsequent periods of TLD for enlisted Marines, forwards a copy of the MEB with supporting documentation to the CMC (MMSR-4) for departmental review.

h. For any periods of TLD for officers, forwards a copy of the original MEB with supporting documentation to the CMC (MMSR-4) for departmental review.

i. Recommends assignments to light duty as required (not to exceed 30 days).

j. Processes MEB referrals to the PEB for fitness for duty determinations with the CMC (MMSR-4) as an information addressee.

k. Requests LODIs, as required.

l. Notifies the command if MEB processing will exceed 30 days.

3. CMC (MMSR-4)

a. Oversees processing of all Marines through the DES.

b. Directs MEBs for fitness for duty determination.

c. Conducts departmental review of all officer MEBs, enlisted MEBs recommending subsequent periods of limited duty, and enlisted MEBs recommending initial periods of limited duty longer than 8 months. Upon review, limited duty may be approved, or the MEB may be forwarded to the PEB for determination of fitness.

d. Approves assignment to PLD.

e. Monitors duty limitation codes and enters duty limitation code “S” into MCTFS.

f. Processes MEBs and forwards to the PEB, if required.

g. Processes Marines once a fitness for duty determination is finalized by the PEB and issues orders that:

(1) Return the Marine to full duty;

(2) Approve a period of PLD;

(3) Discharge the Marine with or without severance pay; or

(4) Transfer the Marine to either the TDRL or PDRL.

h. Monitors Marines retained for CoFGM past their EAS without any MEB action.

8507. CERTIFICATE IN LIEU OF ORDERS. A certificate in lieu of orders is not authorized.

8508. CONCURRENT DISCIPLINARY/ADMINISTRATIVE ACTION FOR MISCONDUCT AND PHYSICAL DISABILITY PROCEEDINGS

1. Administrative separation does not supersede a disability separation, unless the administrative separation is for misconduct. Disciplinary/punitive separation directed by a court-martial supersedes a disability separation.

2. Notify the CMC (MMSR-4) when a Marine is being processed for disability evaluation and the following situations occur: (Disability evaluation will be suspended, and the nondisability action monitored.)

a. Administrative involuntary separation for misconduct;

b. Disciplinary proceedings which could result in a punitive discharge; or,

c. An unsuspended punitive discharge is pending.

3. If the disciplinary or administrative discharge proceedings do not result in an unsuspended punitive discharge or administrative discharge for misconduct, the case will be forwarded or returned to the PEB for processing.

4. If the results of the disciplinary or administrative discharge proceedings result in either an unsuspended punitive or administrative discharge for misconduct, file the medical evaluation board (MEB) in the Marine's health record and/or note the physical defect on the SF 88 or SF 93. The information will be made a permanent part of the Marine's health record per NAVMED P-117 (MANMED) article 18-23.

8509. LEAVE. A Marine whose Medical Evaluation Board (MEB) has been referred for evaluation by the PEB, if otherwise physically and administratively eligible, may be granted annual leave. The command authorizing leave will ensure that the Physical Evaluation Board Liaison Officer (PEBLO) at the MTF where the Marine's MEB was prepared, is notified of the inclusive dates of the leave period and the Marine's leave address and phone number. Leave will be granted subject to recall of the Marine, if necessary. Encourage Marines anticipating separation by reason of physical disability to reduce their accrued leave balance as much as possible, since separation leave may only be granted per paragraph 8504. There is no guarantee that the accrued leave balance may be used in excess of that which the Marine may receive as a cash settlement. See also paragraph 1010.

8510. DISABILITY TAX LIABILITY EXCLUSION

1. The Tax Reform Act of 1976 ended tax liability exclusion of pensions, annuities, or similar allowances for personal injuries or sickness resulting from active service in the Armed Forces for those members who entered active service after 24 September 1975. Consequently, to qualify for the disability retired or severance pay tax exclusion, those Marines must show that they were disabled by reason of a "combat-related" injury. Combat-related injury is defined as personal injury or sickness which is incurred as the direct result of armed conflict; while engaged in extra hazardous service; under conditions simulating war; or which is caused by an instrumentality of war.

2. When a Marine, who entered active service after 24 September 1975, is separated for physical disability with entitlement to benefits under 10 U.S.C. chapter 61, the PEB will render an opinion as to whether the physical disability was incurred under conditions that may be considered combat-related. If the PEB opines that it is not a combat-related disability, the Marine may appeal that opinion to the Judge Advocate General of the Navy who will make the final determination.

3. If the PEB issued Notification of Decision and the CMC retirement/ discharge authority indicates a combat-related injury, that statement is conclusive and final.

8511. DEATH IMMINENT (DI) PROCESSING. This section explains the process used to medically retire Marines whose death is expected within the next 72 hours. To ensure maximum benefits for the Marine's eligible family members, terminally ill Marines (death expected within 72 hours) must be retired before death, rather than remain on active duty.

1. The PEB processes DI cases 24-hours a day, 7-days a week.

2. When a competent medical authority determines that the Marine's death is expected within 72 hours, the Marine must be expeditiously referred to the DES. DI cases will be processed in exactly the same sequence as all other cases before the PEB, except that they are given first priority.

3. To initiate the DI process, the MTF treating the Marine must notify the PEB immediately upon the determination that the Marine's death is "imminent." Accordingly, an MTF can anticipate that, from the receipt of a complete MEB at the PEB, a minimum of 4 hours is required to finalize a DI case.

4. Commanding officers of MTFs must ensure the following statements and supporting information are included in DI MEBs. Cases that fail to provide this material will not be given DI status.

a. All DI MEBs submitted to the PEB must specifically state that the Marine is expected to die within the next 72 hours and include medical evidence supporting this statement.

b. Marines determined to be incompetent must have a competency board signed by three medical officers, one of whom must be a psychiatrist. A competency statement included in the MEB submitted is sufficient so long as all necessary signatures are included. The Record of Emergency Data (RED) from the service record book must accompany the competency statement.

5. Commanding officers of Marines being considered for DI processing must ensure the following actions take place.

a. Immediately notify the HQMC Command Center at DSN 225-7366 or Comm (703) 695-7366 and then release a Personnel Casualty Report (PCR) (Form DD-3040-02) concerning the incident.

b. In the event the terminally ill Marine is receiving care in a treatment facility other than an MTF (i.e., civilian hospital):

(1) Immediately notify the nearest MTF and ensure communication is established between the treatment facility and the MTF.

(2) Notify the Military Medical Support Office (MMSO) in Great Lakes, IL at 1-800-876-1131 so that MMSO can officially assign medical responsibility to the MTF closest to the treatment facility.

c. If required, ensure a line of duty determination (LODD) or line of duty investigation (LODI) is included with all necessary endorsements. The LODD or LODI will be provided to the MTF and is forwarded with the MEB to the PEB. The PEB will adjudicate a case without the LODD or LODI. However, the PEB preliminary findings will not be issued until receipt of the LODD OR LODI.

6. To protect the interests of the Government, the Marine, and the Marine's eligible family members, disposition involves immediate placement on the Temporary Disability Retired List (TDRL), provided all requirements under

statute, law, and regulation are met, and the Marine agrees with the disposition. If the Marine is unable to agree in the disposition and accept the medical findings due to mental incompetency (as determined by the attending physician) a court appointed guardian or the primary next of kin (if no guardian has been appointed) may accept or decline the medical findings on the Marine’s behalf. Upon completion of the Marine's case, the PEB will issue a Notification of Decision which informs the CMC (MMSR-4) of the final decision and directs placement of the Marine on the TDRL. The CMC (MMSR-4) then takes appropriate administrative action to medically retire the Marine.

CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

SECTION 6: LIMITED DUTY PROCESSING PROCEDURES AND POLICIES

8601. GENERAL. This section contains general administrative procedures and policies concerning the limited duty process. These policies and procedures apply to all Marines, officers and enlisted, serving on active duty for more than 30 days. For those Reservists requiring medical treatment as a result of inactive duty training or periods of active duty for 30 days or less, refer to MCO 1770.2A, Notice of Eligibility (NOE). Pregnancy, because it is not normally a precursor to medical evaluation board (MEB) processing, is not addressed herein. Pregnancy does make a Marine temporarily nondeployable and must be reported as such in MCO 3000.13C, Marine Corps SORTS SOP. Refer to MCO 5000.12D, Policy and Procedures for Pregnant Marines, for specific instructions and duty limitations.

8602. PURPOSE. The purpose of this section is to help maximize readiness by educating and integrating our commanders into the Disability Evaluation System (DES), to streamline the system, and to ensure proper documentation of disability processing. The goal is to maintain a worldwide assignable, deployable, physically ready, and combat force. Marines with a physical defect, are granted appropriate periods of light or limited duty to return to full duty. If a Marine is unlikely to return to full duty within a reasonable period of time (usually up to a cumulative total of 16 months) an MEB will be completed and forwarded to the Physical Evaluation Board (PEB) for a determination of fitness to continue naval service. Marine Corps policy is that Disability Evaluation System (DES) processing is not an alternative to proper administrative or punitive separation processing if necessary.

8603. SYSTEM OVERVIEW

1. When a Marine becomes sick, is injured, or develops a medical defect and reports to the local Military Treatment Facility (MTF) for screening, the physician has three options:

a. Return the Marine to full duty upon initial examination;

b. Recommend assignment to light duty if the physician expects that the Marine will return to full duty within 30 days; or

c. Determine that the Marine will not be able to return to full duty within 30 days and initiate an MEB (see paragraph 8603.3) for assignment of temporary limited duty (TLD) and/or referral to the PEB for disposition. The MTF will provide naval message notification to the CMC (MMSR-4) and the command.

2. If the physician recommends assignment to light duty and the command concurs, the physician may subsequently:

a. Return the Marine to full duty at any time while assigned light duty; or

b. Determine that the situation has not improved, or has been aggravated, and that an MEB is required for either TLD or referral to the PEB for fitness for duty determination. See paragraph 8603.3.

3. Medical Evaluation Board (MEB)

a. If, at any time during the process, the physicain determines that an MEB is required, one will be initiated. Outcomes of the MEB process are listed below.

(1) Return the Marine to full duty.

(2) Recommend a period of TLD.

(a) The MTF is authorized to approve up to an initial 8 months of TLD for enlisted Marines without approval from the CMC (MMSR-4).

(b) MEBs that recommend subsequent periods of TLD or initial periods of TLD greater than 8 months for enlisted Marines must be forwarded to the CMC (MMSR-4) for departmental review.

(c) All officer MEBs recommending periods of TLD must be forwarded to the CMC (MMSR-4) for departmental review.

(3) Forward the MEB directly to the CMC (MMSR-4) for departmental review if directed by the CMC (MMSR-4).

(4) Forward the MEB directly to the PEB for a determination of fitness for continued naval service.

b. Whenever an MEB is initiated, the MTF must notify the CMC (MMSR-4) and the Marine’s command by naval message.

c. Under no circumstances will a Marine be removed from a full duty status in excess of 60 days without an MEB being completed. These 60 days include light duty for 30 days and 30 days for the MTF to complete an MEB.

4. Reevaluation. A Marine must be reevaluated 60 days before the termination of TLD at which time the MTF may:

a. Return the Marine to full duty;

b. Determine that an additional period of TLD is required to return the Marine to full duty and forward a complete MEB to the CMC (MMSR-4) for

departmental review (must be completed before expiration of current period of TLD); or

c. Forward the MEB to the PEB for a determination of fitness for continued naval service.

5. Departmental Review. Upon review of an MEB, the CMC (MMSR-4) may:

a. Approve a period of TLD, or

b. Endorse and forward the MEB to the PEB for a determination of fitness for continued naval service.

6. When an MEB is forwarded to the PEB, the PEB will either find that the Marine is:

a. Fit for continued naval service, or

b. Unfit for duty and has a ratable disability. Less than 30 percent disability rating with less than 20 years active service rates a medical discharge with disability severance pay. A disability rating of 30 percent or more rates a medical retirement (temporary or permanent). See table 8-2 and 8-3.

c. Unfit for duty, but not ratable with a disability percentage rating because the physical disability was found to be the result of intentional misconduct, willful neglect, incurred during an unauthorized absence, or was a condition that existed prior to service (EPTS).

7. Once the disability process and any authorized hearing and petitions for relief are complete, the Marine is:

a. Returned to full duty;

b. Separated/retired; or

c. Authorized a period of permanent limited duty (PLD), provided the criteria are met.

8604. POLICY

1. Marines on TLD must be reevaluated 60 days before the expiration of the period of limited duty.

2. Marines on light or TLD must maintain proper military appearance and weight control per current edition of MCO 6100.10B. The mere fact that a Marine is on light or TLD does not remove the Marine’s responsibility to comply with Marine Corps standards. If a Marine on light or TLD fails to maintain military appearance and weight control standards, that Marine may be

subject to administrative action (to include separation). However, once a Marine enters the DES, by way of an MEB being accepted at the PEB for determination of fitness, disability separation proceedings take precedence over administrative separation proceedings.

3. For Marines found physically unqualified for voluntary separation at EAS/ECC, the MTF will notify the Marine's command to retain the Marine in a medical hold status, CoFGM, if necessary. When the CMC is the separation authority, the command will immediately notify the CMC (MMSR-3) for disposition. If the Marine's medical condition cannot be resolved within 30 days, the MTF will convene an MEB and refer the results to the CMC (MMSR-4).

4. When administrative separation proceedings for misconduct or disciplinary proceedings which could result in a punitive discharge have been initiated, and disability evaluation proceedings are being run concurrently, the former takes precedence. The command must notify the CMC (MMSR-4) and request that disability processing be held in abeyance. See paragraph 8508.

5. When a Marine has applied for discharge as a conscientious objector in accordance with MCO 1306.16E, Conscientious Objectors, and disability

evaluation proceedings are being run concurrently, neither process takes precedence. Both should proceed normally unless and until a discharge is authorized under either process.

6. Officers may only be assigned TLD with the CMC (MMSR-4) approval.

7. For enlisted Marines, the CMC (MMSR-4) is required to review any single period of TLD longer than 8 months and all subsequent periods of TLD.

8. Marines cannot be removed from full duty for more than 60 days without MEB completion.

9. An MTF shall convene an MEB under the following circumstances.

a. A Marine has a condition which may permanently interfere with ability to fulfill active duty obligations/requirements.

b. A Marine is temporarily unable to perform full duty, return to full duty is anticipated, and it will be necessary to follow the patient for more than 30 days.

c. A Marine's continued military service would probably result in extended hospitalization, close medical supervision, or an aggravation of existing condition.

d. A Marine refuses medical, dental, or surgical treatment for a condition or defect which interferes with performance of duty. See paragraph 6203.2b of this Manual.

e. A command requests that the CMC (MMSR-4) direct an MEB, and CMC (MMSR-4) concurs.

f. Other reasons set forth in NAVMED P-117 (MANMED) article 18-5..

g. The CMC (MMSR-4) so directs.

8605. LIGHT DUTY

1. Light duty is a medical recommendation to the Marine's command.

2. Marines may be placed on light duty based on a temporary medical condition which limits full duty only if the Marine is expected to return to full duty within 30 days.

3. Under no circumstances will light duty exceed 30 days.

4. A Marine placed on light duty for the same condition two consecutive times, or repeatedly over a period of time, will have his or her case referred to the local MTF for dictation of an MEB, if warranted.

8606. AUTHORIZATION FOR PARTIAL/NO PFT. Per MCO 6100.3J, Physical Fitness, failure to take all or part of the PFT is authorized only when a Marine is in a bona fide light duty, TLD, or PLD status. An SF-600 without appropriate documentation by a physician assigning light duty or directing MEB action does not, in itself, excuse a Marine from taking all or part of the PFT. See paragraph 8512.

1. A Marine who is unable to take or pass the PFT because of a permanent medical defect or a repeated temporary condition must have an MEB conducted to determine the Marine’s medical qualification for continued active service. A Marine may not be repeatedly excused from participation in the PFT without MEB action being taken. Based on the MEB, the Marine may either be returned to full duty, placed on TLD, or have the MEB forwarded to the PEB for a determination of fitness.

2. If a Marine is found Fit for continued naval service by the PEB and is still unable to take or pass the PFT because of a medical condition, the Marine may be subject to administrative separation, per paragraph 6203.2 of this Manual.

8607. DEPLOYABILITY/PCS

1. For Marines who are on TLD, deployability is left to the discretion of the Marine’s commanding officer, who should take into consideration the recommendations of the medical officer that dictated the MEB which placed the Marine on limited duty. TLD is intended to allow a Marine to recover from an illness/injury and return to full duty. Commanding officers should consider whether or not deploying the Marine will aggravate and worsen the

illness/injury, and whether or not the Marine will be afforded adequate medical treatment where the unit is deployed, thus allowing the Marine the best opportunity to recover and return to full duty.

2. Marines on TLD should not execute PCS orders unless it can be assured that:

(a) The Marine can receive the same level of medical treatment at the new MTF as is being received at the current MTF; and

(b) Re-locating the Marine will not, in any way, aggravate or worsen the illness/injury.

3. Once a Marine has entered the DES, by way of an MEB being accepted by the PEB, the Marine shall not be deployed or execute PCS orders, unless approved by the CMC (MMSR-4).

8608. PERMANENT LIMITED DUTY (PLD)

1. The CMC 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, for a specified period of time in an appropriate limited assignment. A Marine so continued on active duty must have been found Unfit for continued naval service by the PEB due to a physical disability; the Marine's disabling condition must be determined to have stabilized, or is progressing at a slow rate. The Marine must be able to function in a normal military environment, without adverse effect on personal health or the health of other Marines, and without requiring an inordinate amount of medical care.

2. Unfit Marines who desire PLD have one opportunity to submit a written request to the President, PEB in the form of a brief signed statement appended to or typed on the PEB Election of Options form. PLD is requested through and authorized by the PEB, based upon the needs of the Marine Corps and the recommendation of the CMC (MMSR-4). PLD is designed to retain a Marine on

active duty until a specified date. SECNAVINST 1850.4D (DEM), enclosure (6) provides guidance.

3. Only the Secretary of the Navy may authorize the retention and placement of Marines on PLD found Unfit for duty because of a physical disability.

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 CMC.

b. Marines who have in excess of 16 years but less than 18 years of active service, and facing discharge with severance pay by the proposed action of the PEB, may be considered for retention on active duty in a limited duty status to complete 20 years active service. However, there must be serious

and unusual circumstances for the CMC to recommend PLD status for Marines with less than 18 years of active service.

4. 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 except when the needs of the service dictate otherwise.

5. The CMC (MMSR-4) may retain Marines, who are found Unfit by the PEB, on active duty in a PLD status:

a. To complete a current tour of duty based on hardship, extraordinary circumstances, or needs of the service;

b. To provide continuity in a key, mission-essential billet pending relief; or

c. To complete active service obligation for education and training.

6. A Marine continued on active duty under these provisions will be closely observed to assure that further continuance on active duty, or conversely, separation, is consonant with the best interests of the Marine and the Marine Corps. When a Marine becomes unable to perform effectively in a PLD assignment, notify the CMC (MMSR-4). The Marine will be referred to an MTF for evaluation and appropriate disposition.

7. Marines retained on PLD are expected to maintain proper military appearance and weight control per current edition of MCO 6100.10B Duty assignment will be consistent with the physical limitations of the Marine. Assignment to limited duty under this paragraph is not intended to be an excuse from duty. Each Marine assigned to PLD is expected to contribute to the effectiveness of the Marine Corps.

8. A Marine retained on PLD remains subject to reassignment based on the needs of the Marine Corps and the physical capabilities of the Marine. In assigning a Marine who is in a PLD status, the availability and capability of medical facilities must be considered.

9. Enlisted Marines retained on active duty in a PLD status on the convening date of the appropriate selection board are not eligible for selection consideration for promotion.

10. Marines assigned to PLD for a period greater than 12 months must be reevaluated and have a complete MEB sent to the PEB not later than 4 months before the PLD expiration date. Provide a copy to the CMC (MMSR-4). When a

Marine assigned to PLD becomes retirement or transfer FMCR eligible, do not submit a request for retirement or transfer to the FMCR unless the PEB determines upon reevaluation that the Marine has been found Fit for continued naval service. Those found Unfit upon reevaluation will be retired by reason of physical disability.

11. If retained in a PLD status, the Marine will be granted disability benefits upon retirement or separation, if eligible, if the disability is still present to a disabling degree as determined by the PEB in final adjudication of the Marine's case.

Figure 8-1. Naval Disability Evaluation System Sequential Process

HOSPITAL - TREATMENT - MEDICAL EVALUATION BOARD (MEB)

CMC (MMSR-4) - DEPARTMENTAL REVIEW #

PHYSICAL EVALUATION BOARD (PEB)- DETERMINATION OF FITNESS
(FOR REVIEW BY THE INFORMAL PEB)

QUALITY ASSURANCE AND LEGAL REVIEW #

MARINE ACCEPTS, REQUESTS RECONSIDERATION OF,
OR DEMANDS FORMAL HEARING ON FINDINGS #

PHYSICAL EVALUATION BOARD - FULL AND FAIR HEARING *
(REVIEW BY A FORMAL PEB)

LEGAL REVIEW

ACTION BY THE PRESIDENT, PEB

PETITION FOR RELIEF FROM FINAL ACTION (DIRECTOR, NCPB)

SECNAV (PEB) NOTIFICATION OF DECISION

CMC (MMSR-4) - ISSUE DISPOSITION INSTRUCTIONS

MARINE'S COMMAND - RETIRE/DISCHARGE/RETURN TO DUTY

IN SPECIFIED CASES

* APPEALS AND SPECIAL CASES

Figure 8-1. Naval Disability Evaluation System Sequential Process

Figure 8-2. Format for Orders Home Pending Final Disposition of Physical Evaluation Board Proceedings

(Letterhead)

From: (Command)
To: (Individual Marine)

Subj: ORDERS HOME PENDING FINAL DISPOSITION OF PHYSICAL EVALUATION BOARD (PEB) PROCEEDINGS

Ref: (a) MCO P1900.16F (MARCORSEPMAN)
(b) MCO P7301.104

Encl: (1) Travel/Dependent Travel Voucher (DD Form 1351-2/1351/2C) (2 copies)

1. Under authority contained in the reference and upon your unconditional acceptance of the Preliminary Findings of the Informal PEB, you will stand detached from your present duty station. You will proceed to (City and State of Home of Selection) (MCC W95) to await orders pending final disposition on the PEB proceedings in your case. You will continue to be carried on the rolls of this organization. You will immediately notify your commander and the CMC (MMSR-4), if you have not received separation orders within 60 days of your detachment from your command.

2. When placed on the Retired List, your leave record will be balanced as of the day before the date you are placed on the Retired List. If you are discharged, your leave record will be balanced to include the date of your discharge. Time spent awaiting orders will be debited to your leave record. You will be entitled to cash settlement of any balance of unused leave remaining to your credit after deduction for the time spent awaiting orders, within the stipulation that only 60 days of leave may be sold back in a career.

3. Your pay record will be retained by the Disbursing Officer (DO mailing address) while you are at home awaiting final action on your case. Upon completion of travel home, submit the original and two copies of one of the DD Forms 1351-2 provided, so that your pay records may be properly adjusted and reimbursement made for travel performed. Provide a third copy to your commanding officer.

4. If your commander notifies you to return to your duty station, these orders will remain in effect for your return travel. Upon completion of return travel, complete and submit the original and two copies of the second DD Form 1351-2 provided to the disbursing officer maintaining your pay record.

5. The dependency application, NAVMC 10922, on file in your service record shows the following-named persons reside in your household as approved dependents:

Name	Relationship	Date of Birth	Date Approved

6. Per reference (b), expenditures under these orders are chargeable to: (Cite pertinent appropriation data from reference (b).

Figure 8-2. Format for Orders Home Pending Final Disposition of Physical Evaluation Board Proceedings

Figure 8-2. Format for Orders Home Pending Final Disposition of Physical Evaluation Board Proceedings - Continued

7. Your failure to comply with any portion of these orders will result in disciplinary action per the Uniform Code of Military Justice (UCMJ).

By direction

Copy to:
Disbursing Officer
Marine Concerned
Service Record

Figure 8-2. Format for Orders Home Pending Final Disposition of Physical Evaluation Board Proceedings -- Continued

Figure 8-2. Format for Orders Home Pending Final Disposition of Physical Evaluation Board Proceedings -- Continued

(Letterhead)

RECEIVING ENDORSEMENT (Date)

1. I have read and understand the instructions in these orders. I will notify (parent command - include phone number) or CMC (MMSR-4) at telephone number (703) 784-9308/9309 or 1-800-336-4649 within 60 days, if I have not received final separation papers by 2400 (detach date plus 60 days).

2. I am subject to disciplinary action per the UCMJ should I fail to execute the instructions in these orders.

_____
(Signature)

MEMORANDUM ENDORSEMENT

Departed (duty station) at (hour) via (mode of transportation).
Arrival (destination) at (hour) on (date).

_____
(Signature)

Figure 8-2. Format for Orders Home Pending Final Disposition of Physical Evaluation Board Proceedings – Continued

Figure 8-3. Format for Orders Transferring Marines to the Retired List and Home of Selection Endorsement

(Letterhead)

From: (Command)
To: (Individual Marine)

Subj: RETIREMENT BY REASON OF PERMANENT PHYSICAL DISABILITY

Ref: (a) Title 10, U.S. Code
(b) MCO P1900.16F (MARCORSEPMAN)
(c) JFTR par. U5120, U5230, and U5345-H
(d) MCO P5512.11B (ID CARDS)
(e) MCO P1080.40B (MCTFSPRIM), par. 4305
(f) MCO P1070.12K (IRAM)
(g) MCO P7301.104

Encl: (1) Retired Pay Data Form (DD Form 2656)
(2) Travel/Dependent Travel Voucher (DD Form 1351-2/1351-2C)
(3) Certificate of Retirement

1. The Secretary of the Navy has determined you are physically Unfit to perform the duties of your grade and directs you be permanently retired by reason of physical disability on (PRR plus 1 day) under the provisions of references (a) and (b). You are released from all active duty at 2400 on (PRR) and transferred to the Permanent Disability Retired List (PDRL) effective (PRR plus 1 day). You will proceed to your home (MCC W95) and complete all travel within the time specified in reference (c). Active duty pay and allowances terminate on (PRR).

2. As of (PRR plus 1 day), you will complete (TOT SVC) cumulative service of which (ACTIVE SVC) is active service.

[When the Marine is otherwise eligible to retire/transfer FMCR, add the following sentence at the end of paragraph 2 above. "You had (INACTIVE SVC) inactive service and earned (INACDU POINTS) inactive duty points equivalent to (INACDU POINTS EQ) months for pay under reference (a). On (PRR), you will complete (RET PAY MULT SVC) service creditable for the retired pay multiplier." Additionally, when the constructive service field is not zeroes on the RETM screen in MCTFS, add the following sentence. "You had (CONSTRUCTIVE SVC) constructive service creditable toward the retired pay multiplier.]

3. Your disability is rated at (PERCENT DSBL) percent per the Schedule for Rating Disabilities in current use by Department of Veterans Administration, DVA Code(s) (VA CODES).

4. Upon receipt of these orders, notify your commanding officer of your desires regarding a retirement ceremony per reference (b).

Figure 8-3. Format for Orders Transferring Marines to the Retired List and Home of Selection Endorsement

Figure 8-3. Format for Orders Transferring Marines to the Retired List and Home of Selection Endorsement - Continued

5. Your commanding officer will issue an application for an identification card pursuant to reference (d), issue a DD Form 214, and report your retirement per reference (e).

6. Furnish the disbursing officer maintaining your active duty pay accounts a copy of these orders for settlement of your pay account.

7. Enclosure (1), to include a permanent mailing address, should be completed and submitted to your commanding officer or his representative. Your commanding officer is responsible for its forwarding 30 days before your approved retirement date to the Defense Finance and Accounting Service at: DFAS-CL (Code PRRA), P.O. Box 99191, Cleveland, OH 44199-1126. Retain a copy of this form for your files. It is your documentation of your Survivor Benefit Plan (SBP) coverage election. Should this form not be received by DFAS, you will have your retired pay reduced to correspond to the maximum SBP coverage and the maximum tax withholding. Additionally, DFAS shall not, by law, issue retired pay absent a permanent mailing address, which you are required to provide in enclosure (1).

8. You have stated that your future address for mailing purposes is:_____. Report changes of address to the Defense Finance and Accounting Service at the address in paragraph 7. You may also telefax your address changes by calling 1-800-469-6559. Ensure you include your signature over your SSN.

9. You may select a home and receive travel allowance for the travel performed there from this command per reference (c), which also addresses entitlement to dependents travel and to storage and shipment of household goods. Ensure you understand its contents before detaching from this command. All travel must be completed within 1 year from the date of your release from active duty and transfer to the PDRL. Complete the home of selection endorsement before submission of these orders for settlement of travel. Once a home is selected and travel allowance is received for travel, the selection is irrevocable. If travel is completed within 60 days after the retirement date, forward enclosure (2) to the appropriate travel office at the last duty station; otherwise, submit it to the Defense Finance and Accounting Service at: DFAS-KC, Separation Division (PMCMS), 1500 East 95th Street, Kansas City, MO 64197-0001.

10. The officer having custody of your service record and health record (medical and dental) will forward the originals per reference (f). You should make and retain a personal copy of these records for safekeeping.

11. Enclosure (3) recognizes your retirement.

12. 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 (MCO P1020.34F, paraagraph 8003 and 11002).

13. Per reference (g), expenditures under these orders are chargeable to: (Cite pertinent appropriation data from reference (g).

Figure 8-3. Format for Orders Transferring Marines to the Retired List and Home of Selection Endorsement – Continued

Figure 8-3. Format for Orders Transferring Marines to the Retired List and Home of Selection Endorsement - Continued

14. 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:

Headquarters United States Marine Corps
Manpower and Reserve Affairs (MMSR-7)
3280 Russell Road
Quantico, VA 22134-5103

15. Your presence will be missed by your fellow Marines. We request that you continue to support them in their undertakings. On behalf of the Commandant of the Marine Corps and those with whom you have served, I express sincere appreciation for your faithful service and wish you health, happiness, and every success in the future.

By direction

Copy to:
Disbursing Officer
Marine Concerned
Service Record

Figure 8-3. Format for Orders Transferring Marines to the Retired List and Home of Selection Endorsement – Continued

Figure 8-3. Format for Orders Transferring Marines to the Retired List and Home of Selection Endorsement - Continued

HOME OF SELECTION ENDORSEMENT

I certify that I have selected (city), (State) as my home incident to transfer to the Retired List and arrived there 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. All blank spaces should be filled with the appropriate data elements from the RETM screens in MCTFS.

2. The PRR/PRR plus 1 day date should be in "DD Month YYYY" format.

3. All other service data should be in "YYYY years, MM months, and DD days" format, as appropriate.

5. The following will be inserted as paragraph 3 to the orders of those Marines 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 _____."

Figure 8-3. Format for Orders Transferring Marines to the Retired List and Home of Selection Endorsement – Continued

Figure 8-4. Format for Orders Transferring Marines to the Temporary Disability Retired List

(Letterhead)

From: (Command)
To: (Individual Marine)

Subj: RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE TEMPORARY DISABILITY RETIRED LIST (TDRL)

Ref: (a) Title 10, U.S. Code
(b) MCO P1900.16F (MARCORSEPMAN)
(c) JFTR par. U5120, U5230, and U5345-H
(d) MCO P5512.11B (ID CARDS)
(e) MCO P1080.40B (MCTFSPRIM), par. 4305
(f) MCO P1070.12K (IRAM)
(g) MCO P7301.104

Encl: (1) Retired Pay Data Form (DD Form 2656)
(2) Travel/Dependent Travel Voucher (DD Form 1351-2/1351-2C)
(3) Certificate of Retirement

1. The Secretary of the Navy has determined you are physically Unfit to perform the duties of your grade and directs you be temporarily retired by reason of physical disability on (PRR plus 1 day) under the provisions of references (a) and (b). You are released from all active duty at 2359 on (PRR) and transferred to the Temporary Disability Retired List (TDRL) effective (PRR plus 1 day). You will proceed to your home (MCC W95) and complete all travel within the time specified in reference (c). Active duty pay and allowances terminate on (PRR).

2. As of (PRR plus 1 day), you will complete (TOT SVC) cumulative service of which (ACTIVE SVC) is active service.

[When the Marine is otherwise eligible to retire/transfer FMCR, add the following sentence at the end of paragraph 2 above. "You had (INACTIVE SVC) inactive service and earned (INACDU POINTS) inactive duty points equivalent to (INACDU POINTS EQ) months for pay under reference (a). On (PRR), you will complete (RET PAY MULT SVC) service creditable for the retired pay multiplier." Additionally, when the constructive service field is not zeroes on the RETM screen in MCTFS, add the following sentence. "You had (CONSTRUCTIVE SVC) constructive service creditable toward the retired pay multiplier.]

3. Your disability is rated at (PERCENT DSBL) percent per the Schedule for Rating Disabilities in current use by Department of Veterans Administration, DVA Code(s) (VA CODES).

4. You should receive orders to report to a military treatment facility for a periodic physical examination (PPE) at least once every 18 months to determine whether the disability for which you are temporarily retired has improved, stabilized or become permanent. Your failure to report for your scheduled PPE may result in termination of your retired pay. Detailed information based on provisions of law which are applicable in your case will be forwarded to your

Figure 8-4. Format for Orders Transferring Marines to the Temporary Disability Retired List

Figure 8-4. Format for Orders Transferring Marines to the Temporary Disability Retired List - Continued

home address by the CMC (MMSR-4). You are required to notify the CMC (MMSR-4) if you do not receive an advance copy of orders to report for a PPE at least every 18 months from the date you are placed on the TDRL. You are also advised to ensure your PPE is complete and accurate, and that you take with you any health or medical records you accumulate during the period between this letter and your PPE, particularly any hospital records and VA treatment records.

5. Upon receipt of these orders notify your commanding officer of your desires regarding a retirement ceremony per reference (b).

6. Your commanding officer will issue an application for an identification card pursuant to reference (d), issue a DD Form 214, and report your retirement per reference (e).

7. Furnish the disbursing officer maintaining your active duty pay accounts a copy of these orders for settlement of your pay account.

8. Enclosure (1), to include a permanent mailing address, should be completed and submitted to your commanding officer or his representative. Your commanding officer is responsible for its forwarding 30 days before your approved retirement date to the Defense Finance and Accounting Service at: DFAS-CL (Code PRR), P.O. Box 99191, Cleveland, OH 44199-1126. Retain a copy of this form for your files. It is your documentation of your Survivor Benefit Plan (SBP) coverage election. Should this form not be received by DFAS, you will have your retired pay reduced to correspond to the maximum SBP coverage and the maximum tax withholding. Additionally, DFAS shall not, by law, issue retired pay absent a permanent mailing address, which you are required to provide in enclosure (1).

9. You have stated that your future address for mailing purposes is:_____. Keep the CMC (MMSR-4), Headquarters, U.S. Marine Corps, 3280 Russell Road, Quantico, VA 22134-5103, and the President, PEB, Naval Council of Personnel Boards, 720 Kennon St. SE, Rm309, Washington Navy Yard, Washington DC 20374-5023, informed of any changes in your mailing address so that information concerning your PPE and the results of your PEB reevaluation may reach you. Additionally, report changes of address to the Defense Finance and Accounting Service, (Code ROA) at the address in paragraph 8. You may also telefax your address changes by calling 1-800-469-6559. Ensure you include your signature

over your SSN. Failure to respond to correspondence or orders issued to the address on file with the CMC (MMSR-4) or DFAS Cleveland, either willfully or through neglect in keeping that address current, may result in the suspension of disability retired pay and will be considered as showing intent on the Marine's part to abandon benefits.

Contact MMSR-4 at 1-800-336-4649.

10. You may select a home and receive travel allowance for the travel performed there from this command per reference (c), which also addresses entitlement to dependents travel and to storage and shipment of household

Figure 8-4. Format for Orders Transferring Marines to the Temporary Disability Retired List – Continued

Figure 8-4. Format for Orders Transferring Marines to the Temporary Disability Retired List -- Continued

goods. Ensure you understand its contents before detaching from this command. All travel must be completed within 1 year from the date of your release from active duty and transfer to the TDRL. Complete the home of selection endorsement before submission of these orders for settlement of travel. Once a home is selected and travel allowance is received for travel, the selection is irrevocable. If travel is completed within 60 days after the retirement date, forward enclosure (2) to the appropriate travel office at the last duty station; otherwise, submit it to the Defense Finance and Accounting Service at: DFAS-KC, Separation Division (PMCMS), 1500 East 95th Street, Kansas City, MO 64197-0001.

11. The officer having custody of your service record and health (medical and dental) record will forward the originals per reference (f). You should make and retain a personal copy of these records for safekeeping.

12. Enclosure (3) recognizes your retirement.

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 (MCO P1020.34F, paraagraph 8003 and 11002).

14. Per reference (g), expenditures under these orders are chargeable to: (Cite pertinent appropriation data from reference (g).

15. 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:

Headquarters United States Marine Corps
Manpower and Reserve Affairs (MMSR-7)
3280 Russell Road
Quantico, VA 22134-5103

16. Your presence will be missed by your fellow Marines. We request that you continue to support them in their undertakings. On behalf of the Commandant of the Marine Corps and those with whom you have served, I express sincere appreciation for your faithful service and wish you health, happiness, and every success in the future.

By direction

Copy to:
Disbursing Officer

Marine Concerned
Service Record

Figure 8-4. Format for Orders Transferring Marines to the Temporary Disability Retired List – Continued

Figure 8-4. Format for Orders Transferring Marines to the Temporary Disability Retired List -- Continued

HOME OF SELECTION ENDORSEMENT

I certify that I have selected (city), (State) as my home incident to transfer to the Retired List and arrived there 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. All blank spaces should be filled with the appropriate data elements from the RETM screens in MCTFS.

2. The PRR/PRR plus 1 day date should be in "DD Month YYYY" format.

3. All other service data should be in "YYYY years, MM months, and DD days" format, as appropriate.

5. The following will be inserted as paragraph 3 to the orders of those Marines 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 _____."

Figure 8-4. Format for Orders Transferring Marines to the Temporary Disability Retired List – Continued

Figure 8-5. Format for Non-Medical Assessment(NMA) Questionnaire and Non-Medical Assessment (NMA) Narrative Summary

SAMPLE NON-MEDICAL ASSESSMENT QUESTIONNAIRE

Date: _____
From: Commanding Officer
To: Medical Treatment Facility

Subj: NON-MEDICAL ASSESSMENT (NMA); CASE OF_____

1. The following assessment is submitted to assist the PEB in determination of Fitness/Unfitness. It is also used by the CMC (MMSR-4) for Departmental Review:

a. Information to fill in:

(1) Marine's MOS/Specialty_____
(Numerical designator and description; e.g., 0311/Rifleman)

(2) Marine's current job assignment is_____.
This assignment is appropriate for their grade and rank. Y/N

(3) Marine has not been in a full duty status since_____.

b. Answer the following questions yes (Y) or no (N).

(1) Marine is currently working out of his/her specialty because of the medical condition. Y/N

(2) Marine took the most recent PFT. Y/N
Last date Marine took the PFT._____

(3) Marine passed the most recent PFT (score). Y/N ( )

(4) Marine's height and weight are_____

(5) Marine is within weight and body fat standards. Y/N

(6) Marine is on weight control. Y/N

(7) To your knowledge, the Marine has followed the therapy regimen prescribed by medical authorities for the MEB conditions. Y/N

(8) Marine's condition has required time away from duties for treatment/evaluation/recuperation. Y/N
If so, estimate the average number of hours per week the Marine is absent from command duties._____

(9) Marine's medical condition precludes firing a weapon, if required for qualification. Y/N

(10) Marine stands required military watches. Y/N

Figure 8-5. Format for Non-Medical Assessment(NMA) Questionnaire and Non-Medical Assessment (NMA) Narrative Summary

Figure 8-5. Format for Non-Medical Assessment(NMA) Questionnaire and Non-Medical Assessment (NMA) Narrative Summary – Continued

(11) Marine is pending disciplinary action. Y/N
If YES, for what?_____

(12) Marine has good potential for continued service in present physical and mental condition. Y/N

(13) Marine is motivated for continued active duty. Y/N

c. I recommend:

(1) This Marine be authorized another period of Temporary Limited Duty (TLD). Y/N

(2) This Marine be allowed to remain on active duty in a Permanent Limited Duty status if found Unfit. Y/N

2. P.O.C. at this command is_____ at _____(phone).

_____
CO's Signature

NOTE:

In completing the questionnaire, if specific questions do not apply for a particular Marine's case, write "not applicable." This is only a guide. Additional guidance concerning NMAs can be obtained from the local MTF Medical Board Section or in Enclosure (11) of SECNAVINST 1850.4D (Disability Evaluation Manual).

NON-MEDICAL ASSESSMENT (NMA) NARRATIVE SUMMARY

1. Commanding officers play a vital role in assisting the PEB and CMC(MMSR-4) in making proper determinations in a Marine's case. The CO and senior leadership are in the unique position to provide valuable information as to how the Marine's physical/mental condition affects the Marine's ability to function on a daily basis.

2. The NMA narrative summary is required to be completed by the CO. The narrative summary should describe how well the Marine performs military duties; i.e., MOS duties, field duties or exercises, participation in the PFT, etc. Comment on what the Marine can or cannot do. Equally important is a description of the Marine's off-duty athletic activities. How have these activities been affected by the Marine's medical impairments?

Figure 8-5. Format for Non-Medical Assessment(NMA) Questionnaire and Non-Medical Assessment (NMA) Narrative Summary – Continued

Figure 8-5. Format for Non-Medical Assessment(NMA) Questionnaire and Non-Medical Assessment (NMA) Narrative Summary – Continued

3. COs have a responsibility to provide frank and candid assessments of the Marine’s medical condition to the PEB and CMC (MMSR-4). COs can monitor and observe the effect of the Marine’s condition on his/her daily performance. The doctors who dictated the MEB do not have the same ability. The PEB needs the CO’s NMA to make fair and impartial fitness decisions on behalf of all Marines.

Figure 8-5. Format for Non-Medical Assessment(NMA) Questionnaire and Non-Medical Assessment (NMA)Narrative Summary – Continued

Table 8-1. Eligibility Index Table

RULE	A If the Marine is physically Unfit by reason of physical disability and;	B the action is;
1	The disability was the result of intentional misconduct or willful neglect, and/or was incurred during a period of unauthorized absence	discharge without benefits. (10 U.S.C. section 1207) (See par. 8402.)
2	Marine is a member of the Regular Marine Corps,	(See table 8-2 and par. 8401.)
3	Marine is a Marine reservist on active duty for more than 30 days except compulsory 45-day involuntary training,	(See table 8-2 and par. 8401.)
4	Marine is a reservist on active duty for 30 days or less, inactive duty training or active duty for compulsory 45-day involuntary training,	(See table 8-3 and par. 8401 or 8408.)
5	The disability was determined not to have been incurred during, or aggravated by, active duty and the member waives the right to a formal hearing,	discharge by reason of EPTS. (See par. 8404.)

Table 8-1. Eligibility Index Table

Table 8-2. Eligibility Index Table for Regular Marines and Reservists on Active Duty for More Than 30 Days (Not to Include 45-Days Involuntary Training for Active Duty)

	A	B	C	D	E
RULE	If the Marine is entitled to basic pay, and disability was incurred while entitled to basic pay	and if member has at least 20 years of active service *	and the percentage of disability is	and based upon accepted medical principles the disability is	the action is
1	NO				discharge for physical disability without benefits. (See par. 8402.)
2	YES	YES	0-100	perm	permanent retirement. (10 U.S.C. 1201) (See section 2.)
3	YES	YES	0-100	may be perm	transfer to to TDRL(10 U.S.C. 1202) (See section 3.)
4	YES	NO	30-100	perm	permanent retirement (10 U.S.C. 1201) (See section 3.)
5	YES	NO	30-100	may be perm	transfer to the TDRL. (10 U.S.C.) (See sec-

tion 3.)

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*See paragraph 8002.6.

Table 8-2. Eligibility Index Table for Regular Marines and Reservists on Active Duty for More Than 30 Days (Not to Include 45-Days Involuntary Training for Active Duty)

Table 8-2. Eligibility Index Table for Regular Marines and Reservists on Active Duty for More Than 30 Days (Not to Include 45-Days Involuntary Training for Active Duty) - Continued

	A	B	C	D	E
RULE	If the Marine is entitled to basic pay, and disability was incurred while entitled to basic pay	and if member has at least 20 years of active service*	and the percentage of disability is	and based upon accepted medical principles the disability is	the action is
6	YES	NO	less than 30	perm or may be perm	discharge with disability severance pay. (10 U.S.C. 1203) (See par. 8401.) (Notes 1 and 2.)

* See paragraph 8002.6.

NOTE 1: A Marine who has less than 6 months active service at separation is not entitled to disability severance pay. (See DoD Financial Management Regulations, Volume 7A, paragraph 350203.)

NOTE 2: A reservist eligible under 10 U.S.C. section 1209 (has more than 20 years of qualifying Federal service) may elect to transfer to the Retired Reserve, to receive retired pay at age 60, instead of discharge with disability severance pay.

Table 8-2. Eligibility Index Table for Regular Marines and Reservists on Active Duty for More Than 30 Days (Not to Include 45-Days Involuntary Training for Active Duty) - Continued

Table 8-3. Eligibility Index Table for Reservists on Active Duty for 30 Days or Less, Inactive Duty Training, or 45-Days Involuntary Training for Active Duty

	A	B	C	D	E	F
RULE	If the disability was due to an injury or illness	and was proximate result of performing active duty	and the member has at least 20 years of active service	and the percentage of disa-bility is	and based upon accepted medical principles the disa-bility is	the action is
1	NO					discharge other than for physical disa-bility. (See par. 8407 or 8408.)
2	YES	NO				
3	YES	YES	YES	0-100	perm	permanent retire-ment. (10 U.S.C. 1204) (See sect. 2.)
4	YES	YES	YES	0-100	may be perm	transfer to TDRL. (10 U.S.C. 1205) (See sect. 3.)

5	YES	YES	NO	30-100	perm	permanent retire-ment. (10 U.S.C. 1204) (See sect. 2.)

Table 8-3. Eligibility Index Table for Reservists on Active Duty for 30 Days or Less, Inactive Duty Training, or 45-Days Involuntary Training for Active Duty
MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 8-3. Eligibility Index Table for Reservists on Active Duty for 30 Days or Less, Inactive Duty Training, or 45-Days Involuntary Training for Active Duty - Continued

	A	B	C	D	E	F
RULE	If the disability was due to an injury or illness	And was proximate result of performing active duty	and the member has at least 20 years of active service	and the percentage of disa-bility is	and based upon accepted medical principles the disa-bility is	the action is
6	YES	YES	NO	30-100	may be perm	transfer to TDRL. (10 U.S.C. 1205) (See sect. 3.)
7	YES	YES	NO	less than 30		discharge with severance pay. (10 U.S.C. section 1206) (See par. 8401.) (Notes 1) and 2)

NOTE 1: A Marine who has less than 6 months active service at separation is

not entitled to disability severance pay. (See DoD Financial Management Regulations, Volume 7A, paragraph 350203.)

NOTE 2: A reservist eligible under 10 U.S.C. section 1209 (has more than 20 years of qualifying Federal service) may elect to transfer to the Retired Reserve, to receive retired pay at age 60, instead of discharge with disability severance pay.

Table 8-3. Eligibility Index Table for Reservists on Active Duty for 30 Days or Less, Inactive Duty Training, or 45-Days Involuntary Training for Active Duty – Continued

Table 8-4. Computing Disability Retired Pay

RULE	A If the Marine is being	B take the higher monthly basic pay (note 1)	C and multiply by
1	Permanently retired (10 U.S.C. 1201 or 1204)	(1) of the highest temporary or permanent grade satisfactorily held or (2) of the grade held on the day before retirement or transfer to the TDRL	2 1/2 percent times the years of active service credited to the member or the percentage of disability on the date of retirement or transfer to the TDRL.
2	transferred to the TDRL (10 U.S.C. 1202 or 1205) (note 2)		
3	removed from the TDRL permanently retired (10 U.S.C. 1210)		2 1/2 percent times the years of active service credited to the member or the percentage of disability at the time the member's name is removed from the TDRL.

NOTE 1: The monthly basic pay of a Marine who first became a member of the uniformed service after 7 September 1980, is subject to the computation in 10 U.S.C. section 1407. Monthly basic pay for these Marines is computed as one thirty-sixth of the total amount of monthly basic pay which the member received (or would have received if on active duty) for any 36 months (whether or not consecutive) of active service. In the case of a Marine who has less than 36 months service, the basic pay is the total amount of basic pay received, divided by the number of months served.

NOTE 2: While on the TDRL, retired pay will not be less than 50 percent of the monthly basic pay on which the computation is made.

A Regular or Reserve Marine retired from active duty by reason of physical disability may be eligible to elect either compensation from the Veterans Administration, or retired pay from the Marine Corps, or both. The total compensation received may not exceed the maximum granted by either the Marine Corps or the Veterans Administration. A retiree must waive that portion of retired pay equal to that amount received from the Veterans Administration.

Table 8-4. Computing Disability Retired Pay

APPENDIX A

Separation Program Designators (SPD)

The Narrative Reason will be placed in block 28 of DD Form 214. Do not use the English Description on DD Form 214.

SEPARATION AUTHORITY*	NARRATIVE REASON	English Description	Code
1005	COMPLETION OF REQUIRED ACTIVE SERVICE	Involuntary discharge - EAS/EOS (no board)	JBK1
		Voluntary discharge (USMC) - EAS	KBK1
		Voluntary discharge - Enter USMCR	KBK2
		Voluntary discharge (USMCR) - EOS	KBK3
		Involuntary release/transfer to another service component - (EAS/EOS)	LBK1
		Involuntary release/transfer - Completion of required service USMCR-FTS (EAS/EOS)	LBK2
		Voluntary release/transfer to another service component (USMC) - EAS	MBK1
		Voluntary release (USMCR) - IADT	MBK2
		Voluntary release (USMCR) - EOS	MBK3
		Voluntary release/transfer - Completion of required service USMCR-FTS (EAS/EOS)	MBK4
		Voluntary release - Recalled to active duty	MBK5
	NON-RETENTION ON ACTIVE DUTY	Involuntary discharge - No further service	JGH2
		Involuntary discharge - High year tenure	JGH3
1104	ALIEN	Voluntary discharge	
KCP1			
1105	COURT-MARTIAL	Involuntary discharge - (alcohol)	JJA1
		Involuntary discharge - (homosexual)	
JJB1			
		Involuntary discharge - (GCM) desertion	JJC1
		Involuntary discharge - (SPCM) desertion	JJC2
		Involuntary discharge - (GCM) other	JJD1
		Involuntary discharge - (SPCM) other	JJD2
		Involuntary discharge - (GCM) drugs	
JJE1			

		Involuntary discharge - (SPCM) drugs	
JJE2			
2003	MAXIMUM SERVICE OR TIME IN GRADE	Vol ret, max svc (reg WO 30 yrs act svc)	RBCA
		Vol ret, max svc (LDO, 30 yrs act nav svc)	RBCC
		Vol ret, max svc (30 yrs act svc)	RBCD
		Vol ret, max svc (reg off/WO)	RBCE

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SEPARATION AUTHORITY*	NARRATIVE REASON	English Description	Code
2003	SUFFICIENT SERVICE FOR RETIREMENT	Vol ret (off), 30 yrs act svc, less max	RBD6
		Vol ret, 20 yrs act svc (reg off/WO)	RBD8
2005 SBB6	MAXIMUM AGE	Involuntary Retirement	
	MAXIMUM SERVICE OR TIME IN GRADE	Involuntary Retirement (reg off/WO)	SBCE
	NONSELECTION, PERMANENT PROMOTION	Involuntary Retirement (comm off/WO) officer failure of promotion	SGB1
3003.9 PKB1	MISCONDUCT	Removal from the rolls	
5002	INTRADEPARTMENTAL TRANSFER	Resignation - Intradepartmental transfer	FGQ1
		Resignation - Intradepartmental Transfer to compl svc obligation	FGQ2
	COMPLETION OF REQUIRED ACTIVE SERVICE	Resignation – Completion of required active service	FBK1
5006	NON-SELECTION, PERMANENT PROMOTION	Involuntary discharge, non-select for perm promotion, will not enter USMCR	JGB1
		Involuntary discharge, non-select for perm promotion, reappt/reenl	JGB3
		Involuntary release/transfer to USMCR, non-select perm promotion	LGB1
6202	INSUFFICIENT RETAINABILITY, ECONOMIC REASONS	Involuntary discharge - Short length of time remaining to EAS	JBM1

	INSUFFICIENT RETAINABILITY, ECONOMIC REASONS	Involuntary release/transfer to another service component - Short length of time remaining to EAS	LBM1
6203.1	PARENTHOOD OR CUSTODY OF MINOR CHILDREN	Involuntary discharge (board)	GDG1
		Involuntary discharge (board waived)	HDG1
		Involuntary discharge (no board)	JDG1
		Involuntary release/transfer	LDG1
6203.2	CONDITION NOT A DISABILITY	Involuntary discharge - Condition which interferes with the performance of duty (board)	GFV1
		Involuntary discharge - Condition which interferes with the performance of duty (board waived)	HFV1
		Involuntary discharge - Condition which interferes with the performance of duty (no board)	JFV1

SEPARATION AUTHORITY*	NARRATIVE REASON	English Description	Code
6203.2	PHYSICAL STANDARDS	Involuntary discharge - When a member fails to meet established physical readiness standards (board)	GFT1
		Involuntary discharge, (board waived)	HFT1
		Involuntary discharge, directed by established directive (no board)	JFT1
6203.3	PERSONALITY DISORDER	Involuntary discharge - Condition not a disability, Personality Disorder (board)	GFX1
		Involuntary discharge - Condition not a disability, Personality Disorder (board waived)	HFX1
		Involuntary discharge - Condition not a disability, Personality Disorder (no board)	JFX1
6203.4	MISCELLANEOUS/GENERAL REASONS	Involuntary discharge - Appellate Review Action (no board)	JND4
6203.5	FAILURE TO COMPLETE COMMISSIONING OR WARRANT PROGRAM	Involuntary discharge - Disenrolled from Officer Candidate Program (no board)	JHD1
		Involuntary release/transfer	LHD1
6203.6	FAILURE TO COMPLETE COURSE OF INSTRUCTION	Involuntary discharge - Failed or disenrolled from lat scol seat	JHF1

		assignment, fail to complete course of instruction (no board)	
6204.1a	UNDER AGE	Release from custody and control - Void enlistment under age 18	YFB1
6204.1b	UNDER AGE	Involuntary discharge - Under age 18 enlisted without written consent of parent/guardian (no board)	JFB1
6204.2	ERRONEOUS ENTRY - ALCOHOL ABUSE	Involuntary discharge - Erroneously enlisted, reenlisted or extended and found to have abused alcohol (no board)	JFA1
6204.2	ERRONEOUS ENTRY, OTHER	Involuntary discharge - Erroneously enlisted, reenlisted, or extended – When did not receive a program/option/grade or for any reason not falling within purview of JFC1 through JFC6 (board)	GFC1

SEPARATION AUTHORITY*	NARRATIVE REASON	English Description	Code
6204.2	ERRONEOUS ENTRY, OTHER (Continued)	Involuntary discharge - (Same as above) - Medical board determined Marine failed to meet regular physical standards. Marine was not aware of defect and defect not detected or waived by MEPS (board waived)	HFC1
HFC2		Involuntary discharge - (Same as above) - For any reason (board waived)	
JFC2		Involuntary discharge - (Same as above) - Excessive number of dependents (no board)	
		Involuntary discharge - (Same as above) - Juvenile record (no board)	JFC3
		Involuntary discharge – (Same as above) - Failure to meet educational standards necessary	JFC4

		for enlistment (no board)	
		Involuntary discharge - (Same as above) - When determined a woman was pregnant at the time of enlistment but did not know she was pregnant (no board)	JFC6
		Involuntary discharge - (Same as above) - When did not receive a program/option/grade or for any reason not falling within purview JFC1 through JFC6 (no board)	JFC7
	ERRONEOUS ENTRY, DRUG ABUSE	Involuntary discharge - (Same as above) – Preservice drug use (no board)	JFU1
6204.3	FRAUDULENT ENTRY INTO MILITARY SERVICE	Involuntary discharge (board)	GDA1
		Involuntary discharge - Deliberate material misrepresentation, omission or concealment, not related to drugs or alcohol (board)	GDA2
		Involuntary discharge (board waived)	HDA1
		Involuntary discharge (no board)	JDA1
		Involuntary discharge - Preservice criminal record (no board)	JDA3
		Involuntary discharge - Homosexual act, admission or marriage (no board)	JDA5
		Involuntary discharge - Prior service (MCRD USE ONLY)	JDA6
6204.3	FRAUDULENT ENTRY INTO MILITARY SERVICE, DRUG ABUSE	Involuntary discharge - Preservice drug use (board)	GDT1

SEPARATION AUTHORITY*	NARRATIVE REASON	English Description	Code
6204.3	FRAUDULENT ENTRY INTO MILITARY SERVICE, DRUG ABUSE (Continued)	Involuntary discharge - Preservice drug use (board waived)	HDT1
		Involuntary discharge - Preservice drug use (no board)	JDT1
	FRAUDULENT ENTRY	Involuntary discharge - Preservice	GDU1

	INTO MILITARY SERVICE, ALCOHOL ABUSE	alcohol abuse (board)	
		Involuntary discharge - Preservice alcohol abuse (board waived)	HDU1
		Involuntary discharge - Preservice alcohol use (no board)	JDU1
6205	ENTRY LEVEL PERFORMANCE AND CONDUCT	Involuntary discharge - Performance and conduct (no board)	JGA1
6206	UNSATISFACTORY PERFORMANCE	Involuntary discharge - Unsanitary habits (board)	GHJ3
		Involuntary discharge - Unsanitary habits (board waived)	HHJ3
		Involuntary discharge - Unsatisfactory performance (board)	GHJ4
		Involuntary discharge - Unsatisfactory performance (board waived)	HHJ4
		Involuntary discharge - Unsatisfactory performance (no board)	JHJ4
6207	HOMOSEXUAL ACT	Involuntary discharge (board)	GRA1
		Involuntary discharge (board waived)	HRA1
	HOMOSEXUAL ADMISSION	Involuntary discharge (board)	GRB1
		Involuntary discharge (board waived)	HRB1
	HOMOSEXUAL MARRIAGE OR ATTEMPT	Involuntary discharge (board)	GRC1
		Involuntary discharge (board waived)	HRC1
6209	ALCOHOL REHABILITATION FAILURE	Alcohol Abuse Failure (board)	GPD1
		Alcohol Abuse Failure (board waived)	HPD1
		Alcohol Abuse Failure (no board)	JPD1
6210.2	MISCONDUCT	Minor disciplinary infractions (board)	GKN1
		Minor disciplinary infractions (board waived)	HKN1
		Minor disciplinary infractions (no board)	JKN1
6210.3	MISCONDUCT	Pattern of misconduct (board)	GKA1
		Pattern of misconduct (board waived)	HKA1
		Pattern of misconduct (no board)	JKA1

SEPARATION AUTHORITY*	NARRATIVE REASON	English Description	Code
6210.4	MISCONDUCT	Sexual perversion (board)	GKL1
		Sexual perversion (board waived)	HKL1
		Sexual perversion (no board)	JKL1
6210.5	MISCONDUCT	Drug abuse (board)	GKK1
		Drug abuse (board waived)	HKK1
		Drug abuse (no board)	JKK1
6210.6	MISCONDUCT	Involuntary discharge - Desertion (board)	GKF1
		Involuntary discharge - Desertion (board waived)	HKF1
		Involuntary discharge – Desertion (no board)	JKF1
		Absent without leave (board)	GKD1
		Absent without leave (board waived)	HKD1
		Absent without leave (no board)	JKD1
		Commission of a serious offense - All other (board)	GKQ1
		Commission of a serious offense - All other (board waived)	HKQ1
		Commission of a serious offense - All other (no board)	JKQ1
6210.7	MISCONDUCT	Civilian conviction (board)	GKB1
		Civilian conviction (board waived)	HKB1
		Civilian conviction (no board)	JKB1
6211	ERRONEOUS ENTRY, DRUG ABUSE	Involuntary discharge – Preservice drug use (no board)	JFU1
6212	MILITARY PERSONNEL SECURITY PROGRAM	Involuntary Discharge (board)	GDK1
		Involuntary Discharge (board waived)	HDK1
		Involuntary Discharge (no board)	JDK1
6213	UNSAT PARTICIPATION IN READY RESERVE	Failure to Participate - Reserve not on active duty (board)	GSK1
		Failure to Participate - Reserve not on active duty (board waived)	HSG1

6214	SECRETARIAL AUTHORITY	Involuntary discharge (no board)	JFF1
		Involuntary release (no board)	LFF1
6215	WEIGHT CONTROL FAILURE	Involuntary discharge (board)	GCR1
		Involuntary discharge (board waived)	HCR1
		Involuntary discharge (no board)	JCR1
		Involuntary release/transfer	LCR1

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SEPARATION AUTHORITY*	NARRATIVE REASON	English Description	Code
6402	DEFECTIVE ENLISTMENT AGREEMENT	Voluntary discharge	KDS1
		Voluntary discharge - Service inability to honor contract	KDS2
	FRAUDULENT ENTRY INTO MILITARY SERVICE, DRUG ABUSE	Voluntary discharge - Drug abuse	KDT1
	FRAUDULENT ENTRY INTO MILITARY SERVICE, ALCOHOL ABUSE	Voluntary discharge - Alcohol abuse	KDU1
6403	INTERDEPARTMENTAL TRANSFER	Voluntary release/transfer	MGP1
6404	ENROLLMENT IN SERVICE ACADEMY	Enter service academy	MGU1
6404.1	ACCEPT COMMISSION OR WARRANT IN SAME BRANCH OF SERVICE	Voluntary discharge - Accept appointment USMC	KGM1
6404.1	ACCEPT COMMISSION OR WARRANT IN ANOTHER BRANCH OF SERVICE	Voluntary discharge	KGN1
6404.2	IMMEDIATE ENLISTMENT OR REENLISTMENT	Immediately enlist or reenlist - To enlist in USMC	KHC1
		Immediately enlist or reenlist - Less than 2 years active obligated service remaining	KHC2

6404.3	HOLIDAY EARLY RELEASE PROGRAM	Voluntary discharge - Holiday Release Program	KDM1
		Voluntary release – Holiday Release Program	MDM1
	MISCELLANEOUS/ GENERAL REASONS	Voluntary EAD	KND3
		Voluntary SWAG	KND4
6404.4	RETAINABILITY, ECONOMIC REASONS	Completion of required active service – For Marines returning from treatment status to full duty with less than 90 days to EAS	KBM1
6404.5	RETAINABILITY, ECONOMIC REASONS	Completion of required active service – For Marines returning from overseas with less than 90 days to EAS	KBM1
6405	TO ATTEND SCHOOL	Voluntary discharge	KCF1
		Voluntary release	MCF1

SEPARATION AUTHORITY*	NARRATIVE REASON	English Description	Code
6406	CIVIL OFFICE	Voluntary discharge	KCK1
		Voluntary release	MCK1
6407	PARENTHOOD OR CUSTODY OF MINOR CHILDREN	Voluntary discharge	KDG1
		Voluntary release/transfer	MDG1
	HARDSHIP	Voluntary discharge	KDB1
		Voluntary release/transfer	MDB1
6408	PREGNANCY OR CHILDBIRTH	Voluntary discharge	KDF1
		Voluntary release/transfer	MDF1
6409	CONSCIENTIOUS OBJECTOR	Voluntary discharge (MCO 1306.16)	KCM1
6410	SURVIVING FAMILY MEMBER	Voluntary discharge	KCQ1

		Voluntary release/transfer	
MCQ1			
6411	FAILURE TO COMPLETE COMMISSIONING OR WARRANT PROGRAM	Voluntary discharge - Officer Candidate Disenrollment	KHD1
6412	NON-RETENTION ON ACTIVE DUTY	Involuntary discharge - Twice failed selection for promotion to staff sergeant	JGH1
6413	MISCELLANEOUS/GENERAL REASONS	Voluntary discharge - Reduced in grade from staff nco to sergeant or below	KND2
6414	MISCELLANEOUS/GENERAL REASONS	Voluntary discharge - Ordained a minister (Reservist not on acdu)	KND6
6415	SECRETARIAL AUTHORITY	Voluntary discharge - Enlist in Navy as a Hospital Corpsman	KFF1
6416	MISCELLANEOUS/GENERAL REASONS	Voluntary discharge - Marriage to other servicemember	KND7
6417	SECRETARIAL AUTHORITY	Voluntary discharge - Enlist in Navy as a Religious Program Specialist	KFF1
6419	IN LIEU OF TRIAL BY COURT-MARTIAL	Conduct triable by courts-martial - request for discharge for the good of the service	KFS1

SEPARATION AUTHORITY*	NARRATIVE REASON	English Description	Code
6420	INSUFFICIENT RETAINABILITY, ECONOMIC REASONS	Completion of Required Active Service - for members of ships detachment, mobile units, or returning from overseas and members returning from treatment status to full duty status with less than 90 days to EAS	KBM1

6421	SECRETARIAL AUTHORITY	Voluntary discharge - Secretary of the Navy Plenary Authority	KFF1
		Voluntary release/transfer	MFF1
7008	SUFFICIENT SERVICE FOR RETIREMENT	Vol ret, sufficient service for retirement (enlisted)	NBD1
		Tr to FMCR at svc limits (enlisted)	NBD6
7009	MAXIMUM SERVICE OR TIME IN GRADE	30 yrs maximum service (enlisted)	RBCD
8201	DISABILITY, PERMANENT	Permanent physical disability	SFJ1
		Reversion of retiree to retired list due to perm disability	VFJ1
8301	DISABILITY, TEMPORARY	Mandatory transfer to TDRL due to temp disability	SFK1
		Reversion of recalled retiree to retired list due to temp physical disability	VFK1
8401	DISABILITY, OTHER	Involuntary discharge (not aggravated)	JFR1
		Involuntary discharge (aggravated)	JFR2
	DISABILITY, SEVERANCE PAY	Involuntary discharge, physical disability-retirement not auth	JFL1
	DISABILITY, AGGRAVATION	Involuntary discharge, when aggravation of former disability for which previously separated	JFQ1
8402	DISABILITY, OTHER	Involuntary discharge, no misconduct, not in line of duty (w/o severance pay)	JFR3
8402	DISABILITY, NOT IN LINE OF DUTY	Involuntary discharge - Misconduct, not in line of duty (w/o severance pay)	JFP1
8404	DISABILITY, EXISTED PRIOR TO SERVICE, PEB	Involuntary discharge - Established by the PEB (no admin board)**	JFM1
		Voluntary discharge	KFM1

SEPARATION AUTHORITY*	NARRATIVE REASON	English Description	Code

8404	DISABILITY, EXISTED PIOR TO SERVICE, MED BD	Involuntary discharge – Established by a med eval board (no admin board)**	JFN1
		Voluntary discharge	KFN1
8406	FAILED MEDICAL/PHYSICAL PROCUREMENT STANDARDS	Involuntary discharge - Found NPQ during entry level status (OCS)	JFW1
8407	FAILED MEDICAL/PHYSICAL PROCUREMENT STANDARDS	Involuntary discharge – Found NPQ during entry level status (Reservist not on active duty)	JFW1
8408	FAILED MEDICAL/PHYSICAL PROCUREMENT STANDARDS	Involuntary discharge - Found NPQ during entry level status (Reservist ordered to active duty and found NPQ)	JFW1

* All separation authority is from paragraphs contained in this Manual, unless noted otherwise.

** All references to “board”, “board waived”, and “no board” pertain to the eligibility of a Marine to an administrative separation board.

APPENDIX B

DETAILED INSTRUCTIONS FOR DD FORMS 214, 214WS, AND 215

B001. Detailed Preparation Instruction for DD Form 214/214WS. The paragraphs below reflect actual items/blocks on the DD Forms 214 and 215. NOTE: It is the responsibility of the signing official to ensure all copies of the DD Form 214 and DD Form 215 are legible. No corrections nor typeovers will be made. With the issuance of the Feb 2000 version of the DD Form 214 and 215 and the implementation of the electronic DD Form 214 and 215, the Nov 88 version is no longer authorized for use.

1. LAST NAME - FIRST NAME - MIDDLE NAME. Enter full name in order indicated without punctuation, except as indicated below. Also include, when applicable, "Jr.", "Sr.", "II", etc., following the middle name. Where there is no middle name or initial, nothing will be entered. If the Marine uses initials in lieu of first and/or middle name, indicate by enclosing the initial(s) in quotation marks. Type the last name in UPPERCASE letters, e.g., ANGLE William Earl, WILSON Jerry "L" Sr., OBRIEN Anthony Jerome, etc.

2. DEPARTMENT, COMPONENT AND BRANCH. Enter the component in which the Marine was a member while on active duty followed by a hyphen and the component code as published in MCO P1080.20. Example: USMC-11, FMCR-A1, USMCR(K4), etc.

3. SOCIAL SECURITY NUMBER. Enter the SSN in the same sequence as shown on the Marine's social security card, less hyphens, in the blocks provided, e.g. "888 88 8888".

4a. GRADE, RATE OR RANK. Enter the abbreviation for the grade in which separated. Refer to chapter 6 of MCO P1070.12.

4b. PAY GRADE. Self-explanatory.

5. DATE OF BIRTH. Enter the date in year, month, and day (YYYYMMDD) sequence. Single digits will be prefixed by a zero. For example, enter "7 November 1952" as "19521107".

6. RESERVE OBLIGATION TERMINATION DATE. Enter the YYYYMMDD the Marine's Reserve obligation ends. For Marines who would normally have a reserve obligation remaining, but who are being discharged under other than honorable conditions, enter the date of discharge. For Marines with no Reserve obligation enter 0000 00 00.

7a. PLACE OF ENTRY INTO ACTIVE SERVICE. Enter city, state, and ZIP code where Marine entered active service.

7b. HOME OF RECORD AT TIME OF ENTRY (City and State, or complete address if known). Self-explanatory.

8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND. Enter the last unit or similar element to which assigned for duty rather than the element of which a Marine was a part while moving to a separation point. The title of the organization will be recorded precisely as indicated in the service record. For this purpose, Marines who are joined by an organization for record or administrative purposes; i.e., hospitalization or medical reasons, administration of discipline, awaiting transportation or in transit from overseas units to the CONUS 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 is not reflected as the last duty assignment.

8b. STATION WHERE SEPARATED. Enter reporting unit title and the reporting unit code (RUC).

9. COMMAND TO WHICH TRANSFERRED. When a Marine separates or retires and there is no further obligated service to the Marine Corps or Marine Corps Reserve enter "N/A". For Marines released from active duty with additional obligated service (IRR), enter the title and RUC of the Reserve organization transferred to; i.e., Commanding General, Marine Corps Reserve Support Command, 15303 Andrews Road, Kansas City, MO 64147-1207. For Marines transferred to the FMCR or Retired, enter "CMC (MMSB-20). For PDRL Retirement, enter "CMC (Code MMSB-20). For TDRL Retirement, enter "CMC (Code MMSB-16).

10. SGLI COVERAGE. Enter the amount or place an "X" in the box indicating no SGLI coverage.

11. PRIMARY SPECIALTY NUMBER (List number, title, and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.). Enter the Marine's military occupational specialty (MOS) followed by the English description and the number of years and months the Marine held the MOS, e.g., "0131, Unit Diary Clerk, 3 years 11 months". If the Marine is assigned an additional MOS and has held the additional MOS for one year or more, the additional MOS information will be entered below the primary MOS data.

12. RECORD OF SERVICE. In computing service periods, consider each month to consist of 30 days regardless of the number of days in the month. Refer to the DoDFMR for correct formula for computing service periods. Note: When entering computed time, 30 days converts to 01 month, 12 month converts to 01 year. Use of a Julian Date Calendar for this purpose is not allowed.

a. DATE ENTERED ACTIVE DUTY THIS PERIOD. The date entered (YYYYMMDD) will be the date of enlistment for the earliest period of continuous active service for which a DD Form 214 was not previously issued.

b. SEPARATION DATE THIS PERIOD. Self-explanatory (YYYYMMDD).

c. NET ACTIVE SERVICE THIS PERIOD. Enter the net active service in number of years, months, and days, e.g., 06 11 29 during the current continuous active service period. These figures represent total active service less time lost as defined in current directives.

d. TOTAL PRIOR ACTIVE SERVICE. Enter all prior active service in number of years, months, and days, e.g., 06 11 29 reflected on previously issued DD Forms 214. If the Marine has no prior active service enter zeros, e.g., "00 00 00".

e. TOTAL PRIOR INACTIVE SERVICE. Enter the total prior inactive service in number of years, months, and days, e.g., 06 11 29. If the Marine has no prior inactive service enter "00 00 00".

f. FOREIGN SERVICE. Enter all time spent on foreign service during the current continuous active service period. Foreign duty areas are defined in the Department of Defense Military Pay and Allowances Entitlements Manual (DODFMR). If the Marine has no foreign service, enter "00 00 00".

g. SEA SERVICE. Enter time spent on sea service (Career Sea Pay Data) during the current continuous active service period. Sea service entitlement criteria and computation instructions are contained in MCO P1080.40. If the Marine has no sea service, enter "00 00 00".

(1) When separating Marines on the first enlistment, the Career Sea Pay Data on the latest Leave and Earnings Statement (LES) may be used for this block, provided there has been no accumulation of sea service time since publication of the LES.

(2) When separating Marines on second or subsequent enlistment, the data on the LES cannot be transcribed, as the information on the LES represents a total career history of sea pay data; whereas the DD Form 214 reflects the sea service accumulated only during the current period of continuous active service.

h. EFFECTIVE DATE OF PAY GRADE. Enter the effective date (YYYYMMDD) of promotion to the present pay grade.

13. DECORATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED. Enter all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized during the current continuous period of active duty. For campaign, expeditionary medals, and the combat action ribbon include the area of operation; e.g., Armed Forces Expeditionary Medal, Dominican Republic. If no decorations were awarded or authorized during the current continuous period of active service, enter "None".

In the case of a final 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 Marine in employment placement and job counseling, formal service training courses successfully completed during the period covered by the form will be listed.

15a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM. Self-explanatory. Verification of the contribution to the MGIB will be included in item 18.

15b. HIGH SCHOOL GRADUATE OR EQUIVALENT. Self-explanatory.

16. DAYS ACCRUED LEAVE PAID. Leave days paid will be obtained from the Disbursing Officer's Certification (Part IX) of the Separation/Enlistment Voucher (NAVMC 11060), or by other means of positive verification of the actual number of days lump-sum leave (LSL) settlement paid by the disbursing officer. Entries for this item will be made as follows:

a. If LSL settlement is paid for a certain number of days, enter the number of days showing regular leave balance (RLB) and saved leave balance (SLB); e.g., "RLB 21 SLB 10" or "RLB 43 SLB 00". In no event will the regular leave balance or the saved leave balance exceed 60 days.

b. If no LSL settlement is due, enter the word "None".

c. LSL settlements must be made prior to the discharge of the Marine. However, in the very rare event an LSL settlement is due but has not yet been paid, enter the word "Due". It is imperative that the command/separation activity issue a DD Form 215 when the number of days is verified and settlement is made. See subparagraph 1202.4i.

17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION. Self-explanatory.

18. REMARKS. Continue in this space items that cannot be completed within the space provided. Cross-reference must be used to indicate the item being continued, e.g., "Item 14 CONT". If additional space is required, enter the words "Continued on Continuation Sheet" in the last line of this space and complete the entries on a continuation sheet of bond paper. The continuation sheet must reference: the DD Form 214 being continued; the information from blocks 1 through 4; the appropriate block(s) being continued; the Marine's signature and date; and the authorizing official's signature. No entries may be made on the back of the form.

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."

b. If information for any item is not available when the form is prepared and delivered to the separating Marine, a remark will be entered in this item as follows: "Information for item(s) (applicable item(s)) not available at time of completion, a DD Form 215 will be issued when missing information becomes available." See subparagraph 1202.4i.

c. Comply with MCO P7220.31, Automated Pay Systems Manual, for the recording of: separation pay; readjustment pay; contract cancellation pay and allowances; disability severance pay; severance pay; and payment of Voluntary Separation Incentive/Special Separation Bonus.

d. Enter the following remarks as appropriate:

(1) For Marines who have previously reenlisted without being issued a DD Form 214, and who are being separated with any discharge characterization except honorable, the following statement shall appear as the first entry in item 18: "CONTINUOUS HONORABLE ACTIVE SERVICE FROM (applicable date) TO (applicable date)". The "FROM" date shall be the date of initial entry into active duty, or the first day of service for which a DD Form 214 was not previously issued, as applicable. The "TO" date shall be the date before commencement of the current enlistment.

(2) Accepted Regular commission/warrant.

(3) Not available for signature.

(4) Separating Marine refused to sign form.

(5) Good Conduct Medal period commences (YYYYMMDD).

(6) For Marines retiring/transferring to the FMCR from active duty, enter: "Subject to active duty recall by Service Secretary."

(7) For Marines being transferred to the Individual Ready Reserve, enter: "Subject to active duty recall and or annual screening."

(8) Certain Marine Corps orders require entries under "Remarks". Ensure they 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".

(1) Reserve Special Enlistment Program.

(2) Not a final discharge.

f. When a discharge is upgraded per BCNR or NDRB authority, the DD Form 214 will be annotated on copies 2 through 8 in item 18 to indicate the character of service has been upgraded; the date of the application for upgrade; and the effective date of the corrective action. Annotate item 18 as follows:

(1) "10 USC 1552" (for BCNR)

(2) "10 USC 1553" (for NDRB)

g. When a Reservist is released from active duty and is entitled to travel time, enter the actual date the Reservist was detached from the separation activity and the number of days travel time added to determine the effective date of release from active duty entered in item 12b; e.g., "Date detached separation activity: YYYYMMDD _____ days travel time."

h. If the Marine is released from active duty or is discharged and enlists/reenlists in the Marine Corps Reserve, insert the following statement: "While a member of the Marine Corps Reserve, you will keep the Commanding General, MCRSC (Toll free 1-800-255-5082 informed of any change of address, marital status, number of dependents, civilian employment, or physical standards."

19a. MAILING ADDRESS AFTER SEPARATION (Include 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. If unsure of address, use the permanent mailing address as shown on the DD Form 11060.

19b. NEAREST RELATIVE (Name and address, including ZIP Code). Information for this item shall be obtained by interview with the Marine being separated. Indicate name, relationship, and complete mailing address of the relative residing nearest to the Marine's mailing address indicated in item 19a.

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 "YES" block is marked, complete by entering the State name or two-letter abbreviation in the space provided.

21. SIGNATURE OF PERSON BEING SEPARATED. The Marine being separated will sign the original in black ink, ensuring that the signature is legible on all carbon copies. Additional signatures may be necessary on the carbon copies. In the event a continuation sheet is used, the Marine's signature, and date are also required on the continuation sheet. If not available for signature or if the Marine refuses to sign, enter "See Remarks" and enter in item 18 a brief statement to indicate such.

22. TYPE NAME, GRADE, TITLE AND SIGNATURE OF OFFICER AUTHORIZED TO SIGN. The authorizing official (E-6, GS-7, or above) will sign the original in black ink, ensuring that the signature is legible on all carbon copies. Additional signature may be necessary on the carbon copies. Typographical strikeovers on the original and copies of the form make it unreadable by the recipient and must be avoided. Any unavoidable corrections and changes made in the unshaded areas of the form during preparation shall be neat, legible, and initialed on all copies by the authorizing official. In the event a continuation sheet is

used, the issuing agent's signature is also required on the continuation sheet and all copies.

23. TYPE OF SEPARATION. Enter one of the following:

a. Discharged.

b. Transferred to the FMCR.

c. Temporarily retired.

d. Retired.

e. Released from active duty.

f. Released from IADT (in the case of a Reservist assigned to a Reserve Special Enlistment Program).

g. 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 personnel in the grades of sergeant and above, the "Character of Service" will be HONORABLE unless otherwise indicated by the CMC (MM) in orders directing the discharge, retirement, or release from active duty. The "Character of Service" for enlisted Marines in the grades of corporal and below who are retired, discharged, or released from active duty, will be appropriately characterized per paragraph 1004. Possible characterizations follow.

a. HONORABLE.

b. GENERAL (UNDER HONORABLE CONDITIONS).

c. UNDER OTHER THAN HONORABLE CONDITIONS.

d. UNCHARACTERIZED.

e. BAD CONDUCT DISCHARGE.

f. DISHONORABLE DISCHARGE.

This instruction also applies to corporals and below released from IADT on a Reserve Special Enlistment Program with the Selected Marine Corps Reserve (SMCR). When doubt exists as to the correct "Character of Service," request instructions from the CMC (MMSR). When a discharge is upgraded, a new DD Form 214 will be issued and a remark made in item 18 of copies 2 through 8 indicating that the "Character of Service" has been upgraded. In the event an administrative error is made in the characterization of a Marine’s discharge, the DD Form 214 should be cancelled and a new one issued.

25. SEPARATION AUTHORITY. The separation authority is the specific authority paragraph cited from the appropriate chapter(s) of this manual which by law or policy 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 authority paragraph for the type of separation and refer to Appendix A for narrative reason in item 28.

26. SEPARATION CODE. The separation program designator (SPD), or separation code, is a four position alphanumeric code which reflects the specific authority for the type of separation. The CMC (MM) will provide the code for officer separations. Appendix A will be used by the command for enlisted separations, unless otherwise directed by the CMC.

27. REENLISTMENT CODE. The codes listed in Appendix I provide information on eligibility for reenlistment in the Marine Corps or Marine Corps Reserve. For Marine officers and Reservists released from IADT, complete by entering "N/A". For all other enlisted Marines, both regular and reserve, enter the appropriate code as shown in Appendix I, or as directed by CMC, MMEA.

28. NARRATIVE REASON FOR SEPARATION. This is a brief statement describing the circumstances of the termination. Appendix A provides the narrative reason that must be used verbatim (**Do not use the English Description in Appendix A**). The narrative reason for separation for involuntary officer retirements shall read: "Retired".

29. TIME LOST. This item applies only to the current continuous period of active duty. Complete by recording for each period of lost time, the number of days computed on a day for day basis within parentheses followed by the inclusive dates; e.g., "(37) 20000329-20000504". This item will not be left blank. If there is no time lost period to record, enter "None".

30. MEMBER REQUESTED COPY 4. If the Marine desires the statutory or regulatory authority for separation, reenlistment code, SPD code, and the narrative reason for separation, the member will so indicate by initialing item 30.

B002. Distribution Instructions. Distribution of the DD Form 214 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 Appendix G. The command must ensure all copies of the DD Form 214 and DD Form 215 are distributed to their **designated** federal and state agencies no more than five working days following the date of separation. Do not send copies of the DD214 to the Department of Labor office in Baton Rouge, LA and expect them to deliver the copy to the Department of Veteran’s Affairs in Baton Rouge, LA.

1. DD Form 214

a. Copy No. 1 (Original). Will be physically delivered to the Marine upon separation. If the Marine is unavailable at the time of separation, the

form will be mailed to the Marine on the effective date of separation or transfer.

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

(1) Marines Discharged or Retired. Place in closed-out service record prior to forwarding per MCO P1070.12K, Table 4-1.

(2) Marines Released or Transferred to the Marine Corps Reserve.

Forward this copy to:

Commandant of the Marine Corps (MMSB-20)
Headquarters, U.S. Marine Corps
2008 Elliot Road
Quantico, VA 22134-5030

c. Copy No. 3

(1) Forwarded this copy to:

Department of Veterans Affairs
Data Processing Center (214)
1614 East Woodward Street
Austin, TX 78772-0001

(2) For Marines being separated and transferred to a DVA Hospital, a reproduced copy will accompany the photostatic copies of the clinical and treatment records forwarded to that hospital.

(3) For Marines who complete VA Form 21-526, Veterans Application for Compensation or Pension at Separation from Service, a reproduced copy will accompany the photostatic or typewritten copies of the health record (less cover) when they are forwarded to the DVA Regional Office with jurisdiction over the Marine's permanent address. It should be stressed to the Marine who plans to apply for veteran's compensation or pension that faster processing generally may be expected if the application is completed at the time of separation. See Appendix G for jurisdiction and address.

(4) When the Marine is enlisting or reenlisting in an active duty status or otherwise continuing on active duty in another status, copy 3 will not be forwarded to the DVA; it may be given to the Marine.

(5) A reproduced copy of the DD Form 214 will also be placed in the closed out Health Record prior to forwarding per MCO P1070.12, table 4-1.

d. Copy No. 4

(1) This copy will be physically delivered to the Marine upon separation, if item 30 is initialled.

(2) If the Marine has not requested this copy, insert it on the document side of the service record prior to forwarding the record.

e. Copy No. 5. Forward this copy to:

U.S. Department of Labor
Louisiana Claims Control Center (LCCC)
P.O. Box 94246
B-9
Capital Station
Baton Rouge, LA 70804-9246

f. Copy No. 6. If the Marine has marked the "YES" block in item 20 and indicated the appropriate State, this copy will be forwarded to the DVA for the State stipulated. Otherwise, destroy this copy. Mailing addresses for the State DVA offices are in Appendix F.

g. Copy No. 7

(1) For a Marine discharged while in an appellate leave status, within 10 days of discharge, forward this copy to:

Military Support Activity (FDDC1)
1500 East 95th Street
Kansas City, MO 64197-0001

(2) In all other cases, forward this copy to:

Commanding General, Marine Corps Reserve Support Command
15303 Andrews Road
Kansas City, MO 64147-1207

h. Copy No. 8

(1) Marines being transferred to inactive duty whose records will be forwarded to the Commanding General, MCRSC. Insert this copy on the document side of the service record for concurrent forwarding.

(2) For Reservists being released from active duty and who will report to the commanding officer of an SMCR unit, insert this copy on the document side of the service record for concurrent forwarding.

(3) In all cases, a photocopy of the completed document will be maintained at the activity for two years.

2. Additional Copy Requirements. Discharged Alien Deserters. For discharged alien deserters, enter place of birth in item 18 and provide one reproduced copy of Copy No. 1 to:

U.S. Department of State
Visa Office - SCA/VO
State Annex No. 2
Washington, DC 20520-0001

This will assist the Visa Office in precluding the unwarranted issuance of visas to discharged and alien deserters in accordance with DoD Directive 1325.2.

B003. PREPARATION OF DD FORM 215

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. The separation date in item 12 of the original DD Form 214 being corrected must be entered into item 5 of the DD Form 215. Do not leave this item blank.

2. Corrections. The separation date on the DD Form 214 being corrected is completed by entering the date (YYYYMMDD). It is recorded in item 12b of the DD Form 214. Under "ITEM NO.", enter the block number of the item(s) which is/are to be corrected or which was/were omitted when the DD Form 214 was prepared and delivered to the Marine.

Under "CORRECTED TO READ", insert the corrected or missing information required. See example below.

ITEM	CORRECTED TO READ
4B	E5
17	21

3. Date. Enter the date (YYYYMMDD).

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

5. Distribution Instructions. The distribution of the DD Form 215 will be identical to the distribution of the DD Form 214 in paragraph B002.1. When distributing copies 3 and 5, every effort should be made to include a copy of the original DD Form 214. The original and copy 4, if applicable, will be forwarded to the Marine at the address shown in item 4 with instructions that the DD Form 215 should be attached to the original DD Form 214 and copy 4, if applicable.

APPENDIX C

CHECKLIST FOR SEPARATIONS

I. PRE-SEPARATIONS INTERVIEW

SUBJECT	REFERENCE	DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Career Planning Interview	MCO P1900.16F par. 1101.4a MCO P1040.31H	YES*	YES	YES
Reenlistment Benefits	MCO P1040.31H	YES*	YES	NO
Marine Corps Reserve Affiliation	MCO 1001.39K	YES*	YES	NO
Inform Member of Address of Marine Reserve Support Command	MCO P1900.16F par. 1101.4b	YES*	NO	NO
Selective Service Registration	MCO P1900.16F par. 1101.4h	No longer required. Marines are registered when enlisted or commissioned.		
Separation Physical	MCO P1900.16F par. 1011	YES*	YES	YES
VA Dental Treatment Eligibility	MCO P1900.16F par. 1101.4e	YES	YES	YES
Conversion of SGLI	MCO P1741.8C	YES	YES	YES
Maternity Care	MCO 5000.12D	YES	YES	YES
Health Care Insurance	MCO P1754.5	YES	YES	YES
BCNR/NDRB Advice	MCO P1900.16F par. 1101.4f	YES	YES	YES
Unemployment Benefits	MCO P1900.16F par. 1101.4g	YES	YES	NO
Veterans Rights and Benefits	MCO P1754.5	YES	YES	YES

SUBJECT	REFERENCE	DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Marine Corps Exit and Retention Census	MARADMIN 065/01	YES	YES	YES
Audit Service Record	MCO P1070.12K chap. 5	YES	YES	YES
Wearing of Uniform after Separation/Retirement	MCO P1900.16F par. 1l0l.5b MCO P1020.34F MCO P1020.28F	YES	YES	YES
Travel	MCO P1900.16F par. 1009 JFTR, Vol I chaps. 4 and 7 MCO P4650.37C chap. 21	YES	YES	YES
Transportation in-kind (if applicable)	JFTR, par. 5300	YES	YES	YES
Separation/Severance and Contract Cancellation Payment (when applicable)	DODFMR Part 4	YES	NO	NO
Shipment of Household Effects (if applicable)	JFTR, Vol I chap. 5, Part D	YES	YES	YES
Allotment Stoppage	MCO P7220.31R	NO	NO	YES
Bonds in Safekeeping	MCO P7220.31R Request from DFAS within 60 days after separation**	YES	YES	YES
Recoupment	DODFMR, Part I, chap. 9, MCO P1900.16F par. 6108	YES/NO	NO	NO
Uniform Retention (Dependent on charactrization)	MCO P10120.28F par. 1500-1501 MCO P1900.16F par. 1101.5b	YES	YES	YES

SUBJECT	REFERENCE	DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
New (Montgomery) G.I. Bill	MCO P1754.5	YES	YES	YES
Permanent Mailing Address	MCO P1900.16F par. 1101.4j	YES	YES	YES

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

** Bonds in Safekeeping - ensure the Marine provides an address to be recorded in Part V - Permanent mailing address of the NAVMC Form 11060: Separation/Enlistment Voucher. When safekeeping bonds are not claimed within 60 days after separation, bonds are automatically mailed to the payment option election (POE) address by the Defense Finance and Accounting Service.

II. FORMS, ORDERS AND ADMNISTRATIVE MATTERS (ENLISTED)

SUBJECT	REFERENCE	DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Selective Service Registration (SSS 1 (MC) (SRS) Stock Number 0110-LF-1))-0020)	MCO P1900.16F par. ll0l.4h	YES	YES	NO
Security Termination Statement	SECNAVIST 5510.30A	YES	YES	YES
DD 214 (used only in terminating active duty status)	MCO P1900.16F par. 1101.2a, App B	YES	YES	YES
DD Form 2 (Ret) ID Card	MCO P5512.l1B	NO	NO	YES
DD Form 2 MC (Res) ID Card	MCO P5512.1lB	NO	YES	NO
Notification to Immigration & Naturalization Service	MCO P1900.16F par. 1103	YES	NO	NO
One copy of “Federal Benefits for Veterans and Dependents ” (1999 latest version)	MCO P1900.16F par. 1101.2c(2)	YES	YES	YES
Discharge Certificate	MCO P1900.16F par. l101.2b	YES	NO	NO
Honorable Discharge Lapel pin	MCO P1900.16F par. 1l01.2c(l)	YES	NO	NO
Fitness Report (sergeants and above)	MCO P1610.7E	YES	YES	YES
Issue of Family Member ID Card, DD Form 1173	MCO P5512.11B	NO	NO	YES
Recover Family Member ID Card	MCO P5512.11B	YES	YES	YES
Family Medical Care	MCO P1754.5	YES	YES	YES
Survivor Benefits Plan (SBP)	MCO P1741.l1B	NO	NO	YES
Release from Active Duty	MCO Pl00lR.1	NO	YES	YES

SUBJECT	REFERENCE	DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Unit Diary Entry	MCO P1080.40B	YES	YES	YES
Retirement by Reason of Permanent Physical Disability Orders	MCO P1900.16F par. 8202	NO	NO	YES (PDRL ONLY)
Temporary Disability Retired List Orders	MCO P1900.16F par. 8302	NO	NO	YES (TDRL ONLY)
Closing out Service Record and Transfer of SRB, Health and Dental Records	MCO P1900.16F par. 1101.7 MCO P1070.12K par. 4001	YES	YES	YES

III. FORMS, ORDERS, AND ADMINISTRATIVE MATTERS (OFFICERS)

SUBJECT	REFERENCE	DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Selective Service Registration Form (SSS 1 (MC) (SRS) Stock Number 0110-LF-100-0020	MCO P1900.16F par. 110l.4h	YES	YES	NO
Security Termination Statement	SECNAVINST 5510.30A	YES	YES	YES
DD 2 (Ret) ID Card	MCO P5512.11B	NO	NO	YES
DD 2 MC (Res) ID Card	MCO PP5512.11B	NO	YES	YES
Recover Family Member ID Card	MCO P5512.11B	YES	YES	NO
Issue Family Member ID Card, DD Form 1173	MCO P5512.l1B	NO	NO	YES
Survivor Benefit Plan (SBP)	MCO P1741.11B	NO	NO	YES
Release from Active Duty Orders (Reserve Officers)	MCO P1900.16F par. 5005	NO	YES	NO
DD 214 (used only in terminating an active duty status)	MCO P1900.16F par.1102.2a, App B	YES	YES	YES
Permanent Disability Retired List Orders	MCO P1900.16F par. 8202	NO	NO	YES (PDRL ONLY)
Temporary Disability Retired List Orders	MCO P1900.16 par. 8303	NO	NO	YES (TDRL ONLY)
Fitness Report	MCO P1610.7E	YES	YES	YES
Unit Diary Entry	MCO P1080.40B	YES	YES	YES
Closing out the Service Record, Transfer of OQR, Health and Dental Records	MCO P1070.12K par. 3001 MCO P1900.16F	YES	YES	YES

par. 1101.7

APPENDIX D

INFORMATION CONCERNING THE REGULATIONS AND PROCEDURES OF THE BOARD OF CORRECTION OF NAVAL RECORDS (BCNR) AND THE NAVAL DISCHARGE REVIEW BOARD (NDRB)

D00l. The Board for Correction of Naval Records (BCNR), 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. Petition 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 Naval Discharge Review Board (NDRB), may review discharges awarded by a general court-martial. Other types of cases reviewed by the 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; an 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 general (under honorable conditions)

The law requires that the application be filed with the Board for Correction of Naval Records within three 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 applicant.

No application will be considered by the 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 a period of time after discharge during which the respondent's behavior has been exemplary. To permit relief, an error or injustice must be found to have existed during the period of the enlistment in question and the respondent's good conduct after discharge, in and of itself, is not sufficient to warrant changing an unfavorable discharge to a more favorable type of discharge.

Applications for review and explanatory matter may be obtained by writing the Board for Correction of Naval Records, Department of the Navy, Washington, DC 20370-5100.

D002. The Naval Discharge Review Board (NDRB), consisting of five members, was established pursuant to 10 U.S.C. 1553, 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 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 discharge 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 accordance 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.

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 the reason for discharge from or to physical disability; nor to determine eligibility for veterans benefits. 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.

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.

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 general information may be obtained by writing to the Naval Discharge Review Board, Washington Navy Yard, 720 Kennon Street, SE, Room 309, Washington, DC 20374-5023.

D003. 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 Naval 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 Naval Discharge Review Board.

_____ _____

Witness Signature

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APPENDIX E

AUTOMATED PROCESSING OF SEPARATION AND RETIREMENTS UNDER THE MARINE CORPS TOTAL FORCE SYSTEM (MCTFS)

E001. SCOPE. These procedures apply to all Marines, officer and enlisted, serving in the Regular Marine Corps, and to members of the Marine Corps Reserve. It also applies to Marines on the Retired list, on the Reserve Retired List Awaiting Pay at Age 60, in the Fleet Marine Corps Reserve (FMCR), and on the Temporary/Permanent Disability Retired List (TDRL/PDRL). For the purposes of this appendix, the term “separation” includes retirements and transfers to the FMCR, TDRL and PDRL, unless specified otherwise.

E002. PURPOSE. To provide procedures for effecting separations for Marines of the Regular and Reserve components and to support the Defense Retiree and Annuitant Pay System (DRAS). Noncompliance with these procedures can result in non-payment of retired pay to retired Marines. Additionally, new procedures are provided for effecting separations and retirements for Marines of the Regular and Reserve components, per pertinent paragraphs of this Manual. Accordingly, it is imperative that commanders fully understand the impact of DRAS on the quality of life of retired Marines and their families.

E003. BACKGROUND

1. On 18 June 94, the Retired Pay and Personnel System (RPPS) resident at the Defense Finance and Accounting Service, Kansas City Center (DFAS-KC), Retired Pay Division (Code FJR) was frozen and all existing retired Marine and Survivor Benefit Plan (SBP) annuitant pay accounts underwent conversion to DRAS.

2. Effective 1 August 94, DFAS-KC (FJR) transferred responsibility for the processing and payment of retired Marines and SBP annuitants to DFAS, Cleveland Center (DFAS-CL) and DRAS, Denver Center (DFAS-DE), respectively.

3. Retired Marine pay accounts will be maintained in the Retiree and Casualty Pay System (RCPS) at DFAS-CL and SBP annuitants in the Annuitant Pay System (APS) at DFAS-DE. Data on retired Marines and SBP annuitants will be transmitted electronically via an extract from the Marine Corps Total Force System (MCTFS). DRAS information will, in turn, be fed back to MCTFS and the two systems will be periodically reconciled.

4. During Test Cycle 2-94, MCTFS was modified to incorporate necessary separation and retirement information and screens were created in the MCTFS menu under option “RETM” in the KC menu. All the data necessary to establish a retired pay account at DFAS-CL will be resident in MCTFS.

5. Security Access. Personnel who require on-line access to DRAS should contact their local terminal area security officer (TASO) or HQMC (MMSR-7) at

DSN 278-9317/9318 or 1-800-715-0968 for further information and access authorization.

6. Changes to MCTFS in support of DRAS were disseminated via MCTFS Test Cycle Notice 1-94.

E004. ADMINISTRATION. Below is a brief summary of the process.

1. General

a. All requests for separation for both Regular and Reserve Marines, which do not require waiver of eligibility criteria will be submitted via unit diary 4 to 14 months from the desired date of separation. A request run on the unit diary does not ensure receipt by the CMC. Requests for waiver of the established criteria per pertinent chapters of this Manual must be submitted via separate correspondence or naval message. Requests for special programs, e.g., TERA and the Reserve Transition Benefits Program, also require separate correspondence.

b. The CMC will "acknowledge receipt" by providing a unit diary advisory to the requesting unit, indicating a request has been received and is in staffing, i.e., pending. If this advisory is not received within 10 working days from the date of submission of the request, notify the CMC (MMSR).

c. Approval authority will be issued via the unit diary system by providing the responsible command/parent unit with an advisory in MCTFS indicating the separation has been approved. Upon receiving approval authority, issue orders using information available in MCTFS. Approval is not granted, nor is the information in MCTFS verified, until the unit diary approval advisory is received by the responsible command/parent order writing unit. All authority to release, all disapprovals, and all requests held in abeyance will be issued exclusively via the unit diary.

d. Disapprovals will be transmitted via unit diary except when the request is endorsed by a general officer. These will receive a response via separate correspondence.

e. Requests for withdrawal of a separation request, for both Regular and Reserve Marines, will continue to be submitted via separate correspondence with appropriate justification and command endorsements per pertinent paragraphs of this Manual and will be considered on a case-by-case basis.

f. Letters, certificates, and other separation documents will be forwarded by the CMC (MMSR) via separate correspondence within 10 working days of unit diary approval.

g. Commanders shall separate the Marine on the approved date and shall effect the proper unit diary transaction (the drop) within three calendar days of the separation.

(1) Each month, 10 days before the end of the month, command and parent RUC's will receive a unit diary advisory alerting them to pending retirements (includes transfer to the FMCR, PDRL and TDRL) at the end of the current month or beginning of the following month.

(2) If the unit drop transaction rejects for any reason, the unit must research the error identified and rerun the drop correctly. Any problems the unit cannot resolve should be identified to the local MISSO, and subsequently to the CMC (MMSR-7) if the problem remains unresolved. (Note: The drop transaction triggers initiation of retired pay.)

h. The Retired Pay Data Form, DD Form 2656, must be completed by the Marine and spouse, if appropriate, and forwarded by the command to DFAS-CL 30 days prior to the approved retirement date. Failure to do so will automatically enroll the Marine in SBP at full coverage.

i. Marines should be advised that once retired, they should contact the CMC (MMSR-6), Retired Activities Section (1-800-336-4649) on any retiree matter of concern to them, or when they are unable to obtain necessary information/action from DFAS or any other government agency. Contact the Retired List Maintenance Section (MMSR-7 at 1-800-715-0968) for pay problems, updating address or family member information.

E005. RETM SCREENS. Eight screens are available in MCTFS containing all necessary information to issue separation and retirement orders once the approval authority is received via the unit diary from the CMC (MMSR). The information on the screens will be used in place of information formerly provided in the "authority to release" message.

1. Screen 1 (Option RT01 - Personal Information Screen). This screen provides general information on the Marine requesting action. It includes, along with other pertinent information, the appropriate:

a. Authority (AUTH) paragraph from this manual.

b. Planned separation program designator code (PLANNED SPD). (Note: Failure to use the planned SPD code provided by the CMC (MMSR) will result in a rejected unit diary drop transaction (TTC 378) and non-payment of the Marine.)

c. Planned characterization (PLANNED CHAR). (Note: See subparagraph E005.lb).

d. Mandatory separation/retirement (MSR) date, if applicable. This field, if populated, provides the statutory (required by Title 10, U.S. Code) date, which is the latest possible date a Marine can lawfully retire/separate.

e. Planned reenlistment-extension-retirement date (PRR).

f. Reenlistment-extension-retirement (RER) shows the status of the request; either requested, pending, or approved.

g. Planned detachment date (PDD) indicates the date the Marine intends to depart the command.

2. Screen 2 (Option RT02 - Service Computation Data Screen). This screen provides the following service information.

a. A summary statement of service (SOS).

b. The appropriate separation or retirement law.

c. This screen will also contain the bulk of information for issuance of orders for Regular Marine nondisability separations, retirements, and transfers FMCR. Portions of this screen are also used for disability separations and retirements and Reserve retirements.

3. Screen 3 (Option RT03 - Disability Data Screen). This screen provides the following disability data.

a. Percent disability (PERCENT DSBL).

b. Mental incompetency (MENTAL INCOMP).

c. Combat disability (COMBAT DSBL).

d. VA codes (VA CODES).

4. Screen 4 (Option RT04 - Reserve Data Screen). This screen provides information for issuing orders and effecting inactive Reserve separations and retirements. It includes the following data.

a. Service computation information, e.g., anniversary date (ANNIV DATE), retirement points (TOTAL RET POINTS), total satisfactory years (TOT SAT YEARS), etc.

b. The mandatory removal date (MAND REMOVAL DATE)

c. Date first eligible to retire (DATE 1ST ELIG RET)

d. RCSBP election information (RCSBP DATE, RCSBP OPTION. RCSBP TYPE CVG, RCSBP LEVEL, RCSBP AMT CVG).

5. Screen 5 (Option RT05 - Location Data Screen). This screen provides the following.

a. Unit address.

b. Home address.

c. Home and work phone numbers.

d. Military service number and prior SSN.

6. There is no screen 6 (RT06) option.

7. Screen 7 (Option RT07 - Career Retirement Credit Report). This screen is self-explanatory. It is for Reserve use only and is imported to the RETM screens for ease of use.

8. Screen 8 (Option RT08 - Annual Retirement Credit Report (Current)). Same as paragraph E005.7 above.

9. Screen 9 (Option RT09 - Annual Retirement Credit Report (Prior)). Same as paragraph E005.7 above.

E006. DETAILED PROCEDURES. The following paragraphs provide detailed procedures and are divided into three categories of separations and retirements: (1) Regular, (2) Reserve, and (3) Disability. See MCO P1080.40B MCTFSPRIM, paragraph 5138 for submission of MCTFS requests for transfer to the FMCR, Retired List, or Reserve retirements.

1. Regular Separations and Retirements. These procedures apply to Regular officers and enlisted Marines, and those Reservists in the Active Reserve (AR) program with 20 years of creditable active service. They also apply to requests for transfer FMCR.

a. Unit diary requests which are properly entered will generate the following:

(1) An appropriate RER flag showing that the request has been accepted in the MCTFS.

(2) Service computations based on what is resident in MCTFS. This computation is not validated until audited by the CMC (MMSR) and an approval transaction has posted.

(3) Units must be careful to enter the correct TTC to reflect the requested action, e.g., resignation requests can be submitted with or without a Reserve commission. If an officer has obligated service remaining, a Reserve commission must be executed to complete that obligation, unless needs of the service dictate otherwise.

b. Once the request is received by the CMC (MMSR), a "request pending" transaction will be enter by the CMC.

(1) This transaction will:

(a) Post an appropriate RER flag to the RER data field in MCTFS,

(b) Post a PRR date to the PRR data field in MCTFS (may be different from the date requested), and

(c) Issue feedback on the parent reporting unit code's (RUC's) DFR.

(2) The "pending" RER flag is the CMC's "acknowledge receipt" of the action requested.

(3) Once the unit sees that a request has posted to the diary, if a pending RER flag is not received back on the parent RUC's DFR within 10 working days, the unit should immediately contact the CMC (MMSR). A requested action posting on the parent unit's DFR does not implicitly indicate similar posting on the CMC's DFR. Accordingly, working the DFR for errors and follow-up action on requests is critical.

c. Approval Authority/Authority to Release. The “authority to release” is issued via unit diary. The data to be used to produce orders per appropriate figures in this Manual can be found in the RETM screens. In some cases authority will be issued via naval message or separate correspondence.

(1) The approval authority granted by the CMC will:

(a) Be transmitted via unit diary approval transaction;

(b) Post an appropriate RER flag in MCTFS;

(c) Post an approved date to the PRR data field of MCTFS (may be different from the date requested);

(d) Validate all service information;

(e) Provide a flow-through history statement granting approval of an extension of enlistment, when required to reach the PRR date; and

(f) Send a skeleton record to the DFAS-CL advising them of the upcoming action (retirements and transfers FMCR only).

(2) For Regular officer retirements and enlisted 30 year retirements, the PRR date is the first day on the Retired List. The PRR minus 1 day is the last day of active duty and the day (at midnight) on which all active duty pay and allowances terminate.

(3) For enlisted transfers FMCR, the PRR date is the last day of active duty and the day (at midnight) on which all active duty pay and allowances terminate.

(4) For Reserve (AR) retirements, the PRR date is the first day on the Retired List. The PRR minus 1 day is the last day of active duty and the day (at midnight) on which all active duty pay and allowances terminate.

(5) For all resignations, the PRR date is the last day of active duty and the day (at midnight) on which all active duty pay and allowances terminate.

d. Disapproved Requests (or Requests to Withdraw That Are Approved). This action is run on the diary by the CMC (MMSR) and will zero all retirement

related data fields in MCTFS. It will also restore the ECC date to the previous date. This transaction will also notify the DFAS-CL of the cancellation (retirements/transfers FMCR only).

e. Appropriate retirement/transfer FMCR certificates and letters will be sent via separate correspondence within 10 working days of the approval authority being issued.

2. Inactive Reserve Separations and Retirements. These procedures apply to Reserve officers and enlisted Marines in the SMCR or IRR with 20 years of qualifying service, who meet the criteria to separate or retire.

a. The unit diary TTC numbers for requesting Reserve separations and retirements have changed and are listed in the MCTFS Test Cycle Notice 1-94. Unit diary requests which are properly submitted will generate:

(1) An appropriate RER flag showing that the request has been accepted in the MCTFS.

(2) Service computations based on data resident in MCTFS. Proper certification of the CRCR by the Marine is critical to the success of this process. This computation is not validated until audited by the CMC (MMSR-5) and an approval transaction has posted.

(3) Units must be careful to enter the correct TTC to reflect the requested action. If an officer has obligated service remaining, a Reserve commission will be required to complete that obligation, unless needs of the service dictate otherwise.

b. Once the request is received by the CMC (MMSR), a "request pending" transaction will be entered by the CMC.

(1) This transaction will:

(a) Post an appropriate RER flag to the RER data field in MCTFS,

(b) Post a PRR date to the PRR data field in MCTFS (may be different from the date requested), and

(c) Issue feedback on the parent RUC's DFR.

(2) The "pending" RER flag is CMC's "acknowledge receipt" of the action requested.

(3) Once the unit sees that a request has posted to the diary, if a pending RER flag is not received back on the parent unit's DFR within 10 working days, the unit should immediately contact the CMC (MMSR-5). A requested action posting on the parent unit's DFR does not implicitly indicate similar posting on the CMC's DFR. Accordingly, working the DFR for errors and follow-up on requests is critical.

c. Approval Authority/Authority to Release. The “authority to release” is issued via unit diary. The data to be used to produce orders per appropriate figures in this Manual can be found in the RETM screens. In some cases authority will be issued via naval message or separate correspondence.

(1) The approval authority granted by the CMC will:

(a) Be transmitted via a unit diary approval transaction;

(b) Post an appropriate RER flag in MCTFS;

(c) Post the approved date to the PRR data field of MCTFS (may be different from the date requested); and

(d) Unless a Marine is drilling up until the 60th birthday, a skeleton record will not be sent to the DFAS-CL advising them of the upcoming retirement until receipt of a request to retire with pay at age 60 is received from the Marine by the CMC (MMSR-5).

(2) The PRR date for retirement with pay is the 60th birthday which is the first day on the Retired List.

(3) The PRR date for retirement awaiting pay at age 60 is the first day of the month, and is also the first day on the Retired List Awaiting Pay.

(4) For all inactive Reserve resignations, the PRR date can be effected on any day the member is under valid contract or extension agreement.

d. Disapproved Requests (or Requests to Withdraw That Are Approved). This action is run on the diary by the CMC (MMSR) and will zero all retirement-related data fields in MCTFS. It will also restore the ECC date to the previous date. This transaction will also notify DFAS-CL of the cancellation (retirement with pay at age 60 only).

e. Appropriate retirement certificates and letters will be sent via separate correspondence within 10 working days of the approval authority being issued.

3. Disability Separations and Retirements. These procedures apply to all officer and enlisted Marines being retired or separated by reason of disability.

a. The unit diary TTC numbers for processing disability separations and retirements are new and are listed in the MCTFS Test Cycle Notice 1-94. Disability separation/retirement is the result of PEB processing, so no unit diary request TTC's are provided.

b. Approval Authority/Authority to Release. The “authority to release” is issued via unit diary. The data to be used to produce orders per appropriate figures in this Manual can be found in the RETM screens. In some cases authority will be issued via naval message or separate correspondence.

(1) The approval authority granted by the CMC will:

(a) Be transmitted via unit diary approval transaction;

(b) Post an appropriate RER flag in MCTFS;

(c) Post an approved date to the PRR data field of MCTFS (This date may be different from the date requested.);

(d) Provide necessary disability information; and

(e) Send a skeleton record to the DFAS-CL advising them of the upcoming action (retirements only).

(2) For all disability separations and retirements for Regular and Reserve Marines, officers and enlisted, the PRR date is last day on active duty (midnight) on which all active duty pay and allowances terminate.

c. Appropriate retirement/separation certificates and letters will be sent via separate correspondence within 10 working days of the approval authority being issued.

E007. COMMANDING OFFICER RESPONSIBILITIES

1. Enter the proper unit diary drop transaction (TTC 378) within 3 calendar days of separation (MCTFSPRIM: paragraph 4305 for transfer to the retired list and paragraph 4306 for transfer to the FMCR). Ensure the transaction processes without error by reviewing and taking action on your diary feedback reports. Chapter 8 of the MCTFSPRIM addresses the cycle feedback reports (DSR - DFR - advisories/PUREX).

2. Ensure that a permanent mailing address (PMA), action dated one day prior to the drop, is entered in MCTFS for these individuals. If not action dated, the address will not be picked up by the drop entry and transferred to DFAS-CL. DFAS-CL, by law, cannot issue retired pay without a valid PMA.

3. At least 60 days prior to retirement, adjust all allotments to reflect the allotments and quantities the Marine desires as a retiree. Ensure allotments do not exceed projected retired pay. The Retired Pay Data Form (DD Form 2656) can no longer be used to change allotments when a Marine retires. Failure to

do the preceding could result in negative net pay and allotments being stopped by the DFAS.

4. Forward the DD Form 2656 to the DFAS-CL not later than 30 days prior to the retirement date. Forwarding of this form is no longer the responsibility of the individual Marine; the commanding officer is responsible for forwarding the form to the DFAS. Without the DD Form 2656, the DFAS will maximize deductions for tax purposes and for the Survivor Benefit Plan (SBP) coverage.

5. Immediately, but not later than 30 days prior to the approved separation date, notify the CMC (MMSR) if a Marine who is approved to separate will not do so on the approved date. For retiring Marines, the Marine will be dropped by the CMC absent a naval message or request by the unit for modification. This could result in overpayment/underpayment of active duty and retired pay.

6. Prior to submitting a request for separation, ensure that all time lost and constructive service time is accurately reflected in MCTFS, per the MCTFSPRIM.

APPENDIX F

STATE DIRECTORS OF VETERANS AFFAIRS

ALABAMA
Director
Department of Veterans Affairs
P.O. Box 1509
Montgomery, AL 36102-1509

ALASKA
Commissioner
Department of Military and
Veterans Affairs
P.O Box 5800, Camp Denali
Fort Richardson, AK 99505-5800

AMERICAN SAMOA
Veterans Affairs Officer
Office of Veterans Affairs
American Samoa Government
P.O. Box 8586
Pago Pago, American Samoa 96799

ARIZONA
Director of Veterans Services
Veterans Service Division
3225 N. Central Avenue, Suite 420
Phoenix, AZ 85012

ARKANSAS
Director
Department of Veterans Affairs
Building 65, Fort Roots, Room 119
P.O. Box 1280
North Little Rock, AR 72115

CALIFORNIA
Secretary
Department of Veterans Affairs
12270 O Street, Room 300
Sacramento, CA 95814-5840

COLORADO
Director
Division of Veterans Affairs
789 Sherman Street, Suite 260
Denver, CO 80203

CONNECTICUT
Commissioner
Department of Veterans Affairs
287 West Street
Rocky Hill, CT 06067

DELAWARE
Executive Director
Commission of Veterans Affairs
Robbins Bldg
802 Silver Lake Blvd, Suite 100
Dover, DE 19904

DISTRICT OF COLUMBIA
Chief
Office of Veterans Affairs
1120 Vermont Avenue, NW
Washington; DC 20421-1111

FLORIDA
Executive Director
Department of Veterans Affairs
P.O. Box 31003
St. Petersburg, FL 33731-8903

GEORGIA
Commissioner
Department of Veterans Services
Floyd Veterans Memorial Building
Suite E-970
Atlanta, GA 30334

GUAM
Administrator
Veterans Affairs Office
Office of the Governor
Government of Guam
P.O. Box 3279
Agana, Guam 96910

HAWAII
Director
Office of Veterans Services
459 Patterson Road, “E” Wing
Rm 1-A103
Honolulu, HI 96819-1522

IDAHO
Administrator
Division of Veterans Services
P.O. Box 7765
Boise, ID 83707

ILLINOIS
Director
Department of Veterans Affairs
833 S. Spring Street
P.O. Box 19432
Springfield, IL 62794-9432

INDIANA
Director
Department of Veterans Affairs
302 West Washington Street
Room E-120
Indianapolis, IN 46204-2270

IOWA
Executive Director
Commission of Veterans Affairs
7700 N.W. Beaver Drive
Camp Dodge
Johnston, IA 50130-1902

KANSAS
Executive Director
Commission on Veterans Affairs
Jayhawk Towers, Suite 701
700 S.W. Jackson Street
Topeka, KS 66603-3743

KENTUCKY
Commissioner
Dept of Veterans Affairs
545 South 3rd Street, Room 123
Louisville, KY 40202

LOUISIANA
Executive Director
Department of Veterans Affairs
P.O. Box 94095, Capitol Station
Baton Rouge, LA 70804-9095

MAINE
Director
Bureau of Veterans Services
117 State House Station
Augusta, ME 04333-0117

MARYLAND
Secretary
Department of Veterans Affairs
Federal Building, Room 110
31 Hopkins Plaza
Baltimore, MD 21201

MASSACHUSETTS
Commissioner
Department of Veterans Services
239 Causeway, Suite 100
Boston, MA 02114

MICHIGAN
Director
Veterans Affairs Directorate
611 West Ottawa, 3rd Floor
Lansing, MI 48913

MINNESOTA
Commissioner
Department of Veterans Affairs
Veterans Service Building
20 West 12th Street, 2nd Floor
St. Paul, MN 55155-2079

MISSISSIPPI
Executive Director
State Veterans Affairs Board
P.O. Box 5947
Pearl, MS 39288-5947

MISSOURI
Executive Director
Veterans Commission
P.O. Drawer 147
Jefferson City, MO 65102

MONTANA
Administrator
Veterans Affairs Division
1100 North Last Chance Gulch
P.O. Box 5715
Helena, MT 59604

NEBRASKA
Director
Department of Veterans Affairs
301 Centennial Mall South, 6th Floor
P.O. Box 95083
Lincoln, NE 68509-5083

NEVADA
Executive Director
Office of Veterans Services
1201 Terminal Way, Room 108
Reno, NV 89520

NEW HAMPSHIRE
Director
State Veterans Council
275 Chestnut Street, Room 321
Manchester, NH 03101-2411

NEW JERSEY
Adjutant General
Department of Military and
Veterans Affairs
101 Eggert Crossing Road
Lawrenceville, NJ 08648

NEW MEXICO
Director
Veterans Service Commission
P.O. Box 2324
Santa Fe, NM 87504

NEW YORK
Executive Deputy Director
Division of Veterans Affairs
875 Central Avenue
Albany, NY 12206

NORTH CAROLINA
Assistant Secretary
Division of Veterans Affairs
1315 Mail Service Center
Raleigh, NC 27699-1315

NORTH DAKOTA
Commissioner
Department of Veterans Affairs
P.O. Box 7184
Fargo, ND 58507-7184

NORTH MARIANA ISLANDS
Administrator
Commonwealth of the North
Mariana Islands
Office of the Governor
Division of Veterans Affairs-DC&IA
Saipan, MP 96950

OHIO
Governor's Office of Veterans Affairs
35 East Chestnut Street
Columbus, OH 43215

OKLAHOMA
Director
Department of Veterans Affairs
2311 North Central
P.O. Box 53067
Oklahoma City, OK 73152

OREGON
Director
Department of Veterans Affairs
Oregon Veterans Building
700 Summer Street, NE, Suite 150
Salem, OR 97301-1285

PENNSYLVANIA
Deputy Adjutant General
Bureau of Veterans Affairs
Dept of Military and Veterans Affairs
Annville, PA 17003

PUERTO RICO
Public Advocate for Veterans Affairs
Mercantil Plaza Building, Room 401
Ponce de Leon Avenue, Stoop 26
Hato Rey, PR 00918

RHODE ISLAND
Assistant Director
Veterans Affairs Division
490 Metacom Avenue
Bristol, RI 02809

SOUTH CAROLINA
Director
Department of Veterans Affairs
226 Brown State Office Building
1205 Pendleton Street
Columbia, SC 29201

SOUTH DAKOTA
Director
Division of Veterans Affairs
Soldiers & Sailors Memorial Building
500 East Capitol
Pierre, SD 57501

TENNESSEE
Commissioner
Department of Veterans Affairs
215 Eighth Avenue, North
Nashville, TN 37243-1010

TEXAS
Executive Director
Texas Veterans Commissioner
P.O. Box 12277
Austin, TX 78711

UTAH
Director
Office of Veterans Affairs
125 South State St., Room 5223
Salt Lake City, UT 84147

VERMONT
Director
Department of Veterans Affairs
120 State Street
Montpelier, VT 05620-4401

VIRGINIA
Director
Department of Veterans Affairs
270 Franklin Rd, SW
Room 503
Roanoke, VA 24011-2215

VIRGIN ISLANDS
Director
Office of Veterans Affairs
#13A Estate Richmond
Christiansted, St. Croix
Virgin Islands 00820

WASHINGTON
Director
Department of Veterans Affairs
1011 Plum Street, 2nd Floor
P.O. Box 41150
Olympia, WA 98504-1150

WEST VIRGINIA
Director
Division of Veterans Affairs
1321 Plaza East-Suite 101
Charleston, WV 25301-1400

WISCONSIN
Secretary
Department of Veterans Affairs
P.O. Box 7843
30 West Mifflin Street
Madison, WI 53707-7843

WYOMING
Chairman
Veterans Affairs Council
Ratcliff National Guard Armory
5905 CY Avenue
Casper, WY 82604

APPENDIX G

JURISDICTION AND ADDRESSES OF VA REGIONAL OFFICES

(1-800-827-1000 NEAREST VA REGIONAL OFFICE)

TERRITORY ALLOTED TO	MAILING ADDRESS
ALABAMA All cities and counties:	VA Regional Office 345 Perry Hill Road Montgomery, AL 36109
ALASKA All cities and counties:	VA Regional Office 2925 DeBarr Road Anchorage, AK 99508-2989
ARIZONA All cities and counties:	VA Regional Office 3225 North Central Avenue Phoenix, AZ 85012
ARKANSAS All cities and counties:	VA Regional Office Building 65, Fort Roots P.O. Box 1280 North Little Rock, AR 72115
CALIFORNIA Counties: Inyon, San Bernardino, Kern, San Luis Obispo, Los Angeles, Ventura, Orange, Santa Barbara	VA Regional Office Federal Building 11000 Wilshire Boulevard Los Angeles, CA 90024
Alpine, Lassen, Mono, Modoc	VA Regional Office 1301 Clay Street Rm 1300 N Reno, NV 89520-2207
Imperial, Riverside, San Diego	VA Regional Office 2022 Camino Del Rio North San Diego, CA 92108
All other counties:	VA Regional Office 1301 Clay Street, Rm 1300 N Oakland, CA 94612
CANAL ZONE Entire zone:	Department of Veterans Affairs 1120 Vermont Avenue, NW Washington, DC 20421

TERRITORY ALLOTED TO	MAILING ADDRESS
COLORADO All cities and counties:	VA Regional Office 44 Union Boulevard, P.O. Box 25126 Denver, CO 80225
CONNECTICUT All cities and counties:	VA Regional Office 450 Main Street Hartford, CT 06103
DELAWARE All cities and counties:	VA Medical & Regional Office Center 601 Kirkwood Highway Wilmington, DE 19805
DISTRICT OF COLUMBIA Entire district:	Department of Veterans Affairs 1120 Vermont Ave, NW Washington, DC 20421
FLORIDA All cities and counties:	Department of Veterans Affairs P.O. Box 31003 St. Petersburg, FL 33731
GEORGIA All cities and counties:	Department of Veterans Affairs 1700 Clairmont Road Decatur, GA 30033
HAWAII All islands:	VA Regional Office Spark M. Matsunga Medical and Regional Office Center 459 Patterson Road Honolulu, HI 98619-1522
IDAHO All cities and counties:	VA Regional Office 805 West Franklin Street Boise, ID 83702
ILLINOIS All cities and counties:	VA Regional Office 536 S. Clark Street P.O. Box 8136 Chicago, IL 60680

TERRITORY ALLOTED TO	MAILING ADDRESS
All cities and counties:	VA Regional Office 575 N. Pennsylvania Street Indianapolis, IN 46204
IOWA All cities and counties:	VA Regional office 210 Walnut Street Des Moines, IA 50309
KANSAS All cities and counties:	VA Regional Office 5500 E. Kellogg Wichita, KS 67218
KENTUCKY All cities and counties:	VA Regional Office 545 S. Third Street Louisville, KY 40202
LOUISIANA	VA Regional Office 701 Loyola Avenue New Orleans, LA 70113
MAINE All cities	Department of Veterans Affairs 1 VA Center Togus, ME 04330
MARYLAND Counties: Montgomery and Prince Georges	VA Regional Office Federal Building 31 Hopkins Plaza Baltimore, MD 21201
All other counties:	DC Regional Office 941 North Capital Street, NE Washington, DC 20421
MASSACHUSETTS Towns of Fall River and New Bedford And counties of: Barnstable, Dukes, Nantucket, Plymouth Bristol	VA Regional office 380 Westminster Mall Providence, RI 02903

TERRITORY ALLOTED TO	MAILING ADDRESS
MASSACHUSETTS All other cities and counties:	VA Regional office John F. Kennedy Federal Building Government Center Boston, MA 02203
MICHIGAN All other cities and counties:	VA Regional Office Patrick V. McNamara Federal Building 477 Michigan Avenue Detroit, MI 48226
MINNESOTA Counties of: Becker, Beltrami Clay, Clearwater Kittson, Lake of the Woods Mahnomen, Marshall Norman, Otter Tail Pennington, Polk Red Lake, Roseau Wilkin	VA Regional Office 2101 Elm Street Fargo, ND 58101
All other cities and counties:	VA Regional Office and Insurance Center Federal Building Fort Snelling St. Paul, MN 55111
MISSISSIPPI All cities and counties:	Department of Veterans Affairs 1600 E. Woodrow Wilson Avenue Jackson, MS 39216-5102
MISSOURI All cities and counties:	Department of Veterans Affairs 400 South 18th Street St. Louis, MO 63103-2676
MONTANA All cities and counties:	VA Medical and Regional Office Center William Street, Highway 12 West Fort Harrison, MT 59636
NEBRASKA All cities and counties:	VA Regional Office 5631 S. 48th Street Lincoln, NE 68516

TERRITORY ALLOTED TO	MAILING ADDRESS
NEVADA All cities and counties:	VA Regional Office 1201 Terminal Way Reno, NV 89520
NEW HAMPSHIRE All cities and counties:	VA Regional Office Morris Cotton Federal Building 275 Chesnut Street Manchester, NH 03101
NEW JERSEY All cities and counties:	VA Regional Office 20 Washington Place Newark, NJ 07102
NEW MEXICO All cities and counties:	VA Regional Office Dennis Chavez Federal Building 500 Gold Avenue SW Albuquerque, NM 87102
NEW YORK Cities and counties of: Binghamton Buffalo Rochester Syracuse Utica	VA Regional Office Federal Building 111 West Huron Street Buffalo, NY 14202
All other cities and counties:	VA Regional Office 252 Seventh Avenue at 24th Street New York, NY 10001
NORTH CAROLINA All cities and counties:	VA Regional Office Federal Building 251 North Main Street Winston-Salem, NC 27155
NORTH DAKOTA All cities and counties:	VA Regional Office 2101 Elm Street Fargo, ND 58102
OHIO All cities and counties:	VA Regional Office Anthony J. Celebrezze Federal Building 1240 East 9th Street Cleveland, OH 44199

TERRITORY ALLOTED TO	MAILING ADDRESS
OKLAHOMA All cities and counties:	VA Regional Office Federal Building 125 South Main Street Muskogee, OK 74401
OREGON All cities and counties:	VA Regional Office Federal Building 1220 S.W. 3rd Avenue Portland, OR 97204
PENNSYLVANIA Cities and counties of: Altoona, Johnstown, Pittsburgh	VA Regional Office 1000 Liberty Avenue Pittsburgh, PA 15222
All other cities and counties:	VA Regional Office and Insurance Center P.O. Box 6079 5000 Wissahickon Avenue Philadelphia, PA 19101
PHILIPPINES All islands:	VA Regional Office 1131 Roxas Boulevard (Manila) APO AP 96440
PUERTO RICO Commonwealth of Puerto Rico, including: Hato Rey and Virgin Islands	VA Regional Office U.S. Courthouse and Federal Building Carlos E. Chardon Street Hato Rey, GPO Box 364867 San Juan, PR 00936
RHODE ISLAND All cities and counties:	VA Regional Office 380 Westminster Mall Providence, RI 02903
SOUTH CAROLINA All cities and counties:	VA Regional Office 1801 Assembly Street Columbia, SC 29201
SOUTH DAKOTA All cities and counties:	VA Medical and Regional Office Center 2501 West 22nd Street P.O. Box 5046 Sioux Falls, SD 57117

TERRITORY ALLOTED TO	MAILING ADDRESS
TENNESSEE All cities and counties:	VA Regional Office 110 9th Avenue, South Nashville, TN 37203
TEXAS Cities and counties: Abilene, Amarillo, Austin, Dallas, El Paso, Ft. Worth, Killeen, Lubbock, Midland, Odessa, Terminal, Waco	VA Regional Office 1400 N. Valley Mills Drive Waco, TX 76799
Witchita Falls, Bowie	VA Regional Office Building 65, Fort Roots P.O. Box 1280 North Little Rock, AR 72115
All other cities and counties:	VA Regional Office 8900 Lakes at 610 Drive Houston, TX 77054
UTAH All cities and counties:	VA Regional Office Federal Building P.O. Box 11500 125 South State Street Salt Lake City, UT 84147
VERMONT All cities and counties:	VA Medical and Regional Office Center 215 North Main Street White River Junction, VT 05009-0001
VIRGINIA Cities of counties of: Arlington, Alexandria, Fairfax	Department of Veteran Affairs 1120 Vermont Avenue, NW Washington, DC 20421
All other cities and counties:	VA Regional Office 210 Franklin Road SW Roanoke, VA 24011
WASHINGTON All cities and counties:	VA Regional Office Federal Building 915 2nd Avenue Seattle, WA 98174

TERRITORY ALLOTED TO	MAILING ADDRESS
WEST VIRGINIA Cities and counties of: Brooke, Hancock, Marshall, Ohio	VA Regional Office 1000 Liberty Avenue Pittsburgh, PA 15222
All other cities and counties:	VA Regional Office 640 Fourth Avenue Huntington, WV 25701
WISCONSIN All cities and counties:	VA Regional Office 5000 West National Avenue Building 6 Milwaukee, WI 53295
WYOMING All cities and counties:	VA Medical and Regional Office Center 155 Van Gordon Street Lakewood, CO 80228

APPENDIX H

RETIRED PAY DATA FORM

Form available in the Marine Corps Electronic Forms System (MCEFS)

DATA FOR PAYMENT OF RETIRED PERSONNEL
(Please read Instructions before completing form.)

SECTION I - PAY IDENTIFICATION

1. NAME *(LAST, First, Middle Initial)*	2. SSN	3. RETIREMENT/ TRANSFER DATE *(YYYYMMDD)*	4. RANK/PAY GRADE/ BRANCH OF SERVICE	5. DATE OF BIRTH *(YYYYMMDD)*

6. CORRESPONDENCE ADDRESS *(Ensure DFAS - Cleveland Center is advised whenever your correspondence address changes.)*

a. STREET *(Include apartment number)*	b. CITY	c. STATE	d. ZIP CODE	e. TELEPHONE *(Incl. area code)*

SECTION II - DIRECT DEPOSIT/ELECTRONIC FUND TRANSFER (DD/EFT) INFORMATION *(See Instructions)*

7. ROUTING NUMBER *(See Instructions)*	8. TYPE OF ACCOUNT *(Savings (S) or Checking (C))*	9. ACCOUNT NUMBER *(See Instructions)*

10. FINANCIAL INSTITUTION

a. NAME	b. STREET ADDRESS	c. CITY	d. STATE	e. ZIP CODE

SECTION III - SEPARATION PAYMENT INFORMATION

11. Complete if you are retiring or a member/former member of the Reserve Component not on active duty retiring at age 60.

a. DID YOU RECEIVE READJUSTMENT PAY (RP), SEPARATION PAY (SP), VOLUNTARY SEPARATION INCENTIVE (VSI), OR SPECIAL SEPARATION BONUS (SSB)? *(X one. If "Yes," attach a copy of the orders which authorized the payment, and a copy of the DD Form 214.)*			b. TYPE OF PAYMENT	c. MONTHLY AMOUNT OF PAYMENT
	YES			
	NO			

SECTION IV - MEMBER OF THE RESERVE COMPONENT

12. Complete only if a member or former member of the reserve component not on active duty retiring at age 60.

a. DO YOU RECEIVE OR WERE YOU RECEIVING ON THE DATE OF RETIREMENT ANY VA COMPENSATION FOR DISABILITY OR SALARY FROM A FEDERAL AGENCY? *(X one)*			b. EFFECTIVE DATE OF PAYMENT OR SALARY *(YYYYMMDD)*
	YES		
	NO		

c. FEDERAL AGENCY (1) NAME	(2) STREET ADDRESS			d. TYPE OF PAYMENT
	(3) CITY	(4) STATE	(5) ZIP CODE	e. AMOUNT OF PAYMENT

SECTION V - DESIGNATION OF BENEFICIARIES FOR UNPAID RETIRED PAY

13. Mark *(X)* option a. or b. and complete as applicable. *(Continue in Section X, "Remarks," if necessary.)*

	a. LEGAL ORDER OF PRECEDENCE		b. BENEFICIARIES *(List below)*

c. NAME *(Last, First, Middle Initial)*	d. ADDRESS *(Street, City, State, ZIP Code)*	e. RELATIONSHIP	f. SHARE
			%
			%
			%
			%

SECTION VI - FEDERAL INCOME TAX WITHHOLDING INFORMATION *(Submit information in Items 14 - 17 if IRS Form W-4 (Section 3) is)*

14. MARITAL STATUS *(X one)*	15. TOTAL NUMBER OF EXEMPTIONS CLAIMED	16. ADDITIONAL WITHHOLDING *(Optional)*	17. I CLAIM EXEMPTION FROM WITHHOLDING *(Enter "EXEMPT")*	18. ARE YOU A UNITED STATES CITIZEN? *(X one)*
SINGLE / MARRIED				YES
MARRIED BUT WITHHOLD AT HIGHER SINGLE RATE				NO *(See Instructions)*

SECTION VII - VOLUNTARY STATE TAX WITHHOLDING INFORMATION

19. STATE DESIGNATED TO RECEIVE TAX	20. REQUESTED MONTHLY AMOUNT *(Not less than $10.00)* .00	21. RESIDENCE ADDRESS *(If different from address listed in Item 6)* a. STREET *(Include apartment number)*	b. CITY	c. STATE	d. ZIP CODE

SECTION VIII - DEPENDENCY INFORMATION *(This section must be completed regardless of SBP Election.)*

22. SPOUSE a. NAME *(Last, First, Middle Initial)*	b. SSN	c. DATE OF BIRTH *(YYYYMMDD)*	23. DATE OF MARRIAGE *(YYYYMMDD)*	24. PLACE OF MARRIAGE *(See Instructions)*

25. DEPENDENT CHILDREN *(Indicate which child(ren) resulted from marriage to former spouse by entering (FS) after relationship in column d. Continue in Section X, "Remarks," if necessary.)*

a. NAME *(Last, First, Middle Initial)*	b. DATE OF BIRTH *(YYYYMMDD)*	c. SSN	d. RELATIONSHIP *(Son, daughter, stepson, etc.)*	e. DISABLED? *(Yes/No)*

DD FORM 2656, MAY 1998

RETIRED PAY DATA FORM

SECTION IX - SURVIVOR BENEFIT PLAN (SBP) ELECTION *(See your Survivor Benefit Plan Counselor before making an election.)*

26. BENEFICIARY CATEGORY(IES) *(X only one item) (See Instructions and Section XII.)*

	a. I ELECT COVERAGE FOR SPOUSE ONLY.	I (X)	DO	DO NOT HAVE DEPENDENT CHILD(REN).
	b. I ELECT COVERAGE FOR SPOUSE AND CHILD(REN).			
	c. I ELECT COVERAGE FOR CHILD(REN) ONLY.	I (X)	DO	DO NOT HAVE A SPOUSE.
	d. I ELECT COVERAGE FOR THE PERSON NAMED IN ITEM 28 WHO HAS AN INSURABLE INTEREST IN ME *(See Instructions).*			
	e. I ELECT COVERAGE FOR MY FORMER SPOUSE *(See Instructions and complete DD 2656-1, "Survivor Benefit Plan (SBP) Election Statement for Former Spouse Coverage").*			
	f. I ELECT COVERAGE FOR MY FORMER SPOUSE AND DEPENDENT CHILD(REN) OF THAT MARRIAGE *(See Instructions and complete DD 2656-1, "Survivor Benefit Plan (SBP) Election Statement for Former Spouse Coverage").*			
	g. I ELECT NOT TO PARTICIPATE IN SBP.	I (X)	DO	DO NOT HAVE ELIGIBLE DEPENDENTS UNDER THE PLAN.

27. LEVEL OF COVERAGE *(X one. Complete UNLESS 26.d. or 26.g. was selected above. See Instructions.)*

	a. I ELECT COVERAGE TO BE BASED ON FULL GROSS PAY WITHOUT SUPPLEMENTAL SBP.
	b. I ELECT COVERAGE WITH A REDUCED BASE AMOUNT OF $ *(See Instructions).*
	c. I ELECT COVERAGE BASED ON FULL GROSS PAY PLUS SUPPLEMENTAL COVERAGE OF: *(X one)*

5%	10%	15%	20%

BY ELECTING SUPPLEMENTAL COVERAGE, I UNDERSTAND THAT I WAIVE MY BENEFICIARY'S RIGHT TO USE THE SOCIAL SECURITY OFFSET METHOD OF COMPUTING THE SURVIVOR BENEFIT PLAN ANNUITY AT AGE 62 AND OLDER *(See Instructions).*

28. INSURABLE INTEREST BENEFICIARY

a. NAME *(Last, First, Middle Initial)*	b. SSN	c. RELATIONSHIP	d. DATE OF BIRTH *(YYYYMMDD)*

e. STREET ADDRESS *(Include apartment number)*	f. CITY	g. STATE	h. ZIP CODE

SECTION X - REMARKS

29. Use this section to continue an item or make additional comments. Attach separate sheets if more space is needed.

SECTION XI - SBP SPOUSE CONCURRENCE

(Required when member is married and elects child(ren) only coverage, does not elect for spouse coverage, or declines coverage.)

30. SPOUSE.

I hereby concur with the Survivor Benefit Plan election made by my spouse. I have received information that explains the options available and the effects of those options. I know that retired pay stops on the day the retiree dies. I have signed this statement of my free will.

a. SIGNATURE	b. DATE SIGNED *(YYYYMMDD)*

31.a. WITNESS NAME *(Last, First, Middle Initial)*	b. SIGNATURE	c. DATE SIGNED *(YYYYMMDD)*

d. STREET ADDRESS *(Include apartment number)*	e. CITY	f. STATE	g. ZIP CODE

SECTION XII - CERTIFICATION

32. MEMBER.

Under penalties of perjury, I certify that the number of withholding exemptions claimed does not exceed the number to which I am entitled, and that all statements on this form are made with full knowledge of the penalties for making false statements *(18 U.S. Code 287 and 1001 provide for a penalty of not more than $10,000 fine, or 5 years in prison, or both).* I agree to notify DFAS - Cleveland Center when I become employed by a Federal agency. I will provide the effective date of employment, name and address, including ZIP Code of the employing agency, type of employment *(full time, part time, seasonal, etc.)* and the amount of my salary. *(A Standard Form 50 or Postal Form 50 should be provided.)* Also, I have been counseled that I can terminate SBP participation, with my spouse's written concurrence, within one year after the second anniversary of commencement of retired pay. However, if I exercise my option to terminate the SBP, future participation is barred.

a. SIGNATURE	b. DATE SIGNED *(YYYYMMDD)*

33.a. WITNESS NAME *(Last, First, Middle Initial)*	b. SIGNATURE	c. DATE SIGNED *(YYYYMMDD)*

d. STREET ADDRESS *(Include apartment number)*	e. CITY	f. STATE	g. ZIP CODE

DD FORM 2656 (BACK), MAY 1998

RETIRED PAY DATA FORM

INSTRUCTIONS *(Continued)*

SECTION VI *(Continued)*

ITEM 17. Enter the word "EXEMPT" in this item only if you meet all the following criteria: (1) you had no Federal income tax liability in the prior year; (2) you anticipate no Federal income tax liability this year; and (3) you therefore desire no Federal income tax to be withheld from your retired/retainer pay.

NOTE: You must file a new exemption claim form with DFAS - Cleveland Center by February 15th of each year for which you claim exemption from withholding.

ITEM 18. If you are not a U.S. citizen, provide, on an additional sheet, a list of all periods of ACTIVE DUTY served in the continental U.S., Alaska, and Hawaii. Indicate periods of service by year and month only. List only service at shore activities; do not report service aboard a ship.

For example:

FROM (Year/Month)	DUTY STATION	TO (Year/Month)
1994/02	NAVSTA, Norfolk, VA	1995/01

NOTE: This information may affect the determination as to that portion of retired/retainer pay which is taxable in accordance with the Internal Revenue Code, if you will maintain your permanent residence outside the U.S., Alaska, or Hawaii.

SECTION VII - VOLUNTARY STATE TAX WITHHOLDING.

ITEM 19. Enter the name of the state for which you desire state tax withheld.

ITEM 20. Enter the dollar amount you want deducted from your monthly retired/retainer pay. This amount must not be less than $10.00 and must be in whole dollars *(Example: $50.00, not $50.25)*.

ITEM 21. Enter only if different from the address in Item 6.

SECTION VIII - DEPENDENCY INFORMATION.

This information is needed by DFAS to determine SBP costs, annuities and options, and to maintain your account in special circumstances at the time of death.

ITEM 22.a. Provide your spouse's name. If none, enter "N/A" and proceed to Item 25.

ITEMS 22.b. through 24. Provide the requested information about your spouse. In Item 24, if marriage occurred outside the United States, include city, province, and name of country.

ITEM 25. If you do not have dependent children, enter "N/A" in this item. If you do have dependent children, provide the requested information. Designate which children resulted from marriage to former spouse, if any, by indicating (FS) after the relationship in column d.

25.e. A disabled child is an unmarried child who meets one of the following conditions: a child who has become incapable of self support before the age of 18, or, a child who has become incapable of self support after the age of 18 but before age 22 while a full time student. Attach documentation if available.

SECTION IX - SURVIVOR BENEFIT PLAN (SBP) ELECTION.

It is very important that you are counseled and are fully aware of your options under SBP. You may discontinue your SBP participation within one year after the second anniversary of the commencement of retired/retainer pay. Termination of SBP is effective the first of the month after DFAS-Cleveland receives the SBP disenrollment request. There will be no refund of SBP costs paid before the SBP disenrollment effective date, and future participation is barred. If you make no election, maximum coverage will be established for all eligible family members (spouse and/or children). It is highly advisable to complete this part in the presence of your SBP counselor.

For members qualified to retire under 10 U.S. Code, Chapter 1223, who elected Reserve Component Survivor Benefit Plan (RCSBP) after 20 qualifying years of service, a copy of your RCSBP election must accompany this form and do not complete Items 26 through 31. However, Reserve members who declined SBP until age 60 must complete Items 26 through 31. If you elected either Immediate or Deferred RCSBP coverage and the elected beneficiary is no longer eligible, annotate this in the Remarks section and provide supporting documentation with this form.

ITEM 26. Complete if you are retiring from active duty or if you are a reservist *(retiring under 10 U.S. Code, Chapter 1223)* who declined RCSBP. You may only select one item.

SECTION IX *(Continued)*

26.a. through 26.c. Mark the applicable item that indicates the beneficiaries you desire to cover under SBP.

ITEM 26.d. Mark if you are not married and desire coverage for a person with an insurable interest in you, and provide the requested information about that person in Item 28. An election of this type must be based on your full gross retired/retainer pay. If the person is a non-relative or as distantly related as a cousin, attach evidence that the person has a financial interest in the continuance of your life. Under provisions of Public Law 103-337, you are permitted to withdraw from insurable interest coverage at any time. Such a withdrawal will be effective on the first day of the month following the month the request is received by DFAS - Cleveland Center. Therefore, no refund of SBP costs collected before the effective date of the withdrawal will be paid.

26.e. and 26.f. Mark Item 26.e. if you desire coverage for a former spouse. Mark Item 26.f. if you desire coverage for a former spouse and dependent child(ren) of that marriage, and provide the requested information about these children in Item 25 as appropriate. Provide a certified photocopy of final decree that includes separation agreement or property settlement which discusses SBP for former spouse coverage. The DD Form 2656-1, "Survivor Benefit Plan (SBP) Election Statement for Former Spouse Coverage," must also be completed and accompany the completed DD Form 2656 to DFAS - Cleveland Center.

26.g. Mark if you do not desire coverage under SBP. If married and declining coverage, Items 30 and 31 of Section XI must be completed.

ITEM 27.a. Mark if you desire the coverage to be based on your full gross retired/retainer pay without Supplemental SBP.

27.b. Mark if you desire the coverage to be based on a reduced portion of your retired/retainer pay. This reduced amount may not be less than $300.00. If your gross retired/retainer pay is less than $300.00, the full gross pay is automatically used as the base amount. Enter the desired amount in the space provided to the right of this item. Proceed to Section XI, if married.

27.c. Mark if you desire the coverage to be based on your full gross retired/retainer pay plus Supplemental SBP for spouse/former spouse. Mark the appropriate percentage of coverage. The benefits are paid to a surviving spouse/former spouse who is age 62 or older.

ITEM 28. Enter the information for insurable interest beneficiary.

SECTION X - REMARKS.

ITEM 29. Reference each entry by item number. Continue on separate sheets of paper if more space is needed.

SECTION XI - SURVIVOR BENEFIT PLAN SPOUSE CONCURRENCE.

10 U.S. Code, Section 1448 requires that an otherwise eligible spouse concur if the member declines to elect SBP coverage, elects less than maximum coverage, or elects child only coverage. Therefore, if any of the following items or combination of items are marked, the spouse and a witness must complete Items 30 and 31: Items 26.a. and 27.b.; 26.b. and 27.b.; 26.c. or 26.g. A witness cannot be named beneficiary in Section V, VIII, or IX. Whenever possible, SBP Counselor or a Notary Public should be the witness. Spouse must present photo bearing identification to the witness prior to signature. Spouse's concurrence must be obtained and dated on or after the date of the member's election, but before the retirement/ transfer date. If concurrence is not obtained when required, maximum coverage will be established for your spouse and child(ren) if appropriate.

SECTION XII - CERTIFICATION.

Read the statement carefully, then sign your name and indicate the date of signature. For your SBP election to be valid, you must sign and date the form prior to the effective date of your retirement/transfer. A witness cannot be named as beneficiary in Sections V, VIII, or IX. Also, there are certain restrictions that apply to retired pay during a period of Federal employment. Contact DFAS - Cleveland Center at 1-800-321-1080 for information on how these restrictions apply to your pay.

DD FORM 2656 INSTRUCTIONS (BACK), MAY 1998

APPENDIX I

FOR OFFICIAL USE ONLY

REENLISTMENT CODES

Code	When Assigned	Remarks
RE-lA	Recommended and eligible	No restriction to reenlistment. Meets all prerequisites, includes those Marines discharged at EAS while pregnant who would otherwise be eligible.
RE-lB	Recommended, eligible and requested retention but denied retention by CMC. May only be assigned by CMC.	For corporals/sergeants/staff sergeant with satisfactory performance records released at EAS due to ECFC.
RE-lC	Recommended and eligible career Marines meeting generally acceptable standards and denied further service.	Assigned by CMC to career Marines requesting retention who are eligible for retention, meet generally acceptable standards, and are denied further service by CMC.
RE-2A	Transferred to the FMCR prior to reaching maximum service limitations for grade.	Recommended and eligible for reenlistment at time of transfer to FMCR.
RE-2B	Retired.	Not eligible for reenlistment. For disability or transfer to the TDRL assign RE-3P.
RE-2C	Transferred to FMCR at maximum service limitation for grade	Not eligible for reenlistment at time of transfer to FMCR
RE-3A	Failure to meet general technical score prerequisite. Assign when single disqualifying factor.	Recommended by CO upon removal of disqualifying factor. SRB entry required stating reason for assignment. Individual Marine must sign SRB entry. CMC authority required for reenlistment.
RE-3B*	Assign when there is a military or civil record of in-service illegal drug involvement before 31 Aug 92 and there is potential for further service.	SRB entry required stating reason for assignment. Individual Marine must sign SRB entry. CMC authority required for for further service.

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REENLISTMENT CODES

Code	When Assigned	Remarks
RE-3C*	When directed by CMC or when not eligible and disqualifying factor is not covered by any other code.	SRB entry required stating reason for assignment. Individual Marine must sign SRB entry. CMC authority required for reenlistment.
RE-3E*	Failure to meet education standards. Assign when single disqualifying factor only.	Recommended by CO upon removal of disqualifying factor. SRB entry required stating reason for assignment. Individual Marine must sign SRB entry. CMC authority required for reenlistment.
RE-3F*	Failure to complete recruit training.	SRB entry required stating reason for assignment, to include women Marines discharged due to pregnancy prior to completing recruit training. Individual Marine must sign SRB entry. CMC authority required for reenlistment.
RE-3H*	Hardship discharge.	Assign when discharged pursuant to paragraph 6407. SRB entry required stating reason for assignment. Individual Marine must sign SRB entry. CMC authority required for reenlistment.
RE-3N*	Pregnancy, single parenthood.	A woman Marine discharged before her EAS for pregnancy and any Marine separated while in a sole parent status. SRB entry required stating reason for assignment. Individual Marine must sign SRB entry. CMC authority required for reenlistment.

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REENLISTMENT CODES

Code	When Assigned	Remarks
RE-30*	Refused to extend or reenlist to obtain the obligated service necessary to carry out PCS or UDP.	SRB entry required stating reason for assignment. Individual Marine must sign SRB entry and have the opportunity to submit a statement. Forward signed copies of page 11 entry and statement (if any) to CMC (MMSB). Refer to MCO P1300.8. This code may only be assigned when directed by CMC and is not assigned to first-term Marines. Marines assigned this code are not eligible for promotion, reenlistment, commissioning or warrant officer programs, special education programs, or involuntary separation pay and their names will be administratively deleted from any promotion selection list upon which they appear. CMC authority required for reenlistment.
RE-3P*	Failure to meet physical/ medical standards (includes pseudofolliculitis and weight standards).	Recommended by CO upon removal of disqualifying factor. SRB entry required stating reason for assignment. Individual Marine must sign SRB entry. CMC authority required for reenlistment.
RE-3S*	The Marine is approved for voluntary separation and receives the Special Separation Benefit (SSB), lump sum payment. May only be assigned by the CMC.	Marine is recommended and eligible for reenlistment. Assigned when Marine meets eligibility criteria established in ALMAR announcing programs. This is a voluntary separation used to effect the military drawdown. SRB entry is required stating Marine agrees to separate between the window established by ALMAR and Marine must sign a written agreement to serve in the IRR for 3 years. CMC approval required for reenlistment.

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REENLISTMENT CODES

Code	When Assigned	Remarks
RE-3V*	The Marine is approved for voluntary separation and receives the Voluntary Separation Incentive (VSI), annuity payment. May only be assigned by the CMC.	Same criteria established for SSB program (above) except Marine must sign agreement to serve in the IRR or the duration of the VSI payment period.
RE-4*	Not recommended for reenlistment.	SRB entry required stating reason for assignment. Individual Marine must sign SRB entry. This code may be assigned in lieu of any RE-3 code (except RE-3B and RE-3F) if the Marine's performance warrants and the reason can be documented.
RE-4B*	Assign when there is a military or civil record of in-service illegal drug involvement and there is no potential for further service.	SRB entry required stating reason for assignment. Individual Marine must sign SRB entry.

* Refer to the IRAM for appropraite Page 11 entry

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APPENDIX J

RETIREMENT PREAPPLICATION CHECKLIST

For the purposes of this checklist “retirement” includes transfer to the Fleet Marine Corps Reserve (FMCR).

Recognizing that a Marine's twenty years or more of active service could not have been without considerable sacrifice, Headquarters, U.S. Marine Corps (HQMC) is committed to assisting each Marine with making an informed decision to retire and preclude unnecessary hardship resulting from incorrect information. This checklist higlights areas that are most frequently the source of questions and problems. It is also intended to ensure that commanding officers are aware of the Marine's request to retire. If for some reason this checklist is not completed, it will not negate an otherwise qualified voluntary request to retire or transfer to the FMCR. This is an instrument to aid the Marine in planning for retirement. Upon completion, file a copy of this checklist in the Marine's service record and forward the request via unit diary or other appropriate means to HQMC. For administrative purposes, the Marine's parent command will retain the checklist until the actual retirement date.

GENERAL:

1. I understand that by applying for retirement, I:

a. Remain liable for assignments and training until my release from active duty.

b. May be approved for a date other than the date requested, as dictated by needs of the service, service limitations or the laws and policies relating to retirements.

c. May not incur a voluntary service obligation which extends beyond my requested or approved retirement date.

d. May have to reimburse the Government for the cost of advanced education equal to any unserved or unearned portion of a service commitment incurred due to advanced education assistance programs.

EFFECTS OF RETIREMENT ON PROMOTION ELIGIBILITY:

2. I understand that my request to retire has the following effects on promotion eligibility:

a. For an enlisted Marine, my request for retirement will cause my deletion from promotion eligibility. Exception: If I have twice failed selection and my EAS is after the adjournment date of the board, I may request via message to be considered for promotion while voluntarily processing for retirement. I understand that this request must be submitted to HQMC (MMSR-2 and MMPR-2) at the time I request retirement. I understand that if selected

for promotion and my name is on a promotion selection list, my request for retirement or transfer to the FMCR will result in the removal of my name from that list.

b. If, in the case of an officer, I am selected for promotion after having submitted my request to retire, I understand that I must request withdrawal of my retirement or refuse the promotion in writing to CMC (MMPR). Additionally, an approved retirement date that occurs within 90 days of the convening date of a promotion board for which I am to be considered, will cause my deletion from the eligibility zone and counts as a failure of selection should I successfully withdraw my retirement at a later date.

WITHDRAWAL OF APPROVED RETIREMENT OR EXTENSION OF RETIREMENT DATE:

3. I understand that once my request for retirement has been submitted to HQMC:

a. I may NOT request cancellation of my application for retirement or modify the effective date except for one of the following reasons:

(1) For a fully documented humanitarian or hardship circumstance that has occurred since my application was submitted.

(2) In the best interest/needs of the Marine Corps. I understand that this determination will ultimately be made by HQMC and not by my present command.

b. Requests for modification or cancellation will not be favorably considered, in the event PCS orders were canceled.

c. I can expect to retire on the date approved by CMC unless I am placed on legal or on medical hold, as authorized only by HQMC, prior to my actual retirement date. I understand that if I am at service limitations or otherwise pending mandatory retirement, a deferment for medical reasons may only be accomplished if **I HAVE A COMPLETE MEDICAL BOARD ACCEPTED BY THE PRESIDENT OF THE PHYSICAL EVALUATION BOARD OR I AM HOSPITALIZED ON MY ACTUAL RETIREMENT DATE AS AN IN-PATIENT**.

d. A request to modify a retirement date must be submitted with appropriate justification and command endorsements no less than 45 days prior to the approved retirement date.

TERMINAL LEAVE:

4. If I plan to request leave in conjunction with my retirement (terminal leave), I understand that:

a. I must apply for retirement to allow at least 4 months of lead time for processing of my application and issuing of orders. This lead time is to afford CMC (MMOA/MMEA/MMSR) sufficient opportunity to slate a replacement and

properly process my request. Justification for a waiver to the submission time frame must be forwarded in writing.

b. Authorization for terminal leave is not guaranteed. Terminal leave is granted at the commander's prerogative.

c. I may not extend my approved retirement date nor does my command have the authority to extend it, solely to allow me to take terminal leave.

d. I will not commence terminal leave until I have an approved retirement date and all retirement processing is complete.

e. Departure on terminal leave constitutes my acknowledgment that all required medical and administrative requirements, have been completed.

RETIRED PAY COMPUTATION:

5. I have been counseled on the effect that my proposed retirement date will have on my retired pay:

a. I understand that the Defense Finance and Accounting Service, Cleveland (DFAS-CL) computes retired pay under the applicable formula established by law, according to my grade, years of service, and the applicable retirment plan (see paragraph 1405).

b. I understand that military members are paid a specific amount of basic pay when they have served one day past any longevity increase point established within each pay grade. To receive retired pay at any longevity increase point I must have completed the full number of years of service plus one day.

c. Constructive service for enlisted members, and credit for inactive reserve service as outlined in paragraph 1402 of MCO 1900.16F may be credited to my retired pay multiplier. I understand how my retired pay multiplier will be credited and my retired pay calculated per paragraph 1405 of this Manual.

d. I fully understand that I may not extend my retirement date, once a date has been requested, solely to increase my retired pay.

e. I understand that if I have received separation, severance or readjustment pay under any provision of the law for service in the armed forces, and if I am now qualified for retired pay, DFAS-CL will reduce each payment of retired pay until the total amount deducted equals the amount of Separation, severance or readjustment pay.

6. Whether retirement is a voluntary decision or due to service limitations imposed by law or policy, the transition from active duty can be challenging. Ensuring that you understand the laws and policies that affect your retirement and answering any questions you may have regarding the above is an essential part of the process. HQMC is committed to assisting in making your retirement

processing and subsequent transition as smooth as possible. Additional information is available on the Separation and Retirement Branch web page.

ACKNOWLEDGMENT OF UNDERSTANDING:

I acknowledge that I have been advised of the effects of my application for transfer to the FMCR/retired list, the consequences of its official submission, and I am satisfied that all topics in this checklist have been adequately covered. I intend to request transfer to the FMCR/retired list effective _____ for the following reason:

Signature _____ Date _____

I have been advised of this Marine's desire to request to retire and have discussed with this Marine his/her desire for a retirement ceremony.

Commanding Officer _____ Date _____

APPENDIX K

BENEFITS AT SEPARATION

E = Eligible
NE = Not Eligible
TBD = To Be Determined by Administering Agency
DV = Eligibility for these benefits depend upon specific disabilities of the veteran

Legend

A = Honorable (DD Form 256 MC)
B = General Under Honorable Conditions (DD Form 257A)
C = Other Than Honorable
D = Bad Conduct Discharge
E = Dishonorable Discharge (General Court-Martial,

(1))

Service Administered	A	B	C	D	E	Authority and References(7)
1. Payment for Accrued Leave	E	E	NE	NE	NE	37 USC 501-503; DODPEM par. 40401a
2. Death Gratuity (six months pay	E	E	E	E	NE	10 USC 1480; DODPEM par. 40501b
3. Wearing of Military Uniform	E	E	NE	NE	NE	10 USC 771a, 772
4. Admission to Naval Home(2)	E	E	NE	NE	NE	24 USC 49, 50
5. Burial in National Cemeteries	E	E	NE	NE	NE	38 USC 1002
6. Burial in Army Post Cemeteries (3)	E	NE	NE	NE	NE	AR 210-190
7. Navy Board for Correction of Military Records	E	E	E	E	E	10 USC 1552
8. Navy Discharge Review Board	E	E	E	NE(8)	NE	10 USC 1553
9. Transportation to Home(4)	E	E	E	E	E	37 USC 404, JFTR par. U7500-7506
10. Transportation of Dependents and Household Goods to Home	E	E	TBD (7)	TBD (7)	TBD (7)	37 USC 406; JFTR par. U5225, par. U5370
Transitional Benefits and						

Services(13)						

E = Eligible
NE = Not Eligible
TBD = To Be Determined by Administering Agency
DV = Eligibility for these benefits depend upon specific disabilities of the veteran

1. Pre-Separation Counseling	E	E	E	E	E	10 USC Section 1142
2. Employment Assistance	E	E	E	E	NE	10 USC Section 1143, 1144

BENEFITS AT SEPARATION

Legend

A = Honorable (DD Form 256 MC)
B = General Under Honorable Conditions (DD Form 257A)
C = Other Than Honorable
D = Bad Conduct Discharge
E = Dishonorable Discharge (General Court-Martial (1))

Service Administered	**A**	**B**	**C**	**D**	**E**	**Authority and References(7)**
3. Health Benefits	E	E	NE	NE	NE	10 USC Section 1145
4. Commissary/Exchange	E	E	NE	NE	NE	10 USC Section 1146
5. Military Family Housing	E	E	NE	NE	NE	10 USC Section 1147
6. Overseas Relocation Assistance	E	E	NE	NE	NE	10 USC Section 1148
7. Excess Leave/Permissive TAD	E	E	NE	NE	NE	10 USC Section 1149, Def Auth Act 1999, Sec. 561
8. Preference for USMCR	E	E	NE	NE	NE	10 USC Section 1150
9. Montgomery G.I. Bill (Additional Opportunity)	E	NE	NE	NE	NE	38 USC Section 3011
Department of Veterans Affairs(5,6,9)						

1. Dependency and Indemnity Compensation	E	E	E	E	NE	38 USC 410(b)

E = Eligible
NE = Not Eligible
TBD = To Be Determined by Administering Agency
DV = Eligibility for these benefits depend upon specific disabilities of the veteran

2. Pension for Non-Service Connected Disability or Death	E	E	TBD	TBD	NE	38 USC 521; 38 USC 3103
3. Medal of Honor Roll Pension	E	E	TBD (10)	TBD (10)	NE	38 USC 562, 38 USC 3103
4. Insurance	E	E	TBD (10)	TBD (10)	TBD (10)	38 USC 711, 773
5. Vocational Rehabilitation (DV)	E	E	TBD	TBD	NE	38 USC 1502, 1503
6. Educational Assistance	E	NE	NE	NE	NE	38 USC 1411
7. Survivors & Dependents Educational Assistance	E	E	E	E	NE	38 USC 1701-1765

BENEFITS AT SEPARATION

Legend

A = Honorable (DD Form 256 MC)
B = General Under Honorable Conditions (DD Form 257A)
C = Other Than Honorable
D = Bad Conduct Discharge

E = Dishonorable Discharge (General Court-Martial (1))

8. Home and other Loans	E	E	TBD	TBD	NE	38 USC 1802, 1818
9. Hospitalization & Domiciliary Care	E	E	TBD	TBD	NE	38 USC 610; 38 USC 3103
10. Medical and Dental Services`	E	E	TBD	TBD	NE	38 USC 612; 38 USC 3103
11. Prosthetic Appliances (DV)	E	E	TBD	TBD	NE	38 USC 614; 38 USC 612(d); 38 USC 3103
12. Guide Dogs & Equipment For Blindness (DV)	E	E	TBD	TBD	NE	38 USC 614; 38 USC 3103
13. Special Housing (DV)	E	E	TBD	TBD	NE	38 USC 801; 38 USC 3103
14. Automobiles (DV)	E	E	TBD	TBD	NE	38 USC 1901; 38 USC 3103
15. Funeral and Burial Expenses	E	E	TBD	TBD	NE	38 USC
16. Burial Flag	E	E	TBD	TBD	NE	38 USC 901; 38 USC 3103
17. Burial in National Cemeteries	E	E	TBD	TBD	NE	38 USC 1002
18. Headstone Marker	E	E	TBD	TBD	NE	38 USC 906; 38 USC 1003
Administered by Other Federal Agencies						
1. Preference for Farm Loan (Dept. of Agriculture)	E	E	TBD	TBD	NE	7 USC 1983(5)
2. Preference for Farm & other Rural Housing Loans (Dept. of Agriculture)	E	E	E	E	NE	42 USC 1477
3. Civil Service Preference (12) (Office of Personnel Mgmt.)	E	E	NE	NE	NE	5 USC 2108, 3309-3316, 3502, 3504

Legend

E = Eligible NE = Not Eligible TBD = To Be Determined by Administering Agency DV = Eligibility for these benefits depend upon specific disabilities of the veteran	A = Honorable (DD Form 256 MC) B = General Under Honorable Conditions (DD Form 257A) C = Other Than Honorable D = Bad Conduct Discharge E = Dishonorable Discharge (General Court-Martial (1))

4. Civil Service Retirement Credit	E	NE	NE	NE	NE	5 USC 8331, 8332
5. Reemployment Rights (Dept. of Labor)	E	E	NE	NE	NE	38 USC 2021-2026
6. Job Counseling & Employment Placement (Dept. of Labor)	E	E	E	E	NE	38 USC 2001-2014
7. Unemployment Compensation for Ex-Service Members (Dept. of Labor)	E	E	NE	NE	NE	5 USC 8501, 8521
8. Naturalization Benefits (Dept. of Justice, Immigration & Naturalization Service)	E	E	NE	NE	NE	8 USC 1439, 1440
9. Old Age, Survivors & Disability Insurance (Social Security Administration)	E	E	TBD	TBD	NE (11)	42 USC 417
10. Job Preference, Public Works Projects (12) (Dept. of Commerce) Code of Federal Regulations (CFR)	E	E	TBD	TBD	NE	42 USC 6706; 13 CFR.317.35

General Eligibility. The eligibility for benefits set forth are not the sole determining factors, but only list the effect of the various types of discharge. The states also provide various benefits that will be influenced by the type of discharge, but information on state benefits should be obtained from state agencies.

FOOTNOTES:

(1) Including commissioned and warrant officers who have been convicted and sentenced to dismissal as a result of general courts martial.

(2) The veteran must have served “honestly and faithfully” for 20 years or been disabled and excludes convicted felons, deserters, mutineers, or habitual drunkards, unless rehabilitated or the Marine may become ineligible if that person, following discharge, is convicted of a felony, or is not free from drugs, alcohol, or psychiatric problems.

(3) Only if an immediate relative is buried in the cemetery.

(4) Only if no confinement is involved, or if confinement is involved, parole, or release is from U.S. military confinement facility or a confinement facility located outside the U.S.

(5) An officer who resigns for the good of the service (usually to avoid court martial charges) will be ineligible for benefits administered by the Department of Veterans Affairs (DVA). 38 USC 3103.

(6) Additional references include Once a Veteran; Rights, Benefits and Obligations, DA Pam 360-526; and Federal Benefits for Veterans and Dependents, (VA Fact Sheet 1S-1)

(7) To be determined by the Secretary of the Navy on a case-by-case basis.

(8) Only if the Bad Conduct Discharge was the result of conviction by general court martial.

(9) Benefits from the DVA are not payable to (1) a person discharged as a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise comply with lawful orders of competent military authority, (2) by reason of a sentence of a general court-martial, (3) resignation by an officer for the good of the service, (4) as a deserter, and (5) as an alien during a period of hostilities. 38 USC 3103. A discharge (1) by acceptance of an other than honorable discharge to avoid court martial (2) for mutiny or spying, (3) for a felony offense involving moral turpitude, (4) for willful and persistent misconduct, or (5) for homosexual acts, involving aggravating circumstances or other factors will be considered to have been issued under dishonorable conditions and thereby bar veterans benefits. A discharge under dishonorable conditions from one period of service does not bar payment if there is another

period of eligible service on which the claim may be predicated (Administrator's Decision, Veterans Admin. No. 655, 20 June 1945).

(10) Any person guilty of mutiny, spying, or desertion, or who, because of conscientious objections, refuses to perform service in the Armed Forces or refuses to wear the uniform shall forfeit all rights to National Service Life Insurance and Servicemember's Group Life Insurance. 38 USC 711, 773.

(11) Applies to Post-1957 service only. Post-1957 service qualifies for Social Security benefits regardless of type of discharge. Pre-1957 service under conditions other than dishonorable qualifies a service member for a military wage credit for Social Security purposes.

(12) Disabled and Vietnam-era veterans only. Post-Vietnam-era veterans are those who first entered on active duty as or first became members of the Armed Forces after 7 May 1975. To be eligible, they must have served for a period of more than 180 days active duty and have other than a dishonorable discharge. The 180 day service requirement does not apply to (1) veterans separated from active duty because of a service-connected disability, or (2) reserve and guard members who served on active duty (under 10 USC 672a, d or g. 673, or 673(b) during a period of war (such as the Persian Gulf War) or in a military operation for which a campaign or expeditionary medal is authorized.

(13) Some transitional benefits and services are available only to those separated involuntarily, under other than adverse conditions.

See Department of Veterans Affairs: http://www.va.gov

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

APPENDIX L

INVOLUNTARY ADMINISTRATIVE DISCHARGE OUTLINE, CHECKLIST AND FORMS
(citations to paragraphs in MARCORSEPMAN)

STEP 1: DO LIMITATIONS ON SEPARATION PREVENT PROCESSING (6106)

1. Civilian or military acquittal
2. Previous separation proceedings

STEP 2: IDENTIFY THE STATUS OF THE RESPONDENT

1. Active or Reserve (IRR or SMCR; obligor or non-obligor)
2. Amount of active and inactive service
3. Proximity to EAS, EOS, ECC, or retirement/FMCR

STEP 3: IDENTIFY THE SEPARATION AUTHORITY (6307)

1. General rule: General court-martial convening authority
2. Exceptions:
    a. SECNAV
    b. CMC
    c. Delegated authority

STEP 4: IDENTIFY THE BASIS OR BASES FOR DISCHARGE

1. General basis
    a. Misconduct (6210)
    b. Unsatisfactory performance (6206)
    c. Weight control failure (6215)
    d. Unsatisfactory Reserve participation (6213)

2. Specific basis (most frequently used)
    a. Misconduct
        (1) Minor disciplinary infractions
        (2) Pattern of misconduct
        (3) Drug abuse
        (4) Commission of a serious offense
    b. Unsatisfactory Reserve participation (missed drills)
    c. Unsatisfactory performance
        (1) PFT failure
        (2) Other
    d. Weight control failure (failure to meet standards of MCO 6100.10)

STEP 5: READ THE MARCORSEPMAN TO DETERMINE WHAT DOCUMENTATION IS NEEDED

1. Misconduct
    a. Minor disciplinary infractions
        (1) At least 3 instances in current enlistment
        (2) Page 11 counseling
    b. Pattern of misconduct
        (1) At least 2 instances in current enlistment
        (2) Page 11 counseling
    c. Commission of a serious offense

(1) Punitive discharge authorized under UCMJ
(2) Separation warranted

2. Unsatisfactory performance (PFT failure)
   a. PFT score sheet
   b. Page 11 counseling

3. Weight control failure
   a. Endorsement required by MCO 6100.10
   b. Page 11 counseling
   c. Weigh-in sheets

STEP 6: PREPARE NOTIFICATION AND ACKNOWLEDGMENT OF RIGHTS.

1. Contents of notification [Fig 6-2 (no board) or 6-3 (board)]
   a. General basis
   b. Specific basis
   c. Factual basis
   d. Characterization (**See limititations at 1004)**
      (1) Recommended
      (2) Least favorable
   e. Rights
      (1) Board
      (2) No board
   f. Additional rights if confinement (IHCA, 6303.4a)
   g. Time limit for Marine to return AOR
   h. Signatures
   i. Enclosures to notification letter
      (1) is BCNR/NDRB form
      (2) is acknowledgment of rights

2. Contents of acknowledgment of rights [Fig 6-2 (no board) or 6-3 (board)]
   a. General basis
   b. Specific basis
   c. Factual basis
   d. Characterization **(MATCHES NOTIFICATION)**
      (1) Recommended
      (2) Least favorable
   e. Rights **(MATCHES NOTIFICATION)**
      (1) Board
      (2) No board
   f. Additional rights if confined (IHCA, 6304.4a)
   g. Time limit for Marine to return AOR

STEP 7: SERVE NOTIFICATION, ACKNOWLEDGMENT OF RIGHTS, AND BCNR/NDRB SHEET.

1. Active duty (or Reservist on active duty): Serve in person at command

2. Reservist not on active duty: use mail or service in person as indicated in MARFORRES Legal SOP

3. IHCA: Serve in person or by mail.

4. UA: Serve by mail.

STEP 8: ACTION AFTER SERVICE

1. Prepare affidavit of service if required. (figure L-1).

2. WAIT THE PROPER LENGTH OF TIME BEFORE FORWARDING THE COMMAND RECOMMENDATION TO THE GCMA. (figure L-2).
   a. Forward after whichever of the following occurs first:
      (1) AOR returned before time expires; or
      (2) Package is returned unclaimed; or
      (3) Time for responding expires.
   b. Time limits for returning the AOR:
      (1) Personal service (USMC or USMCR on active duty): 2 days.
      (2) Personal or mail service (USMCR not on active duty): 20 days
      (3) Personal or mail service for a Marine IHCA or UA (USMC or USMCR): 30 days from date the Marine signed a receipt (if service in person) or from the date of signature on the green card (if service was by mail).

3. ANNOTATE THE AOR IF:
   a. Service was by mail and the Marine received the package but did not return or acknowledge receipt, or
   b. The Marine did not sign the AOR or made an incomplete or no selection of rights on the AOR.

3. IF THE RESPONDENT REQUESTS A BOARD, CONVENE A BOARD IF THE COMMAND HAS CONVENING AUTHORITY; IF IT DOES NOT, FORWARD THE PACKAGE TO THE CONVENING AUTHORITY.

STEP 9: PREPARING FOR A BOARD. (If no board, skip to 10)

1. Prepare appointing order. (figure L-3).
   a. Name members (6315.1)
   b. Marine's commander is NOT a member of the board
   c. Name recorder/defense counsel
   d. Personal signature of convening authority or officer "acting"

2. Notify members, respondent, and defense counsel of date, time, and place of board; notify respondent or counsel. (figure L-4).

3. Recorder preparation:
   a. Copies of exhibits for each member and counsel for respondent
   b. Witness request (figure L-5)
   c. Guide for members to use (figure L-6)
   d. Report/findings and recommendations worksheet (figure L-9 or L-10)
   e. Tape recorder or someone to take notes during hearing
   f. Order OMPF from CMC (MMSB) if respondent is E-5 or above

4. Hold board: Use figure L-6 as a guide

5. Prepare REPORT of the board (figure L-9 or L-10)

6. Prepare RECORD of the board [record = transcript + exhibits(6325)]
   a. Prepare transcript (figure L-8)
   b. Include all exhibits (CLEAR COPIES, PROPERLY MARKED and include original or copy of appointing order)

STEP 10: PREPARE THE COMMAND LETTER OF RECOMMENDATION

I. CASES WITHOUT BOARDS (figure L-2)

1. Enclosures
   a. Required enclosures included
   b. Marked and in order

2. Bases (general, specific, factual) and characterization
   a. Match those in notification
   b. Match those in acknowledgment of rights
   c. Correct MARCORSEPMAN paragraph numbers cited

3. Facts and circumstances surrounding discharge

4. Address false/inaccurate assertions or allegations Marine makes in statement or rebuttal.

5. Explain service in person or by mail

6. Miscellaneous matters

7. Mobilization potential/security clearance

8. Personal signature of convening authority or officer “acting”

II. CASES WITH BOARDS (See figure L-11)

1. Enclosures
   a. Board report and its enclosures
   b. Other enclosures NOT already included with board report

2. Comments

3. Personal signature of convening authority or officer “acting”

STEP 11: MAIL OR DELIVER PACKAGE TO GCMA

1. Original to GCMA

2. Command retains a copy

Figure L-1. Affidavit of Service

AFFIDAVIT OF SERVICE BY MAIL

I certify that attempts to serve the Notification (dated_____) with enclosures (Grade)_____ (Name)_____ USMC/USMCR were made as follows:

SECTION I. REASON FOR SERVICE BY MAIL

___ Individual was in the Delayed Entry Program.

___ Marine was absent without authority before notification.

___ Marine is in civilian confinement and refused to acknowledge receipt of notification delivered in person or by mail.

__ Marine is a reservist not on active duty and personal service was (1) not required or (2) was required but Marine refused to acknowledge receipt.

SECTION II. SERVICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED:

Date mailed:_____Certified number:_____

Mailed from:_____

Mailed by:_____

Address mailed to:_____

This address was: __The last known address//__The next of kin

IF DELIVERED, ATTACH ORIGINAL PS FORM 3800 (WHITE RECEIPT) AND PS FORM 3811 (GREEN CARD) SHOWING DELIVERY; IF NOT DELIVERED, ATTACH PS FORM 3800 AND ENVELOPE SHOWING POSTAL STAMPS AND MARKINGS INDICATING REASON FOR NO DELIVERY.

SECTION III. CERTIFICATION SIGNED/SWORN BEFORE COMMISSIONED OFFICER

Signature of person certifying information: _____

Grade: _____

Command: _____ Billet: _____

SWORN AND SUBSCRIBED before me on _____ 20__.

Signature of commissioned officer: _____

Grade: _____

Command: _____ Billet: _____

Figure L-1. Affidavit of Service

Figure L-2. Command Letter of Recommendation for Administrative Discharge **(WITHOUT BOARD)**.

SSIC
Code
Date

From: Commanding Officer
To: Separation Authority
[Via: Chain of Command]

Subj: RECOMMENDATION FOR ADMINISTRATIVE DISCHARGE OF (GRADE, FULL NAME, SSN/MOS, COMPONENT)

Ref: (a) MCO P1900.16F (MARCORSEPMAN)
(b)

Encl: (1) Letter of Notification
(2) Acknowledgment of Rights
(3) BCNR/NDRB information sheet
( ) Standard Page Side of SRB
( ) Statement from respondent (**if any)**
[ENCLOSURES FOR SPECIFIC CASES]
( ) Page(s) from command ledger (**urinalysis case)**
( ) Chain of custody (DD Form 2624) (**urinalysis case)**
( ) Message from drug lab **(urinalysis case)**
( ) PFT score sheets **(PFT failure)**
( ) Weigh-in sheets **(weight control failure)**
( ) CO letter requesting weight evaluation **(weight control failure)**
( ) First through fifth endorsements **(weight control failure)**

1. **Recommendation**. I recommend that _____ be discharged from the U.S. Marine Corps (Reserve) with a [(honorable) (general (under honorable conditions))(other than honorable)] discharge under paragraph _____ of reference (a).

2. **Documentation**. The facts and circumstances supporting the basis for discharge and the recommended characterization are in enclosures () through ( ). [other comments]. Relevant items from the SRB are at enclosures ( ) and ( ).

3. **Service of notification**. The notification package (enclosures (1), (2), and (3)) was [choose appropriate language from a paragraph below]:

[Delivered in person to the Marine. (A receipt of notification was required and obtained; see enclosure ().) (The Marine (did)(did not) return the acknowledgment of rights.)]

[Sent certified mail because (the Marine is a reservist and personal service was required but unsuccessful)(the Marine is a reservist who refused to sign

Figure L-2. Command Letter of Recommendation for Administrative Discharge **(WITHOUT BOARD)**.

Figure L-2. Command Letter of Recommendation for Administrative Discharge **(WITHOUT BOARD)**—Continued

Subj: RECOMMENDATION FOR ADMINISTRATIVE DISCHARGE OF (GRADE, FULL NAME, SSN/MOS, COMPONENT)

a receipt for personal service)(the Marine was IHCA and refused to acknowledge receipt for service (in person)(by mail))(the Marine was UA)(the member was in the DEP). See affidavit of service at enclosure (). (The Marine (did)(did not) return the acknowledgment of rights.)(The package was undeliverable.) See Postal Forms 3800 and 3811 (and undeliverable envelope) at enclosures () and ()].

4. **Statement by respondent**. (The respondent did not submit a statement.)(The respondent's statement is at enclosure ()). (Note: Rebut any false or inaccurate assertions the Marine makes in his rebuttal if he choose to make one. Comment if the Marine said he wanted to submit a rebuttal or statement but never did so)

5. **Miscellaneous matters**. For example, comment if respondent is eligible for retirement or transfer to the FMCR, especially if grade reduction is an issue. If suspension of separation is possible, comment if suspension is or is not recommended.

6. **Clearance**. The Marine (has)(does not have) a security clearance.

7. **Mobilization potential**. The Marine (has)(does not have) mobilization potential.

8. **Point of contact**. If you have any questions, please call my administrative (officer)(chief), _____, at (commercial)(DSN) _____.

SIGNATURE

Figure L-2. Command Letter of Recommendation for Administrative Discharge **(WITHOUT BOARD)**--Continued

Figure L-3. Administrative Discharge Board Appointing Order

SSIC
Code
Date

From: Commanding Officer
To: (Grade, Name, SSN/MOS, Component, President

Subj: APPOINTMENT OF ADMINISTRATIVE DISCHARGE BOARD IN THE CASE OF (Grade, Name, SSN/MOS, Component)

Ref: (a) MARCORSEPMAN

1. Under the reference, you are appointed as president of an administrative discharge board to consider the case of the Respondent.

2. The following are detailed as members of the Board:

a. Grade, name, component) is detailed as the non-voting recorder for the Board and is so notified by separate copy hereof.

b. (Grade, name, component) a lawyer certified under Article 27(b), UCMJ, is detailed as counsel for respondent and is so notified by separate copy hereof.

3. Consult the reference for guidance in conducting the board. All personnel named in this appointing order must attend the board hearing.

4. You will determine the date, time, and location of the hearing after consulting the recorder and the counsel for the respondent.

5. The board's report and record will be prepared according to the references and forwarded to me within 30 days after the Board has adjourned. Extensions of this due date must be requested in writing.

SIGNATURE

Copy to:

Recorder
Counsel for Respondent
Each Board Member
Respondent

Figure L-3. Administrative Discharge Board Appointing Order

Figure L-4. Notice to Respondent of Date, Time, and Place of Board Hearing

SSIC
Code
Date

CERTIFIED MAIL NUMBER _____

From: Commanding Officer
To: (Grade, Name, SSN/MOS, Component)

Subj: NOTIFICATION OF DATE, TIME, AND PLACE OF ADMINISTRATIVE DISCHARGE BOARD HEARING

Encl: (1) Appointing order

1. Per your request for a hearing before an administrative discharge board, the board will convene as follows:

a. Date:

b. Time:

c. Place:

2. You will report to the board in the _____ uniform with a proper Marine Corps regulation haircut. You will be excused from your regular duties to the extent needed to attend the board.

3. If you have questions about the board, contact this command or your defense counsel, __Name/Grade_, at (phone number).

4. Inform this command if you decide not to attend the board hearing. If you do not attend the board hearing, it will proceed in your absence and your counsel will represent you.

5. THE BOARD PROCEEDINGS DO NOT RELIEVE YOU FROM YOUR OBLIGATION TO SERVE ON ACTIVE AND/OR INACTIVE DUTY (INCLUDING ATTENDING RESERVE DRILLS) PENDING FINAL DECISION ON YOUR DISCHARGE. YOU MUST CONTINUE YOUR NORMAL ACTIVE AND/OR INACTIVE DUTY UNLESS AND UNTIL YOUR COMMAND INFORMS YOU IN WRITING THAT (1) YOU ARE EXCUSED FROM ACTIVE AND/OR INACTIVE DUTY OR (2)YOU ARE SEPARATED.

SIGNATURE

Copy to:
Counsel for respondent

Figure L-4. Notice to Respondent of Date, Time, and Place of Board Hearing

Figure L-5: Witness Request

1910
XXX

From: Counsel for the Respondent
To: Convening Authority
Via: (1) Recorder Staff Judge Advocate
(2) Staff Judge Advocate

Subj: WITNESS REQUEST: ADMINISTRATIVE SEPARATION BOARD OF INQUIRY IN THE CASE OF XXXXXXX

Ref: (a) MARCORSEPMAN

1. In accordance with reference (a), the respondent requests that the convening authority fund the appearance of the following witness at the respondent's board hearing:

Name of witness:
SSN:
Grade/title:
Billet/job:
Work address:
Work phone:
Work fax:

2. In accordance with the reference, the following is provided:

a. The relevance of the testimony to issues of separation or characterization;

b. Why the personal appearance of the witness is essential to a fair hearing on those issues;

c. Why an unsworn written statement, affidavit, conference call, or videotaped testimony are inadequate substitutes for personal testimony at the hearing;

d. Why the significance of personal appearance outweighs the practical difficulties in producing the witness, including cost, travel distance, and delay in convening the hearing;

e. Whether the witness is "reasonably available."

3. Counsel requesting the witness has contacted the witness in person, by telephone, or by electronic means and has ascertained that (1) the witness understands that the witness is being asked to testify before a board of inquiry and (2) the witness agrees to appear before the board at government expense to testify.

XXXXXXX
Counsel for the Respondent

Figure L-5: Witness Request

Figure L-6. Administrative Discharge Board Hearing Guide

ADMINISTRATIVE SEPARATION BOARD HEARING GUIDE
IN THE CASE OF

_____

PRELIMINARY NOTES

1. Attendance at the board hearing is the primary duty for members, the recorder, and counsel for the respondent. All must attend board sessions unless ill, ordered away, or excused IN WRITING by a written modification to the convening order signed by the convening authority. All participants should read the provisions of the MARCORSEPMAN concerning administrative discharge boards and the basis or bases for discharge.

2. If the respondent will testify, the recorder must provide him a written Privacy Act (figure L-7) statement before he testifies. Other witnesses need not be given Privacy Act statements.

3. Note that SECTION VII governs homosexual conduct cases.

4. The following abbreviations are used throughout this Guide:

SRMBR:	Senior Member
COUNSEL:	Counsel for the respondent
REC:	Recorder for the board
RESP:	Respondent
BOARD:	Administrative Discharge Board
UCMJ:	Uniform Code of Military Justice

SECTION I. PRELIMINARIES

SRMBR: This administrative discharge board will come to order. The recorder will note the time and date for the record.

REC: The (Commanding Officer) (Inspector-Instructor), (Organization), has convened this board by his appointing order, dated _____,(with no modifications)(as modified by the modification dated _____). The following members named in the appointing order(s) are present:_____, SENIOR MEMBER, and _____ and _____, MEMBERS.

REC: The respondent (is a member of the regular component)(is a member of the reserve component and the following members are members of the reserve component: _____).

REC: (No) (The following member(s) listed in the appointing order(s) (is) (are) absent (with the express consent of the convening authority).: _____.

Figure L-6. Administrative Discharge Board Hearing Guide

Figure L-6. Administrative Discharge Board Hearing Guide - Continued

REC: _____, is appointed recorder for the board and is present. He is (not) a lawyer certified under Article 27(b)(1), UCMJ.

REC: _____, a lawyer certified under Article 27(b)(1), UCMJ, is appointed counsel for the respondent and is present.

REC: (The respondent has no individual military counsel) (_____, a lawyer certified under Article 27(b)(1), UCMJ, is appointed as individual military counsel for the respondent and is present.

REC: (The respondent has no civilian counsel)(_____, a member of the _____ state bar, is the civilian counsel for the respondent and is present).

SRMBR: The record will reflect that this board is properly convened and constituted. The purpose of this board is to consider relevant facts in the case of _____, who has been recommended for administrative discharge from the naval service for (unsatisfactory participation) (misconduct) (unsatisfactory performance)(_____).

SRMBR: The respondent is present. [The respondent is absent because (he is confined by civil authorities)(he waived personal appearance by stating that he does not want to appear)(he received notification of the date, time, and place of this hearing but did not appear)].

SECTION II. RIGHT TO COUNSEL

SRMBR: I will now advise the respondent of his right to counsel before the board. These rights were listed in the notification and the acknowledgment of rights. Does counsel desire that I explain these rights to the respondent?

COUNSEL: The respondent (desires explanation) (fully understands his rights and does not desire further explanation).

NOTE: RESPONDENT DESIRES TO REPRESENT HIMSELF. If respondent desires to represent himself, the senior member should still review the rights in Section III below.

SECTION III. EXPLANATION OF RIGHT TO COUNSEL (OMIT & GO TO SECTION IV IF RESPONDENT WAIVES EXPLANATION)

SRMBR: I will now advise the respondent of his rights before this board. If you have any questions about these rights, you should direct them to me, or, in private, to your counsel. You have the following rights:

1. To have military counsel, that is, a lawyer within the meaning of Article 27(b)(1), UCMJ, appointed by the Convening Authority to represent your interests before this board.

Figure L-6. Administrative Discharge Board Hearing Guide - Continued

Figure L-6. Administrative Discharge Board Hearing Guide - Continued

2. To request individual military counsel of your own choice, if reasonably available; however, you do not have the right to be represented by both detailed counsel and the requested individual military counsel.

3. To retain civilian counsel at no expense to the Government.

SRMBR: Do you understand your right to counsel before this administrative discharge board?

RESP: (Yes)(No) sir/ma'am.

SRMBR: By whom do you wish to be represented?

RESP: _____.

NOTE: The respondent may elect to represent himself at the board, but his detailed defense counsel should still be present. If he desires to represent himself, he must so state on the record and sign a written waiver of counsel which will be included as a government exhibit. The senior member, after inquiring to ensure that the respondent is knowingly and voluntarily waiving his right to counsel, should state, "I find your waiver of counsel to be knowing and voluntary."

SECTION IV. ADDITIONAL RIGHTS

SRMBR: In addition to your right to counsel, you have many other rights at this board. These were listed in the notification and the acknowledgment of rights. Does counsel desire that I explain these additional rights to the respondent?

COUNSEL: The respondent (desires explanation) (fully understands his rights and does not desire further explanation).

SECTION V. EXPLANATION OF ADDITIONAL RIGHTS (OMIT AND GO TO SECTION VI IF RESPONDENT WAIVES EXPLANATION)

SRMBR: I will now advise the respondent of his rights before this board. If you have any questions about these rights, you should direct them to me, or, in private, to your counsel. You have the following rights:

1. To present matters on your own behalf.

2. To have full access to, and be provided with, copies of all records relevant to your case.

3. To be provided with the names of all witnesses expected to be called by the government.

4. To challenge any member of the board for cause.

Figure L-6. Administrative Discharge Board Hearing Guide – Continued

Figure L-6. Administrative Discharge Board Hearing Guide - Continued

5. To request from the convening authority, or this board, the appearance before the board of any witness whose testimony you consider to be pertinent to your case.

6. To submit for the board's consideration any matters from your service record; letters, answers, sworn or unsworn statements; and/or affidavits, certificates, stipulations, or depositions. You also have the right to submit real and/or documentary evidence.

7. You may also testify under oath. If you testify under oath, the board and the recorder may cross-examine you about your testimony. In the alternative, you may make an unsworn statement, either personally or through counsel. You may not be cross-examined if you make an unsworn statement; however, the recorder may introduce evidence to rebut anything contained in your statement. Also, you may, if you wish, remain silent and such silence cannot be considered against you.

8. To appear in person, with or without counsel, at all open sessions of the board.

9. To question all witnesses appearing before the board.

10. To examine all documents, reports, statements and evidence presented for the board's consideration.

11. To present argument on any matter offered for the board's consideration.

SRMBR: Do you have any questions concerning your rights at this administrative discharge board?

RESP: (Yes) (No), sir/ma'am.

SECTION VI: GENERAL INSTRUCTIONS

SRMBR: The purpose of this administrative discharge board is to give the respondent a full and impartial hearing and an opportunity to respond to and rebut the allegations which form the basis for recommending the respondent's discharge from the naval service.

SRMBR: After hearing evidence from both sides, the board will determine whether the preponderance of the evidence proves the allegations which form the basis for the recommendation for discharge. If a preponderance of the evidence does not support the allegations, the board will so find. If a preponderance of the evidence supports the allegations, the board will so find and then recommend whether the respondent should be discharged. If the board recommends discharge, it will also recommend the characterization of the discharge. Depending on the board's findings and recommendations, final action on the case may be taken by the separation authority, who is _____; the Commandant of the Marine Corps; or the Secretary of the Navy.

Figure L-6. Administrative Discharge Board Hearing Guide – Continued

Figure L-6. Administrative Discharge Board Hearing Guide - Continued

SRMBR: This board functions as an administrative rather than a judicial body. The strict rules of evidence applicable in judicial hearings are, therefore, not applicable here. However, Article 31(b), UCMJ, does apply.

SRMBR: The following will occur during the hearing: presentation of the government's case; presentation of the respondent's case; rebuttal; closing arguments from counsel; instructions for the members; and deliberation by the members. The members are cautioned not to make any decisions until after hearing all the evidence; final argument of counsel; and instructions on deliberation. All board proceedings will be conducted in this room while the board is in session.

SRMBR: This board will consider any matter presented which is relevant to the issues before the board, whether written or oral, sworn or unsworn. Real evidence--as distinguished from testimonial or documentary evidence--may be shown and admitted to the board and should be accurately described or reproduced for the record. The board may refuse to consider any oral or written matter presented if it is irrelevant or unnecessarily repetitive or cumulative. However, evidence will not be excluded merely because it would be inadmissible in a court. If evidence is classified, the provisions of the Department of the Navy information security regulations will be observed.

SRMBR: The burden of proof is on the government, and it never shifts unless I instruct the board otherwise. Board decisions are made by majority vote based on the preponderance of the evidence, which is the standard of proof. A preponderance, which is the same standard for nonjudicial punishment hearings, is less than beyond reasonable doubt, which is the standard at a court-martial. A preponderance of the evidence proves a fact if the greater weight of evidence, i.e., 51% or more of the evidence, supports the fact. The weight of the evidence is not determined by the sheer number of witnesses or volume of evidentiary matter; it is determined by the evidence which best accords with reason and probability. The board members will rely on their individual judgment and experience in determining the weight and credibility to be given matters received in evidence.

SRMBR: The senior member need not rule on objections; he may merely note them for the record. If the senior member does rule on objections, a majority of the board may overrule the senior member's ruling.

SRMBR: Since the procedures used at this hearing may be unfamiliar to the board members, the members are encouraged to ask questions during the hearing about those procedures.

SECTION VII: SPECIAL INSTRUCTIONS: HOMOSEXUAL CONDUCT CASES (OMIT AND GO TO SECTION VIII IF THE CASE DOES NOT INVOLVE HOMOSEXUAL CONDUCT)

SRMBR: Because the recommended basis for discharge is homosexual conduct, additional procedures apply to this board.

Figure L-6. Administrative Discharge Board Hearing Guide – Continued

Figure L-6. Administrative Discharge Board Hearing Guide - Continued

1. A statement by a Marine that he is a homosexual, or words to that effect, creates a rebuttable presumption that he engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

2. I must advise you of this presumption and give you the opportunity to rebut it. While in most cases, as indicated above, the burden of proof never shifts from the government, in cases of homosexual conduct the Marine has the burden of rebutting this presumption. This means he must prove by a preponderance of the evidence that he does not engage in, attempt to engage in, have a propensity to engage in, or intend to engage in homosexual acts. If the government proves that the statements were made and the Respondent does not rebut the presumption, then the board must recommend discharge.

3. Does the respondent have a question about this?

RESP: _____

REC: I will note for the record that the MARCORSEPMAN requires the board to be informed of the Congressional findings found in paragraph 6207 of the MARCORSEPMAN. The recorder is directed to ensure that a copy of these findings are made available for the board to review during deliberations, and the copy will be made a government exhibit.

VIII. CHALLENGES TO BOARD MEMBERS

SRMBR: Does the recorder or counsel for respondent wish to question any member of the board concerning a possible grounds for challenge for cause?

REC: The recorder has (no) questions.

COUNSEL: The respondent has (no) questions.

SRMBR: Does either side wish to challenge a member for cause?

REC: The recorder (does not)(has the following challenges: _____).

COUNSEL: The respondent (does not)(has the following challenges: _____).

SRMBR: [Recess to decide any challenges. Announce decisions on challenges.]

SRMBR: Are both sides ready to proceed?

REC: The recorder is.

COUNSEL: Counsel for the respondent is.

Figure L-6. Administrative Discharge Board Hearing Guide – Continued

Figure L-6. Administrative Discharge Board Hearing Guide - Continued

SECTION IX: MOTIONS AND OPENING STATEMENTS

SRMBR: Does either side have any motions?

REC: The recorder (has no motions)(has the following motions: _____).

COUNSEL: Counsel for the respondent (has no motions)(has the following motions: _____).

SRMBR: The recorder may make an opening statement.

REC: The recorder (waives opening statement)(_____).

SRMBR: Counsel for the respondent may present an opening statement.

COUNSEL: The recorder (waives opening statement)(_____).

SECTION X: PRESENTATION OF EXHIBITS

SRMBR: Unless counsel object, I will ask that each side submit its exhibits now before the board hears testimony from any of the witnesses. This will facilitate the board's questioning of all witnesses. Does either counsel object to the board receiving all exhibits now?

REC: The recorder does not object (objects).

COUNSEL: Counsel for the respondent does not object (objects).

SRMBR: Is the recorder ready to proceed?

REC: Yes, sir/ma'am.

SRMBR: You may proceed.

REC: I will hand to the senior member the original government exhibits offered to the board. They are marked as "GE" and numbered as follows:

GE-__: Appointing order (original or authenticated copy).
GE-__: Modification to appointing order (if any).
GE-__: Notification package: notice, AOR, BCNR/NDRB.
GE-__: [If respondent is absent: notice of hearing (see figure 6-11); include receipt for notice if delivered in person; include PS Form 3811 (green card) if notice was mailed]
GE-__: Standard pages from SRB (including DD Form 4)
GE-__: Paragraph 62__.__, MARCORSEPMAN (basis for discharge)
GE-__: Paragraph 1004, MARCORSEPMAN (characterization)
GE-__: Paragraph ____, Manual for Courts-Martial (use for 6210.6 to show punitive discharge is authorized)

Figure L-6. Administrative Discharge Board Hearing Guide – Continued

Figure L-6. Administrative Discharge Board Hearing Guide - Continued

GE-__: _____
GE-__: _____
GE-__: Privacy Act statement (if respondent testifies)

REC: I also have copies of the exhibits for each member; please write on them but not on the originals. Included in a separate folder with the original exhibits is the original findings and recommendations worksheet the members will use to record findings and recommendations. It will also be used as the board report.

SRMBR: Does counsel for the respondent object to any of these exhibits or to the findings and recommendation worksheet?

COUNSEL: Counsel for the respondent (does not object) (objects for the following reasons: _____).

SRMBR: All government exhibits (are admitted)(are admitted except for numbers _____.)(The following objections are (noted)(decided as follows:). The recorder may substitute in the record certified true copies of the documents which are admitted. Does the respondent have any exhibits?

COUNSEL: The respondent offers the following exhibits. They are marked as "RE" and lettered:

RE A: _____
RE B: _____
RE C: _____

SRMBR: Does the recorder object to any of these exhibits?

REC: The recorder (does not object) (objects for the following reasons: _____).

SMBR: All respondent exhibits (are admitted)(are admitted except for numbers _____.)(The following objections are (noted)(decided as follows:). The recorder may substitute in the record certified true copies of the documents which are admitted.

SRMBR: The board will be in recess to review these documents. The recorder will note the time and date in the record of proceedings.

SECTION XI: WITNESSES

SRMBR: The board will come to order. All persons who were present when the board recessed are again present. The recorder will note the time and date in the record of proceedings. Does the recorder have any witnesses?

REC: The recorder (calls _____ as a witness)(has nothing further).

Figure L-6. Administrative Discharge Board Hearing Guide – Continued

Figure L-6. Administrative Discharge Board Hearing Guide - Continued

NOTE: The recorder may call witnesses. All witnesses will be sworn. **OATH: Do you swear or affirm that the evidence you shall provide at this hearing shall be the truth, the whole truth and nothing but the truth?** The order of questioning (see paragraph 6316.8b, MARCORSEPMAN): direct examination by recorder; cross-examination by respondent's counsel; redirect; re-cross; examination by the board. **After they testify, the president may direct witnesses not to discuss their testimony with anyone other than the recorder or the counsel for the respondent until after the hearing has ended.**

SRMBR: Does the recorder have any further evidence or witnesses?

REC: (Yes)(No), sir/ma'am.

SRMBR: Does the respondent have any witnesses?

COUNSEL: The respondent (calls _____ as a witness)(has nothing further).

NOTE: The respondent may call witnesses. All witnesses will be sworn (only the respondent may give unsworn testimony). **OATH: Do you swear or affirm that the evidence you shall provide at this hearing shall be the truth, the whole truth and nothing but the truth?** The order of questioning: direct examination by respondent's counsel; cross-examination by recorder; redirect; re-cross; examination by the board. If the respondent testifies, he will sign and date a Privacy Act statement to be attached to the record as a government exhibit. **After they testify, the president may direct witnesses not to discuss their testimony with anyone other than the recorder or the counsel for the respondent until after the hearing has ended.**

SRMBR: Does the respondent have any other evidence?

COUNSEL: (Yes)(No), sir/ma'am.

XII. REBUTTAL

SRMBR: Does the recorder have any matters in rebuttal?

REC: The recorder has (nothing further)(calls the following witnesses:_____)(submits the following exhibits: GE-_____).

SRMBR: (The following government exhibits are admitted: GE-_____).

SRMBR: Does counsel for the respondent have any more evidence?

COUNSEL: Counsel for the respondent has (nothing further)(calls the following witnesses: _____) (submits the following exhibits: RE-_____).

Figure L-6. Administrative Discharge Board Hearing Guide - Continued

Figure L-6. Administrative Discharge Board Hearing Guide - Continued

SRMBR: (The following respondent exhibits are admitted:
RE-_____).

SRMBR: Does any member of the board want to recall a witness, call an additional witness, or obtain any further evidence?

SRMBR: The members have indicated they (do)(do not) want to recall a witness, call an additional witness, or obtain any further evidence.

XIII. CLOSING ARGUMENTS

SRMBR: Are both sides prepared for argument?

REC: The recorder is.

COUNSEL: Counsel for the respondent is.

SRMBR: The recorder may proceed with closing argument.

REC: _____.

SRMBR: Counsel for the respondent may proceed with closing argument.

COUNSEL: _____.

SRMBR: Does the recorder have any final argument?

REC: (Yes)(no), sir/ma'am.

SRMBR: Does either side have anything further to present?

REC: The government has _____ (nothing further).

COUNSEL: The respondent has _____ (nothing further).

XIV: INSTRUCTIONS ON DELIBERATION

SRMBR: The board deliberation includes a full and free discussion of all matters presented to the board. In determining retention or separation, the board will consider the guidelines at paragraph 6309. In determining characterization, the board will consider the guidelines in paragraph 1004. In determining retention in the IRR, the board will consider the guidelines in paragraph 6311.3.

SRMBR: The board will decide its findings and recommendations by majority vote, and the senior member will record them by placing his or her initials in the blank beside any finding or recommendation decided by majority vote. Does either side object to the worksheet?

Figure L-6. Administrative Discharge Board Hearing Guide - Continued

REC: The recorder does not.

COUNSEL: Counsel for the respondent does not.

XV: SPECIAL INSTRUCTIONS

SRMBR: (**Read if the respondent is an inactive reservist being processed for discharge based on conduct in the civilian community committed while the respondent was not on active duty or active duty for training).** The board is advised that it cannot recommend a general or other than honorable characterization for a discharge in this case unless the evidence meets the criteria in paragraph 1004.4 of the MARCORSEPMAN, which the board will review during deliberation.

SRMBR: (**Read if evidence of prior or preservice activities has been introduced).** The board is advised that paragraph 1004.4 of the MARCORSEPMAN impose limitations on considering evidence of prior service or preservice activities. The board will review those paragraphs during deliberation.]

SRMBR: (**Read if the basis for processing includes homosexual conduct).** Since the basis for discharge is homosexual conduct, the following instructions apply:

1. If the board finds that the evidence proves one or more of the circumstances authorizing separation as described in paragraph 6207 of the MARCORSEPMAN, the board shall recommend separation unless it finds that retention is warranted under the limited circumstances described in paragraph 6207. "Limited circumstances" requiring retention means that the Marine rebutted the presumption that he engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. The member has the burden of proving those limited circumstances; in other words, the member has the burden of rebutting the presumption.

2. If the board finds the evidence does not prove that one or more of the circumstances authorizing separation has occurred, the board shall recommend retention unless the case involves another basis for separation of which the member has been duly notified.

3. In cases of homosexual conduct the MARCORSEPMAN does not authorize the board to recommend transfer to the IRR or to recommend suspension of a discharge.

PART XVII: CLOSING FOR DELIBERATION

SRMBR: Does either side have any questions or anything further?

REC: The government has (none).

COUNSEL: The respondent has (none).

Figure L-6. Administrative Discharge Board Hearing Guide- Continued

Figure L-6. Administrative Discharge Board Hearing Guide - Continued

SRMBR: The board closed for deliberation at _____ hours, on _____ 20__. All parties, except board members, will leave the hearing room.

PART XVII: ANNOUNCEMENT OF FINDINGS AND RECOMMENDATIONS

SRMBR: The board opened at _____ hours _____ 20__. I will announce the findings and recommendations of the board by reading from the worksheet (read findings and recommendations). This worksheet will also be the board's report; enclosure (1) to the report will be the record of the hearing.

SRMBR: (We have no minority report)(One of the board members, _____, will be submitting a minority report which will be included as an enclosure to the board's report).

SRMBR: Does anyone have any other business to bring before the board? If not, the board is adjourned.

Figure L-6. Administrative Discharge Board Hearing Guide -Continued

Figure L-7. Privacy Act Statement

PRIVACY ACT STATEMENT FOR THE RESPONDENT

Under the authority of Section 301 of Title 5 US Code, information on your personal background may be requested to provide the administrative discharge board with additional information to assist the board in determining whether to recommend your retention, discharge, or transfer to the Individual Ready Reserve; if discharge is recommended, the information may assist the board in determining the characterization of the discharge. The information may also be requested to evaluate your testimony or your credibility as a witness.

The information you provide will become a part of the record of proceedings of the administrative discharge board. Officials in the Department of the Navy may use it in making recommendations or decisions in your case; employees and officials of the Department of Defense, Veterans Administration, and other federal or state agencies may also use the information in performing their duties.

You are not required to provide this information, but failure to do so may deprive the board of valuable information which it might otherwise consider in making findings and recommendations in your case.

_____

Signature of respondent Date

_____

Printed Name, grade, and service

_____

Signature of witness Date

_____

Printed Name, grade, and service

Figure L-7. Privacy Act Statement

Figure L-8. Summarized Record of Board Hearing

SUMMARIZED RECORD OF BOARD HEARING

_____

Respondent's Name) (SSN) (Grade)

_____

(Organization) (Component)

The board met at (location) at (time) hours, (date), pursuant to the appointing order(s) of (title and command of convening authority).

The following persons named in the appointing order(s) were present:

Board members: (indicate grade, name, service, and component (USMR or USMCR))(identify senior member)

Recorder (name, grade, service, and legal qualifications)

Counsel for respondent: (name, grade, service and legal qualifications of military counsel)(civilian counsel name and qualifications) [NOTE: If respondent waived representation by counsel, state as follows: The respondent stated a desire to represent himself without counsel. The senior member inquired and was satisfied that the respondent's waiver of representation by counsel was knowing and voluntary.]

(No) (The following) person(s) named in the appointing order(s) (was) (were) (absent)(absent with the express consent of the convening authority): (Indicate grade, name, and armed force of each board member absent).

The respondent was (absent)(present). (NOTE: If respondent was absent, indicate specific reason, e.g., waived personal appearance in writing; absent after notification; confined, etc).

The senior member determined that the respondent had been properly advised of administrative discharge board rights and procedures. The respondent (waived) (requested) the reading of rights before the Board. The senior member (accepted the respondent's waiver of explanation of rights)(explained the rights).

The senior member advised the board members of their duties, the applicability of Article 31(b), UCMJ, to the proceedings, and the procedures to be followed as outlined in Section 3 of Part C of Chapter 6 of the MARCORSEPMAN. (ADD IF APPLICABLE). The senior member advised the board of the special rules for cases involving homosexual conduct, including reference to Congressional findings.

The recorder and respondent were given the opportunity to challenge any member of the board for cause. (Neither challenged any member for cause.) [The (recorder)(respondent) (challenged the following member(s) for cause:_____.) (The challenges were (granted)(denied)].

Figure L-8. Summarized Record of Board Hearing

Figure L-8. Summarized Record of Board Hearing – Continued

The recorder and respondent were permitted to make motions and opening statements. (No motions were made.) (Motions were made and decided as follows:) (Both recorder and counsel for the respondent made opening statements)(The recorder waived opening statement.)

The recorder offered the following government exhibits (marked "GE"):

GE-__: Appointing order.
GE-__: Modification to appointing order (if any).
GE-__: Notification package: notice, AOR, BCNR/NDRB.
GE-__: [If respondent is absent: written notice of hearing and include receipt for notice if delivered in person; include PS Form 3811 (green card) if notice was mailed]
GE-__: Standard pages from SRB (including DD Form 4)
GE-__: _____
GE-__: Privacy Act statement (if respondent testifies)

The exhibits were admitted with (without objection) (with objection(s) as follows:

NUMBER	REASON FOR OBJECTION	DECISION BY BOARD	
GE-xx	xxx	(Admitted)	(Excluded)

The Senior member authorized certified true copies of the exhibits to be included in the record in lieu of the originals.

The respondent offered the following respondent's exhibits (marked "RE"):

RE A: xxx
RE B: xxx

The exhibits were admitted (with) (without objection) (with objection(s) as follows:)

NUMBER	REASON FOR OBJECTION	DECISION BY BOARD	
RE-xx	xxx	(Admitted)	(Excluded)

The senior member authorized certified copies of the exhibits to be included in the record in lieu of the originals.

The government called (no) (the following) witness(es), who (was)(were) sworn and testified as follows:

SUMMARY OF WITNESS TESTIMONY

The respondent called (no) (the following) witness(es), who (was)(were) sworn and testified as follows:

Figure L-8. Summarized Record of Board Hearing - Continued

Figure L-8. Summarized Record of Board Hearing - Continued

SUMMARY OF WITNESS TESTIMONY

The respondent [(did not testify or submit a statement) (testified under oath)(made an unsworn oral statement)(submitted a (sworn) (unsworn) written statement)].

The recorder presented no rebuttal evidence (presented the following rebuttal evidence:). The counsel for the respondent presented no further evidence (presented the following evidence:). The board (called no witnesses and presented no evidence)(called the following witnesses)(presented the following evidence:).

The recorder and counsel for respondent made closing argument. Counsel for the respondent (did)(did not) make a closing argument. The recorder (did)(did not) make rebuttal argument.

The senior member instructed the members concerning voting procedures.

(ADD IF APPLICABLE. The senior member advised the board concerning the restrictions imposed by paragraph 1004.4 of the MARCORSEPMAN concerning prior and preservice matters.)

(ADD IF APPLICABLE. The senior member advised the board concerning the restrictions imposed by paragraph 1004 of the MARCORSEPMAN concerning misconduct by a reservist not on active duty or active duty for training at the time of the misconduct.)

(ADD IF APPLICABLE. The senior member advised the board of the special rules for cases involving homosexual conduct.)

Neither party had anything further to offer. The board closed at _____ hours, _____ 20__. The board opened at _____ hours, _____ 20__. The senior member announced the findings and recommendations of the board by reading from the findings and recommendations worksheet. The worksheet will also be the board's report. The board adjourned at _____ hours, (date).

AUTHENTICATION OF RECORD. This is a substantially accurate record of the board hearing.

_____ _____

Senior Member Date Recorder Date

Figure L-8. Summarized Record of Board Hearing – Continued

Figure L-9. Administrative Discharge Board Report and Findings and Recommendations Worksheet

SSIC
Originator Code
Date

From: Senior Member
To: Convening Authority

Subj: ADMINISTRATIVE DISCHARGE BOARD REPORT: FINDINGS AND RECOMMENDATIONS IN THE CASE OF (Respondent's Grade, Name, SSN/MOS, Component)

Ref: (a) MCO P1900.16F (MARCORSEPMAN)

Encl: (1) Record of board hearing
(2) Minority report **(if any)**

1. As directed, an administrative discharge board convened in this case to hear allegations against the respondent and to make findings and recommendations.

2. The facts and circumstances and supporting documents which are the basis for the board's findings and recommendations are in the record (enclosure (1)).

3. The senior member initialed the following findings and recommendations, all reached in closed sessions of the board, and announced the findings and recommendations at the hearing as follows:

a. FINDINGS: PREPONDERANCE OF THE EVIDENCE.

(1) _____The board determined by majority vote that the preponderance of the evidence--

(a) _____ **DOES NOT** prove any of the acts or omissions alleged in the notification. (Senior member must check B1 below).

(b) _____ **PROVES ALL** acts or omissions alleged in the notification

(c)_____ **PROVES ONLY** the following act(s) or omission(s) alleged in the notification: _____
_____.

b. RECOMMENDATIONS. By majority vote, the Board recommends:

(1) _____ **RETENTION** in the Marine Corps (Marine Corps Reserve).

(2) _____ **SEPARATION** from the Marine Corps (Marine Corps Reserve).

Figure L-9. Administrative Discharge Board Report and Findings and Recommendations Worksheet

Figure L-9. Administrative Discharge Board Report and Findings and Recommendations Worksheet - Continued

Subj: ADMINISTRATIVE DISCHARGE BOARD REPORT: FINDINGS AND RECOMMENDATIONS IN THE CASE OF (Respondent's Grade, Name, SSN/MOS, Component)

(3) _____ If the board recommends **SEPARATION**, it recommends the following CHARACTERIZATION:

(a) _____ honorable.

(b) _____ general (under honorable conditions).

(c) _____ other than honorable.

(4) _____ If the board recommends **SEPARATION**, it recommends the separation:

(a) _____ **SHOULD BE** suspended.

(b) _____ **SHOULD NOT BE** suspended.

(c) _____ suspension not authorized.

See MARCORSEPMAN, paragraph 6310 concerning suspension.

(5) _____ If the board recommends **SEPARATION**, the board recommends that the respondent:

(a) _____ **SHOULD BE** retained in the IRR (Individual Ready Reserve).

(b) _____ **SHOULD NOT BE** retained in the IRR.

See MARCORSEPMAN, paragraph 6311 concerning retention in the IRR.

4. PRESERVICE OR PRIOR SERVICE MATTERS: (MARCORSEPMAN, paragraph 1004)

a. _____The board did **NOT** consider such matters.

b. _____The board **DID** consider such matters but only on the issue of retention and NOT considered on characterization.

5. RESERVE RESPONDENT ONLY. If the board recommends general (under honorable conditons or other than honorable characterization for conduct in the civilian community by a Marine who, at the time of the conduct, was a member of the inactive reserve and was not on active duty or active duty for training, the senior member initials one of the following:

Figure L-9. Administrative Discharge Board Report and Findings and Recommendations Worksheet - Continued

Figure L-9. Administrative Discharge Board Report and Findings and Recommendations Worksheet – Continued

Subj: ADMINISTRATIVE DISCHARGE BOARD REPORT: FINDINGS AND RECOMMENDATIONS IN THE CASE OF (Respondent's Grade, Name, SSN/MOS, Component)

_____The board recommends a **general (under honorable conditions) characterization** under MARCORSEPMAN paragraph 1004 based on the following evidence that the conduct adversely affected overall effectiveness of the Marine Corps, including military morale and efficiency:
_____.

_____The board recommends an **other than honorable characterization** under MARCORSEPMAN paragraph 1004 based on the following evidence that the conduct is "service related," i.e., directly affected performance of military duties:
_____.

6. MINORITY REPORT. __NONE//__SEE ENCLOSURE TO BOARD'S REPORT.

7. SIGNATURES. All members sign below.

_____
Signature of Senior Member Date

_____
Signature of Member Date

_____
Signature of Member Date

Figure L-9. Administrative Discharge Board Report and Findings and Recommendations Worksheet – Continued

Figure L-10. Administrative Discharge Board Report and Findings and Recommendations Worksheet: HOMOMOSEXUAL CONDUCT

SSIC
Originator Code
Date

From: Senior Member
To: Convening Authority

Subj: ADMINISTRATIVE DISCHARGE BOARD REPORT: FINDINGS AND RECOMMENDATIONS IN THE CASE OF (Grade, Name, SSN/MOS, Component)

Ref: (a) MCO P1900.16F (MARCORSEPMAN)

Encl: (1) Record of board hearing
(2) Minority report **(if any)**

1. As directed, an administrative discharge board convened in this case to hear allegations against the respondent and to make findings and recommendations.

2. The facts and circumstances and supporting documents which are the basis for the board's findings and recommendations are in the record (enclosure 1).

3. The senior member initialed the following findings and recommendations, all reached in closed sessions of the board, and announced the findings and recommendations at the hearing as follows:

a. FINDINGS: PREPONDERANCE OF THE EVIDENCE.

(1) _____ The board determined by majority vote that the preponderance of the evidence:

(a) _____ **DOES NOT** prove any of the homosexual acts or statements alleged in the notification. (Senior member must check B1(a) below).

(b) _____ **PROVES ALL** acts or omissions alleged in the notification.

(c) _____ **PROVES ONLY** the following act(s) or omission(s) alleged in the notification:

____**(1)** _____.

____**(2)**_____.

b. RECOMMENDATIONS. By majority vote, the Board recommends:

(1) _____ **RETENTION** in the Marine Corps (Marine Corps Reserve) **for the following reason:**

Figure L-10. Administrative Discharge Board Report and Findings and Recommendations Worksheet: HOMOMOSEXUAL CONDUCT

Figure L-10. Administrative Discharge Board Report and Findings and Recommendations Worksheet: HOMOMOSEXUAL CONDUCT – Continued

Subj: ADMINISTRATIVE DISCHARGE BOARD REPORT: FINDINGS AND RECOMMENDATIONS IN THE CASE OF (Grade, Name, SSN/MOS, Component)

(a) ____ the evidence does not prove the statements were made or that the acts occurred, OR

(b) ____ the evidence proves the statements were made or the acts occurred but the Respondent rebutted the presumption that he engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

(2) _____ **SEPARATION** from the Marine Corps (Marine Corps Reserve) since the board finds that the evidence proves one or more of the statements were made or acts occurred AND that the respondent did not rebut the presumption that the respondent engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

(3) _____ If the board recommends **SEPARATION**, it recommends the following CHARACTERIZATION:

(a) _____ honorable.

(b) _____ general (under honorable conditions).

(c) _____ other than honorable, only if the respondent committed, attempted, or solicited a homosexual act:

_____ by force, coercion, or intimidation;
_____ with a person under age 16 years;
_____ with a subordinate in circumstances that violate customary military superior/subordinate relationships;
_____ openly in public view;
_____ for compensation;
_____ aboard a military vessel or aircraft;
_____ in a location subject to military control under aggravating circumstances, noted in the finding, that adversely affect discipline, good order, or morale comparable to the impact of such activity aboard a vessel or aircraft.

4. PRESERVICE OR PRIOR SERVICE MATTERS: (MARCORSEPMAN, paragraph 1004.4)

a. _____The board did **NOT** consider such matters.

b. _____The board **DID** consider such matters but only on the issue of retention and NOT considered on characterization.

5. RESERVE RESPONDENT ONLY. If the board recommends general or OTH characterization for conduct in the civilian community by a Marine who, at

Figure L-10. Administrative Discharge Board Report and Findings and Recommendations Worksheet: HOMOMOSEXUAL CONDUCT – Continued

Figure L-10. Administrative Discharge Board Report and Findings and Recommendations Worksheet: HOMOMOSEXUAL CONDUCT – Continued

Subj: ADMINISTRATIVE DISCHARGE BOARD REPORT: FINDINGS AND RECOMMENDATIONS IN THE CASE OF (Grade, Name, SSN/MOS, Component)

the time of the conduct, was a member of the inactive reserve and was not on active duty or active duty for training, the senior member initials one of the following:

_____The board recommends a **general (under honorable conditions) characterization** under MARCORSEPMAN paragraph 1004 based on the following evidence that the conduct adversely affected overall effectiveness of the Marine Corps, including military morale and efficiency:
_____.

_____The board recommends an **other than honorable characterization** under MARCORSEPMAN paragraph 1004 based on the following evidence that the conduct is "service related," i.e., directly affected performance of military duties:
_____.

6. MINORITY REPORT. __NONE//__SEE ENCLOSURE TO BOARD'S REPORT.

7. SIGNATURES. Only members concurring in all board findings and recommendations sign below. Other members sign a minority report.

_____
Signature of Senior Member Date

_____
Signature of Member Date

_____
Signature of Member Date

Figure L-10. Administrative Discharge Board Report and Findings and Recommendations Worksheet: HOMOMOSEXUAL CONDUCT – Continued

Figure L-11. Command Letter of Endorsement for Administrative Discharge

SSIC
Code
Date

FIRST ENDORSEMENT on ADMINISTRATIVE DISCHARGE BOARD REPORT dtd _____

From: Commanding officer (Convening Authority)
To: Separation Authority
[Via: Chain of Command]

Subj: RECOMMENDATION FOR ADMINISTRATIVE DISCHARGE OF (GRADE, FULL NAME, SSN/MOS, COMPONENT)

Encl: (1) Report of board
(2) Defense counsel comment on board (if any)
(3) Recorder's response to defense counsel's comment
(4) (Other enclosures included by convening authority)

1. As indicated by enclosure (1), an administrative discharge board convened to hear this case. The board found that the preponderance of the evidence (proved)(did not prove) the allegations and recommended (retention)[(honorable) (general (under honorable conditions))(other than honorable)] discharge.

2. I (agree)(disagree) with the board's findings and recommendations. [Comments if any. Before disagreeing with a board's findings and recommendations, see MARCORSEPMAN, paragraph 6309, concerning the separation authority's actions in board cases].

3. Counsel for the respondent submitted comment on the board; see enclosure (2). Enclosure (3) is the recorder's response to enclosure (2).

4. Explain other enclosures included by the convening authority.

SIGNATURE

Figure L-11. Command Letter of Endorsement for Administrative Discharge

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

APPENDIX M

SUMMARY OF CHANGES TO
MCO P1900.16F, MARINE CORPS SEPARATION AND RETIREMENT MANUAL

All revisions since Change 3 (ALMAR 308/98 – August 98) to MCO P1900.16E and changes based on the Marine Corps wide 1999 and 2000 MCO P1900.16F Draft reviews.

Numerous address changes require all commands to update their mailing lists with the most current addresses contained in this Manual.

Chapter 1: GENERAL INSTRUCTIONS ON SEPARATIONS

Paragraph 1002.6. Active Status. The status of a Reservist who is a member of the Ready Reserve or the Active Status List of the Standby Reserve, including Reserve officers on the active-duty list.

Paragraph 1002.21. Entry Level Status. Add as the last sentence. The period of entry level status is not interrupted by unauthorized absence or desertion.

Paragraph 1002.33. Mandatory Separation Processing. A general term used to ensure the commander initiates the involuntary separation process, to the separation authority. This term does not mean that a board hearing is mandatory or that the separation of the respondent is mandatory.

Paragraph 1002.40. Prior Enlistment or Period of Service.

a. Service in the regular or reserve component of the Armed forces, including the Coast guard, under a DD Form 4 (enlistment contract) or an extension of an enlistment contract and which service was terminated by issuance of a DD Form 214, discharge certificate, certificate of service, or report attesting to the type and character of service rendered during that period.

b. In determining characterization for separation from the reserve component, “Prior Enlistment or Period of Service” does not include service, pursuant to orders or an agreement, by a member of the reserve component on active duty for training or active duty for special work, even if the end of that service is memorialized by a DD214 indicating release from active duty.

Paragraph 1002.41. Probationary Commissioned Officer.

a. A commissioned officer on the Active Duty List with less than 5 years of active commissioned service; or,

b. A Reserve commissioned officer with less than 5 years of commissioned service; however, a Reserve commissioned officer serving in an active status before October 1, 1996, who was in a probationary status prior to that date, shall be a probationary commissioned officer for a period of 3

years from the date of his or her appointment as a Reserve commissioned officer.

Paragraph 1002.50. Separation. A general term which includes dismissal, dropping from the rolls, revocation of an appointment or commission, termination of an appointment, release from active duty, release from custody and control of the Marine Corps, or transfer from active duty to the: IRR, Fleet Marine Corps Reserve, Retired List, Temporary or Permanent Disability List, or Retired Reserve and similar changes in an active or reserve status.

Paragraph 1002.52. Separation Processing. Processing is initiated on the date a command receives a written request for separation from a member or on the date a command delivers a member notice of separation proceedings per section 3 of this chapter. Processing is not completed until the appropriate separation authority takes final action.

Paragraph 1002.53. Sexual Harassment. After paragraph 1002.53c, add: “Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.”

Paragraph 1003: Types of Separation. Under the types of separation “Bad Conduct Discharge” change the character of separation to “Bad Conduct”.

Paragraph 1004. Characterization. Extensive revision.

Paragraph 1004.2c(3). Reinstated. When an enlisted Marine serving in pay grade E-4 or above is administratively separated with an other than honorable characterization of service, the Marine shall be administratively reduced to pay grade E-3, with such reduction to become effective upon separation.

Draft copies had deleted this provision to correspond with SECNAVINSTs. Recent action by the Secretary reinstated this provision.

Paragraph 1005.4: Discharge for Expiration of Enlistment. Third line, change “MBK5” to “MBK4.”

Paragraph 1006.1 Time and Place of Separation. Marines stationed in Hawaii will be separated in Hawaii and not sent to another separation location. Marines entering the service from Puerto Rico are no longer separated in Puerto Rico. Marines will be separated from their command or a CONUS separation site. The one Marine Corps unit remaining in Puerto Rico no longer has the administrative assets to process separating Marines.

Paragraph 1006.2 Time and Place of Separation. Procedures for requesting early separation of first term Marines within 90 days of EAS when overcrowding adversely affects quality of life or mission accomplishment.

Paragraph 1006.3. Time and Place of Separation. New paragraph. In no case will Marines be separated more than 90 days prior to their EAS without

approval by HQMC (MMSR-3). Requests for separation more than 90 days before EAS require Secretary of the Navy approval under paragraph 6421.

Remainder of sub-paragraphs in paragraph 1006 renumbered.

Paragraph 1006.5a. Time and Place of Separation. MCSA KSC, change 047 to W25.

Paragraph 1009.2e. Travel Upon Separation. Certificates in lieu of orders are not authorized. See ALMAR 342/97.

Paragraph 1009.3. New address for submission of separation travel claims to DFAS Kansas City:

DFAS-KC
Separation Division (Code PMCMS)
1500 East 95th Street
Kansas City, MO 64197-0001

Paragraph 1011.1. Medical Qualification for Separation and Physical Examination. Rewritten.
1. MANMED article 15-29 requires that a Marine being separated from active duty (i.e., statutory or voluntary retirement/transfer FMCR, discharge, expiration of enlistment, etc.) receive a thorough physical examination. A Marine evaluated by a medical evaluation board (MEB) incident to separation need not undergo further physical examination at the time of separation. A Marine must schedule a physical examination no more than 12, and not less than 6 months before the effective date of separation to allow time for necessary medical treatment or disability processing. It may take 6 to 8 months from the initial physical examination until final action for disability processing by the Secretary of the Navy. Exceptional cases may require longer periods of evaluation. Per the MANMED (and chapter 8 of this Manual) examinations are not required for Marines being discharged or retired upon the approved report of an MEB or the Secretary of the Navy Physical Evaluation Board (PEB). While every reasonable attempt will be made to provide a separating Marine with a final separation physical, it is recognized that there will be rare situations when it will be difficult or impossible to provide the physical.

a. The physical examination of Marines convicted by (and in the hands of) domestic civil authorities may be conducted and reported by any of the following: a medical officer of the Armed Forces or other Federal Government agency; credentialed civilian contract physicians; penal institution physician; or, in the absence of the foregoing, a certificate signed by the official in charge of the penitentiary reflecting an opinion about the present state of health of the Marine to be discharged.

b. When a Marine is otherwise beyond the control of the Marine Corps, (e.g., in the hands of foreign authorities) the separating command will contact the holding authority and request a physical be conducted. The request for physical examination must be in writing and sent via certified mail, if available. If, after a reasonable amount of time (approximately 45 days) has elapsed, there is no response or a negative answer is received, the separating command will make a Page 11 entry in the Marine's service record

book explaining the situation and why it was impossible to provide the physical. Page 11 will be similarly annotated for Marines separated under the conditions set forth in paragraph 6312. All documents and actions taken will be included in the service record book.

Paragraph 1011.2 and 1011.5 concerning medical deferral of approved separation dates were combined and rewritten in paragraph 1011.2
2. Deferral or Modification of Separation Date. Immediately notify the CMC (MMSR), via naval message if medical processing requires deferral of an approved separation date. Include pertinent details. The Marine Corps Total Force System (MCTFS) will not allow commands to modify a CMC approved separation date. Once a CMC approved separation date passes a Marine is dropped from the rolls without HQMC intervention.

a. Statutory/Mandatory Separation. Statutory/mandatory separation (i.e., twice failed of selection, service limits, age limits, selection for early retirement) may only be deferred by the Secretary of the Navy for a commissioned officer and the CMC for enlisted Marines for the following:

(1) The Marine is hospitalized;

(2) An MEB has been accepted by the President, PEB for disability evaluation processing; and

(3) A request for deferral of a statutory officer separation must be approved by the Secretary of the Navy before the effective date; otherwise the separation shall, by law, remain in effect. For enlisted Marines, the CMC must approve the deferral before the effective date, or the separation shall remain in effect.

b. Voluntary Separation. Only the CMC (MMSR) and the Secretary of the Navy may defer or change a CMC approved separation date for medical treatment.

(1) If the Marine is subsequently found qualified and the initial separation date has not passed:

(a) Notify the CMC (MMSR); and

(b) Effect the separation as scheduled.

(2) If the Marine is not fit to separate on the scheduled date, request disposition instructions from the CMC (MMSR).

(3) If the Marine is subsequently found qualified and the initial separation date has passed or the Marine is beyond EAS, the commanding officer shall:

(a) Officers. Request a new separation date (normally the first day of the month after being found physically qualified).

(b) Enlisted

1 Ensure the Marine is on a valid enlistment/extension; and

2 Immediately notify the CMC (MMSR) concerning both fitness for duty and the nature of the contract in effect. Marines in this category will normally be transferred to the FMCR on the last day of the month found physically qualified, or on the first day of the following month if retiring.

c. When a separation is held in abeyance pending disability evaluation, the command should employ the Marine to the fullest extent possible, as constrained by the injury or illness.

3. Separation 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. PEB Processing. Such processing is not considered completed until the Secretary of the Navy has taken final action on the board proceedings and the CMC has promulgated such action;

b. MEB action; or

c. Necessary, critical (non-routine) medical or dental treatment.

Paragraph 1012.7. Retirement Ceremony. The Defense Authorization Act of 1999 directed that commanders present a United States Flag to active duty members upon their transfer to the Fleet Marine Corps/Navy Reserve or retired list on or after 1 October 1998. The Defense Authorization Act of 2000 directed that commanders present a United States Flag to reserve members upon their transfer to the retired list awaiting pay on or after 1 October 1999. Commanders are directed to use local operating funds to procure flags (NSN 8345-00-656-1435 or 8345-00-656-3234).

Paragraph 1101. Administrative Procedures and Requirements. Directs mandatory separation/transition counseling per MCO P1754.5.

Paragraph 1101.2b(2)(a). Administrative Procedures and Requirements. Rewritten. Discharge certificates will be prepared by the organization having custody of the service record. Discharge certificates will not be issued unless the Marine is being discharged either for reenlistment after completion of the eight year service obligation or through involuntary administrative separation proceedings.

Paragraph 1101.2c(3). Certificate of Appreciation. In recognition of their true and faithful service as determined by their commanding officer, Marines honorably separated at the end of their active service requirement and being transferred to the Inactive Ready Reserve, will be presented a Certificate of Appreciation. An appropriate ceremony will be held within the capabilities of the command, unless the Marine desires otherwise. Certificates are available through the supply system (NAVMC 11352), NSN 0109-LF-983-1400 (see appendix N).

Paragraph 1101.3. New mailing address for the Office of Servicemen’s Group Life Insurance:

Office of Servicemen's Group Life Insurance
P.O. Box 6249
Carol Stream, IL 60197-6249

Paragraph 1101.4h. Selective Service Registration. Marines are automatically registered upon enlistment or comissioning. No action is required at separation.

Paragraph 1101.4j. New addresses for DFAS, Kansas City and DFAS, Cleveland.
j. Permanent Mailing Address (PMA). The PMA of the Marine after separation is an address where mail can be delivered to, picked up by, or forwarded to the Marine. It also serves for potential mobilization and is a prerequisite for initiation/receipt of retired pay.

(1) Advise each Marine that failure to provide a valid PMA upon separation will result in IRS Forms W-2 and safekeeping bonds being returned to the Defense Finance and Accounting Service (DFAS) as undeliverable. To receive active duty W-2s contact:

DFAS-KC (KU)
1500 East 95th Street
Kansas City, MO 64197-0001
Or, call (816) 926-7652.

(2) To contact DFAS, Kansas City within 1 year of separation date to receive information relating to the last year of active duty, write to:

DFAS-KC (PMCMA)
1500 East 95th Street
Kansas City, MO 64197-0001
Or, call (816) 926-7050; Internet address www.dfas.mil. Follow the links to the Marine Corps site.

(3) Retired Marines failing to maintain a current PMA with the Defense Finance and Accounting Service, Cleveland, OH risk termination of retired pay. Send address changes to:

DFAS-CL (Code PRRA)
P.O. Box 99191
Cleveland, OH 44199-1126
Or call (800) 321-1080. Fax (800) 469-6559. Internet address www.dfas.mil. Follow the links to the Marine Corps site. Telephonic, self-service address changes are also possible through the employee/member self-service, personal identification number (EMSS-PIN) sytem at (800)-390-2348.

Paragraph 1101.7. New address for mailing health records to the DVA when closing out a service record.

Department of Veterans Affairs
Records Management Center
P.O. Box 150950
St. Louis, MO 63115-8950

Paragraph 1105.a(4). Wearing of the Uniform After Separation. Rewritten. (4) Wearing of the uniform requires maintaining the high standards of the Marine Corps Uniform Regulations (MCO P1020.34F) and meeting the provisions specified in paragraph 11002 of those regulations regarding authorization and occasion of wear.

(a) After Discharge. Marines whose character of discharge is honorable or general (under honorable conditions), except when discharge is for unsatisfactory performance, homosexual conduct, misconduct, good of the Service, or security may retain and wear their uniforms from the place of discharge to their home, within 3 months after the date of such discharge. The phrase "from the place of discharge to their home, within 3 months after the date of such discharge" refers to the period between the date of discharge and the date of 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. Marines who served honorably during a declared or undeclared war shall, when not on active service, be entitled, upon occasion of ceremony, to wear the uniform of the highest grade held during their war service.

(b) FMCR and Retired Marines. These Marines are entitled to wear the prescribed uniform of the grade held on the retired list when wear of the uniform is appropriate under the provisions of MCO P1020.34F, paragraph 8003.

Paragraph 1101.6a. Pay Accounts. Delete the last sentence and replace with “See MCO P7220.31, Automated Pay Systems Manual and Paragraph 50213 of MCO P4650.37C (MCTIM).”

Paragraph 1101.7. Closing Out the Service Record

a. Close out and forward the service record and health (medical and dental) record of each Marine separated per MCO P1070.12K (IRAM). DD Form 2648 (Preseparation Counseling Checklist) and the retirement/FMCR request are to be forwarded to MMSB-20 when completed, vice waiting for record close out.

(1) Service Records: Include a copy of the DD Form 214, and the orders transferring the Marine to the retired list/FMCR for inclusion in the OMPF.

Paragraph 1201.4. DD Form 214 and 215. DOD has authorized use of computer generated DD Forms 214 and 215. HQMC has disseminated electronic copies to Forms Management Officers with guidance in the use of these forms.

Paragraph 1202.4. Guidance for mailing of DD214 to other agencies. The commander must ensure that copies 2, 3, and 5 through 8 of the DD Form 214 are distributed no more than 5 working days following the effective date of separation and that each copy is forwarded to the appropriate unit or organization per appendix B.

Paragraph 1203.2b(10). Ensure appropriate computer access and password protection is in place for use of electronic generated DD Forms 214 and DD215.

Paragraph 1301. Entitlement to Separation Pay. Add to the end of the paragraph. Entitlement to separation pay is contained in paragraphs 1304 and

1305. “When final action is taken on administrative separations under Chapter 6 of this manual, the separation authority will include any entitlement to separation pay in that action.”

Paragraph 1304. Separation Pay. Updated Guidance. CMC (MMEA-6) is the authority for separation pay for enlisted Marines.

Paragraph 1305.2c. Add the words “not involving aggravating factors listed in paragraph 6207.5” to the criteria of homosexual conduct warranting half separations pay.

Paragraph 1305.2d. Half Separation Pay. For agreement with SECNAVINSTs and paragraph 6209, change to read "Alcohol abuse rehabilitation failure."

Paragraph 1305.3. Half Separation Pay. Last sentence, change (MMSR-3) to (MMEA-6).

Paragraph 1306. Marines Not Eligible for Separation Pay. Rewritten. Any Marine separated under other than honorable conditions or by reason of misconduct or unsatisfactory performance of duty is not eligible for separation pay. Add the phrase “or homosexual conduct that involves aggravating factors listed in paragraph 6207.5.” See SECNAVINST 1900.7G for further guidance.

Paragraph 1402.1&2. Retired/Retainer Pay. Rewritten. Computation for retired/retainer pay updated to reflect changes in the Defense Authorization Act of 2000 and the 15 Year Career Status Bonus.

Paragraph 1402.3a(2)(d). Retired/Retainer Pay. Rewritten. Inactive duty points (excluding funeral honor points) not to exceed: 90 points for anniversary years closing on or after 30 October 2000; 75 points per year between 23 September 1996 and 29 October 2000; and 60 points per year for years ending before 23 September 1996. One day of credit is awarded for each retirement point earned as a member of a Reserve component after 31 May 1958 through: authorized attendance at drills; completion of correspondence courses; periods of equivalent instruction or appropriate duty performed as authorized by the CMC, COMMARFORRES, or the CG MCRSC; and 15 points per year credit gratuitous for Reserve membership.

Paragraph 1404.1b. MMSR’s new address in Quantico.

United States Marine Corps
Manpower and Reserve Affairs (MMSR-7)
3280 Russell Road
Quantico, VA 22134-5103

Paragraph 1405. CALCULATING RETIRED/RETAINER PAY. Substantial revisions reflecting the Defense Authorization Act of 2000 repeal of the “REDUX” retired pay computation and the 15 Year Career Status Bonus of $30,000. For more pay information see Internet Web sites: www.dfas.mil and www.pay2000.dtic.mil

Chapter 2: RETIREMENT OF OFFICERS ON ACTIVE DUTY

Paragraph 2001 is more specific in directing that to be eligible for an active duty retirement, officers on the active or reserve list must meet the requirements of Chapter 2 and SECNAVINST 1811.3M.

Paragraph 2002 is more specific to rank when discussing DOPMA and Pre-DOPMA provisions of service.

a. Retirement Under Prior Law (Pre-DOPMA). Lieutenant colonels and above commissioned prior to 15 September 1981 will be retired under provisions contained in pre-DOPMA law, unless continued on active duty under such regulations as the Secretary of the Navy may prescribe.

b. Retirement Under DOPMA. First lieutenants to majors commissioned prior to 15 September 1981, and first lieutenants and above commissioned since 15 September 1981, will be retired under DOPMA.

Paragraph 2002.4. Rewritten. Total Commissioned Service.

a. Pre-DOPMA. For officers in the grade of lieutenant colonel and above, commissioned prior to 15 September 1981, commissioned service is measured from 30 June of the fiscal year in which an officer was appointed a commissioned officer. Per 10 U.S.C. section 611, part C, section 624, all commissioned service, both inactive and active, prior to 15 September 1981 counts for this computation and in determining years of service for mandatory retirement. This definition only applies when determining the mandatory retirement date of lieutenant colonels and above who were commissioned prior to 15 September 1981. See subparagraph 2001.2a.

b. DOPMA. For lieutenant colonels and above commissioned after 15 September 1981, only active commissioned service is used to determine the mandatory retirement date. See subparagraph 2001.2b.

Paragraph 2003.1b(1). Service obligations to meet retirement eligibility have been updated:

(1) Service Schools

School	Service Obligation
20 weeks or more	2 years
Less than 20 weeks	1 year
MAWTS-1/WTI	2 years
Naval Fighter Weapons School	2 years
Operational support aircraft	2 years
Instructor (FRS, NATC)	2 years

Note: All service obligation begins upon completion of the school or training. The service requirement is applicable to any officer who fails to complete any such school and will start on the date of transfer from the course. For operational support aircraft the obligation is incured at the commencement of any training toward initial qualification and begins upon

completion of initial training; in the case of failure to complete training the obligation begins on the date of transfer from the course.

Paragraph 2003.1b(2). Officers subject to mandatory retirement are not required to pay back tuition assistance.

Paragraph 2003.1b(3). Special Tours. A two-year service obligation is incurred upon completion of tour in an aviation or aviation ground exchange tour with a foreign military service or another branch of the US military service. These tours include but are not limited to USAF exchange tours, the Navy Flight Demonstration Team tour, Royal Navy exchange tours, Royal Australian Air Force exchange tours, Spanish Navy exchange tours, Italian Navy exchange tours, and Canadian Navy exchange tours.

Paragraph 2003.1c(1). CONUS. Add to the end of the paragraph: Whenever PCS orders are issued (no cost, low cost, or fully funded) and those orders result in a change of geo-location, the member incurs the requisite obligated TOS requirement per MCO P1300.8R. See paragraph 2004.3.

Paragraph 2003.2. Waiver of Criteria. Rewritten.

a. An officer requesting waiver of any criteria must submit a written request with justification via the chain of command to the CMC (MMSR-2).

b. Except as noted in subparagraph 2003.2d below, requests must be based upon hardship or humanitarian considerations and should include the information required by paragraph 6407. Only cases that 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 civilian employment does not warrant waiver of the criteria**.

c. Requests for waiver of the minimum TIG requirement must be submitted to the Secretary of the Navy via CMC (MMSR-2) for approval; they will not normally be given favorable consideration.

d. Requests for retirement requiring other waivers may receive favorable consideration if an officer:

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

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

(3) Has been identified by the CMC as being of limited assignability, such as those whose general health has deteriorated, or due to a condition beyond their control, whose continued service is not clearly in the interest of national security consistent with SECNAVINST's 1920.6B and 5510.30; or,

(4) Has an extreme hardship or exceptional circumstances of a long term nature and retirement would significantly alleviate the condition per the criteria of paragraph 6407.

Paragraph 2004.9c. Certificate-in-Lieu of Orders. Certificates-in-lieu of orders are not authorized. See ALMAR 342/97.

Paragraph 2005. Mandatory Retirement. Completely rewritten. Divided into unrestricted officer, limited duty officer and warrant officer sections.

Chapter 3: SEPARATION AND RETIREMENT OF RESERVISTS

"Active Status List" replaced throughout this chapter with "Reserve Active Status List" where appropriate.

Paragraph 3002.4. Separation for Cause. Reserve and Active requirements are the same. See Paragraph 4104.

Paragraph 3003. INVOLUNTARY DISCHARGES. Rewritten.
1. Reserve commissioned officers may be discharged at the pleasure of the President. All Reserve warrant officers may be discharged at the pleasure of the Secretary of the Navy. For additional provisions concerning the separation of Reserve officers see chapter 4 and SECNAVINST 1920.6; see chapter 6 for discharge of enlisted Reservists.

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 without the benefit of a hearing or board procedure for Substandard Performance of Duty or for Parenthood, per SECNAVINST 1920.6B using the notification procedures contained therein.

3. 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, respectively, may be separated per paragraph 4103 (Separation for Cause) and SECNAVINST 1920.6B only upon recommendation of a Board of Inquiry.

4. Reserve officers and Reserve warrant officers, regardless of length of commissioned service or service as a warrant officer, respectively, may be separated from the Marine Corps Reserve without a hearing or board procedure per paragraph 3003.6 (Lack of Mobilization Potential) or paragraph 3005.2 (Age-In-Grade Restrictions). Use the notification procedures contained in SECNAVINST 1920.6B.

5. Mobilization Potential Screening Board. The Secretary of the Navy may, when necessary, convene boards to screen Reserve officers not on active duty, who have completed obligated service, for potential and availability for mobilization to active duty. Eligibility will include, but is not limited to, officers in the following categories:

a. On the ISL of the Standby Reserve for at least 3 years;

b. Found by the Chief, Bureau of Medicine and Surgery not physically qualified for active duty or retention in the Marine Corps Reserve. They will be afforded an opportunity to a full and fair hearing before the PEB prior to final action on their case;

c. Found by the Chief, Bureau of Medicine and Surgery militarily unfit or unsuitable by a medical finding not constituting physical disability. These officers are not entitled to a hearing before the PEB;

d. Do not undergo a physical examination as required by regulation;

e. Do not keep their parent unit informed of a current mailing address;

f. Do not respond to, or comply with, official correspondence within a reasonable period of time;

g. Decline a permanent appointment to the next higher grade within 6 months of approval of the report of a promotion selection board that recommends the officer for promotion;

h. Not in a critical grade and MOS, earning less than 27 retirement credit points (including membership points) per anniversary year. However, a Reserve officer may not be separated solely for failure to meet this standard when participation is precluded by either of the following:

(1) Lack of funds resulting in nonavailability of training; or

(2) Circumstances of an unusual nature (as determined by the CMC on a case-by-case basis).

i. An officer whose ecclesiastical endorsement has been withdrawn.

6. Separation for Lack of Mobilization Potential. Prior to convening a mobilization screening board, each officer considered is notified per SECNAVINST 1920.6B. Boards are convened under regulations prescribed by the CMC and approved by the Secretary of the Navy. Upon recommendation by a board to separate an officer for lack of mobilization potential, the CMC (RAP) will either:

a. Transfer the officer to the ISL of the Standby Reserve, if the officer is not qualified for, or does not request, transfer to the Retired Reserve;

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

c. Recommend to the Secretary of the Navy that the officer be honorably discharged from the Marine Corps Reserve.

7. A Reserve commissioned officer may be dismissed, and a Reserve warrant officer may be discharged, as the result of an approved sentence of a general court-martial.

8. The President or the Secretary of the Navy may drop from the rolls any member of the Reserve component in an unauthorized absence status for a period of 3 months or more; or 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. The Secretary of the Navy has specifically applied this provision only to Reserve officers.

9. A Reserve officer discharged or separated for cause, other than as specified in paragraph 3003.5, will be given an honorable or general (under honorable conditions) discharge unless:

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

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

10. Officers on the retired list of the Marine Corps Reserve, with or without pay, will not be discharged 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 the result of a felony conviction.

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

1. Reservists not on active duty or extended active duty may transfer between Reserve components per MCO 1001R.1J (paragraph 2204 for officers and paragraph 2304 for enlisted personnel).

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

(1) The Reservist has special experience or professional, educational, or technical skills which are of greater value to the gaining component than they are to the Reservist's current component; or, the Reservist is willing to acquire such skills needed by the gaining component, or for the 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 paid-drill (Selected Reserve) unit to which the Reservist can be usefully assigned within commuting distance of the Reservist's current or anticipated domicile or place of business; and

(4) 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 a designee, when both Reserve components are in the same military service; or

2 The 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 is in the best interest of military preparedness.

c. The 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.

(1) The losing component will approve the transfer if the Reservist has no remaining service obligation under law.

(2) If the Reservist has remaining obligation under law, the losing component will approve the transfer, unless loss of the member results in serious degradation of unit readiness which cannot be offset by the recruitment of a replacement.

2. Interservice transfer will be accomplished by discharge from the Reservist's current Reserve component for immediate enlistment or appointment in the gaining Reserve component. The following conditions apply:

a. Discharge and reenlistment, appointment in another Reserve component, or termination of current commission and reappointment in another component will be accomplished without interrupting the continuity of the Reservist's total military service. Credit these members with the total amount of military service accrued as of the date of transfer.

b. Discharge for interservice transfer under this Manual will not constitute release from, or fulfillment of, military service obligation established by law. However, additional service performed after such discharge will be counted towards fulfillment of that obligation.

3. Exceptions/Limitations. The policies in paragraphs 3004.1 and 3004.2 are subject to the following:

a. After 1 June 1984, an officer who initially becomes a member of an armed force before his 26th birthday will serve for a total of 8 years. Any part of such service that is not active duty or active duty for training will be performed in a Reserve component. Unless pursuant to regulations prescribed by the Secretary of the Navy, when an officer is promoted to a higher reserve grade, the officer will be retained in an active status in his reserve grade for the remaining period of required service and may be only discharged because of personal hardship under regulations prescribed by the Secretary of the Defense. A Reservist without remaining military service obligation under law, who received a bonus for the current term of enlistment, must honor the conditions of the bonus agreement in full, unless the losing component concurs that the transfer is in the best interest of national defense.

b. A Reservist without remaining military service obligation under law, who 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 all service obligations, unless the losing component concurs that the transfer is in the best interest of national defense.

c. 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 SMCR to the Selected Reserve of another military service. This requirement may be waived when the Secretary(s) of the military department(s) concerned, or their designee(s), concur in the action as being in the best interest of national defense.

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

4. Requests for transfer between Reserve components may be initiated by the Reservist, or by appropriate authority in the gaining component with the individual's consent. The request will be processed within 30 days for enlisted members and 60 days for officers.

a. An enlisted member desiring transfer to another Reserve component will submit an application to the COMMARFORRES per figure 3-1.

b. An officer desiring transfer to another Reserve component will submit an application to the COMMARFORRES per figure 3-2.

5. Endorsements for transfer requests by a Reservist with a remaining military service obligation must contain:

a. A statement from the losing component concurring in the requested action and affirming that the transfer is in the best interest of national defense and the Reservist concerned. Justify any nonconcurrence.

b. A statement from the gaining component indicating that the Reservist requesting transfer is acceptable and will be assigned to an approved training program. Justify any nonconcurrence.

6. Endorsements for transfer requests by Reservists without military service obligation under law must contain a statement from the gaining component that the Reservist requesting transfer is acceptable and will be assigned to an approved training program. Justify any nonconcurrence.

7. Request by Authorities of the Gaining Reserve Component. The DD Form 368, REQUEST FOR CONDITIONAL RELEASE, shall be used in all cases involving inter-service transfers and may be used for intra-service transfers. Section I of DD Form 368 shall be completed by an appropriate authority of the requesting service or component and forwarded to the member’s cuurent service or component for action. DD Form 368 shall not be used to enroll a member of a reserve component into the delayed entry program of a regular component. The member’s service or component shall respond to the requesting service or component within 30 days of receipt of DD 368. The requesting service or component shall not enlist or appoint the member without the approval of the losing service or component. DD 368 will not be signed prior to approval of

inter-service transfer from the authority listed below and the Marine shall continue to perform all duties until that time. See DoDINST 1205.19 and DoDDIR 1205.5.

a. Approval Authority

(1) COMMARFORRES for enlisted personnel.

(2) The CMC (DC M&RA via MMSR-5) for officers.

b. Requests will be per figure 3-1 for enlisted members and figure 3-2 for officers.

8. Requests for transfer, with complete documentation, will be forwarded through the gaining component to the losing component.

9. Upon final approval of a request for transfer, the gaining Reserve component will furnish a copy of the DD Form 4, Enlistment/Reenlistment Document--Armed Forces of the United States, or appointment order, to the losing Reserve component within 15 days to permit a timely discharge.

Paragraph 3005.2. Age in Grade Restrictions. Updated.

2. Age-In-Grade Restrictions

a. Upon reaching the following ages-in-grade, a Reserve officer, not on active duty and not on a promotion list, will be:

(1) Transferred to a retired status, upon request, if qualified;

(2) Discharged, upon submission of resignation, if the period of obligated service required under law or contractual agreement is completed; or,

(3) Transferred to the ISL of the Standby Reserve;

Grade	Age Restriction
Second and First Lieutenants	40 years
Captains	46 years
Majors	52 years
Lieutenant Colonels and Above	60 years
WO/CWO	60 years

b. The CMC (RAM-5) may grant or deny waivers for age-in-grade restrictions for second lieutenants through majors.

c. Submit requests for waivers to the CMC (RAM-5) via the chain of command.

Paragraph 3006. RETIREMENT OR SEPARATION OF OFFICERS TWICE FAILED OF SELECTION FOR PROMOTION AND/OR THOSE OFFICER AT SERVICE LIMITATION. Rewritten.

1. Warrant Officers. Except for those Reserve warrant officers who meet the provisions of paragraph 3008, Reserve officers in an active status in the permanent grade of:

a. CWO-3s considered as having twice failed of selection for promotion to the next higher grade will be removed from an active status on the first day of the seventh month following the second failure of selection unless continued under the provisions of paragraph 3008.

b. CWO-4s considered as having twice failed of selection for promotion to CWO-5 will be continued in an active status until completion of 30 years of qualifying service, unless earlier separated by other provisions of law due to age or failure to meet minimum participation requirements. Any chief warrant officer with 30 years of qualifying service and who is eligible for a reserve retirement with pay at age 60, in the absence of a retirement request, will be involuntarily placed on the reserve retirement list awaiting pay effective the first day of the sixth month following completion of such service unless selectively continued to meet the needs of the Ready Reserve as determined by the CMC.

2. Captains/Lieutenants. Per paragraphs 1304.3 and 3008, a Reserve Officer in an active status in the permanent grade of captain or first lieutenant considered as having twice failed of selection for promotion to the next higher grade may, at the discretion of the Secretary of the Navy, be removed from an active status not later than the first day of the 7th month following the month the board results are approved by the President. An officer to be removed from an active status under this paragraph will, if qualified, be given the opportunity to request transfer to the Retired Reserve. If not so transferred, the officer will be transferred to the ISL of the Standby Reserve or will be discharged from the Marine Corps Reserve.

3. Majors/Lieutenant Colonels/Colonels

a. Reserve Majors. Reserve Majors in an active status considered having twice failed of selection for promotion to the next higher grade must be removed from the active status list, retired if eligible, or discharged on the first day of the month following completion of 20 years of commissioned service unless retained in an active status under the provision of paragraph 3008.1 or continued under the provisions of paragraph 3008.4. If a Reserve major has already completed 20 years of commissioned service when the second failure of selection occurs then the officer will be separated on the first day of the seventh month following the month the board results are approved by the President.

b. Reserve Lieutenant Colonels/Colonels. Reserve lieutenant colonel and Reserve colonels, unless retained in an active status under the provision of 3008.1 or continued under the provisions of paragraph 3008.4, must be removed from an active status, retired, or discharged on the first day of the month following completion of 28 and 30 years of commissioned service respectively.

4. Total Commissioned Service

a. Per Title 10, U.S.C. 14706, a Reserve officer’s years of service include all service, other than constructive service, of the officer as a commissioned officer of any uniformed service (other than service as a warrant officer). Such service is calculated from the first date of appointment. For example a Reserve major who was first commissioned on

15 January 1979 would complete 20 years of commissioned service on 14 January 1999, as long as there is no break in service of 24 hours or more. Time spent on the inactive status list or on the temporary disability retired list, although not creditable for retirement purposes, is creditable towards an officer's commissioned service.

b. The Secretary of the Navy may defer the retirement or discharge, for years of commissioned service, of a Reserve officer serving in the permanent grade of major or above. The period of deferment may not exceed the amount of constructive service in an active status which was credited to the officer at the time of original appointment or thereafter under any provision of law. The officer must be able to complete at least 20 years of qualifying service during the period of this deferment.

Paragraph 3007. RETIREMENT OR SEPARATION FOR UNSATISFACTORY PARTICIPATION. Rewritten.

1. Per 10 U.S.C. 12642 and SECNAVINST 1920.6B, Reserve officers who complete their obligated service, but are not eligible for a Reserve retirement and are credited at the end of their anniversary year with less than the 27 retirement points (including membership points) required to maintain an active status, will be transferred to the ISL of the Standby Reserve.

2. Reserve officers are not removed from an active status for failure to earn 27 Reserve retirement credit points per anniversary year if:

a. A request for active duty for training during the anniversary year is denied by reason of lack of funds or facilities; or

b. There is a mobilization requirement for their military or civilian skills and a sufficient number of Reservists in an active status are not available to meet the requirement.

3. Per DoD Directive 1200.15, Reserve officers qualified for retirement under 10 U.S.C. 12731 and 12732, but who do not meet the 60 years minimum age requirement, are required to earn 50 retirement points annually to be retained in the Ready Reserve or on the ASL of the Standby Reserve. The COMMARFORRES or the CG, MCRSC will inform (by certified mail, return receipt requested) each non-obligor Reserve officer who has not met prescribed Reserve participation requirements of his or her immediate transfer to the ISL. The member may request a "one-time" waiver of the prescribed 50 point minimum requirement for the unsatisfactory anniversary year or the member may request to retire. If a "one-time" waiver is granted, the member will be reinstated to the RASL and will be assigned a new anniversary date. The waiver does not make the unsatisfactory year qualifying for retirement purposes and only allows the member to continue on the RASL. Requests for a "one-time" waiver are submitted to the Secretary of the Navy via the chain of command and the CMC (MMSR-5).

4. Officers who have completed a 3 year period on the ISL will be examined by the Reserve Officers Mobilization Potential Screening Board described in paragraph 3003.5. The board is convened by the CG, MCRSC (per MCO 10001R.1J) and reviews the record of each eligible Reserve officer recommending one of the following:

a. Return to an active status in the Ready Reserve, if physically and otherwise qualified;

b. Transfer to the Retired Reserve, if qualified; or

c. Discharge, per this Manual and SECNAVINST 1920.6B.

5. If a Reserve officer fails to participate satisfactorily during the member's period of obligated service, the Marine's commanding officer will recommend involuntary discharge from the Reserve. Submit the recommendation to the CMC (MMSR-5) via the chain of command.

Paragraph 3008. EXCEPTIONS TO MANDATORY RETIREMENT OR SEPARATION. Rewritten.

1. Safety/Sanctuary Zone. The retirement or separation of certain Reserve officers per paragraphs 3005 and 3006 will not apply to:

a. An officer who has completed 18, but less than 19 years of qualifying service until the third anniversary of the date on which the officer otherwise would be transferred from an active status or discharged, or upon completion of 20 years qualifying service, whichever is earlier; or,

b. An officer who has completed 19, but less than 20 years of qualifying service until the second anniversary of the date on which the officer otherwise would be transferred from an active status or discharged, or upon completion of 20 years of qualifying service, whichever is earlier.

2. The safety zones referred above do not apply to a reservist who cannot meet all requirements for a reserve retirement with pay (see paragraph 3011) by the end of the safety zone period. Additionally, Reservists who have already earned 20 years of qualifying service, but are not eligible for a reserve retirement with pay due to not having served the number of years in a reserve component required by law are not eligible for retention in a safety zone.

3. Notwithstanding paragraph 3006, a Reserve commissioned officer, other than a commissioned warrant officer, who is assigned to the Selective Service System may be retained in an active status in that assignment until the officer becomes 60 years of age (10 U.S.C. 12647). Retention under this provision is subject to the needs of the Selective Service System.

4. Continuation of Reserve Officers is based upon the following law and policy:

a. 10 U.S.C. 14701 provides the Secretary of the Navy with the option of continuing Reserve officers in the grades of major through colonel beyond the maximum service limitations of 20 years commissioned service (YCS), 28 YCS, and 30 YCS respectively, to 24 YCS, 33 YCS, and 35 YCS respectively. Although reserve captains are authorized to be continued by statute, current Reserve policy only provides for the continuation on the RASL for those twice failed Active Reserve (AR) captains who are within retirement eligibility or upon release from the AR program, for the purpose of consideration in the unrestricted (other than AR) competitive category. Approval is subject to the needs of the Marine Corps. Refer to MCO P1001R.1J for further guidance.

b. Continuation opportunities are limited and based on the needs of the Marine Corps. Continuation requires the convening of a statutory board approved by the SECNAV to consider officers for continuation who possess critical skills or capabilities that cannot be met by in zone promotions or by officers currently on the ASL. An accurate record of service, as reflected in the Career Retirement Credit Record (CRCR), is a key determinant in continuation consideration. Applications are limited to officers possessing such qualifications as specified by SECNAV. The convening of such boards, typically upon conclusion of a promotion selection board, is announced by the CMC via separate correspondence based upon a SECNAV approved continuation plan for each fiscal year. A continuation board may also be convened to address those unique cases in which periods of eligibility consideration do not coincide with the promotion board schedule.

c. Continuation of Reserve Warrant Officers. An “Other than Active Reserve” warrant officer who has twice failed of selection to the next higher grade in the “Other than Active Reserve” competitive category, who has at least 16 but less than 18 years of qualifying service computed under 10 U.S.C. 12732 on the day prescribed for removal from an active status and is deemed fully qualified by the board, may be continued until retirement eligible.

Paragraph 3011. TRANSFER TO THE RESERVE RETIRED LIST WITH PAY. Rewritten.
1. A Reservist who completes 20 qualifying years of service (not necessarily continuous) is eligible, upon application, to transfer to the Reserve Retired List and to receive retired pay and benefits upon or after reaching age 60, per the following:

a. The member performs the last 8 years of qualifying service while a member of a Reserve component. The National Defense Authorization Act For 1990, extended by Public Law 105-261/Section 561, permits transfer to the retired reserve if the last 6 years of qualifying service were performed as a member of a Reserve component through 30 September 2001. Pending legislation in 2000 may make permanent the requirement that the last 6 years of qualifying service be performed in a reserve component.

b. The member is not entitled under any other provision of law to retired pay from an Armed Force or retainer pay as a member of the FMCR.

2. For subparagraph 3011.1a, the last 8 years of qualifying service does not have to be continuous. If a period of service in a Regular component intervenes between periods of Reserve service totaling the required 8 years, then that period of Regular service cannot be applied toward meeting the criteria of subparagraph 3011.1a (10 U.S.C. 12731 applies). For example:

a. An individual who served 14 years as a Reservist and then 6 years in the Regular Marine Corps must serve an additional 6 years in a Reserve status to qualify for reserve retired pay. In this example, an additional 6 years service in a Reserve status is necessary to meet the requirement that the last 8 years of qualifying service be as a member of a Reserve component.

b. An individual who served 4 years as a Reservist, then 13 years in the Regular Marine Corps, then 4 more years as a Reservist, must serve an

additional 4 years in a Reserve component to qualify for reserve retired pay. In this example although the Marine has completed over 20 years of service, 4 more years must be served in a Reserve component to meet the requirement that the last 8 years of service be as a member of a reserve component

3. Per 10 U.S.C. 12731(d), a member who completes the years of service required for eligibility for retired pay under this paragraph will be notified in writing within 1 year after completing said service. This notification will be issued by the CMC (MMSR-5). Do not submit individual requests unless a qualified member does not receive notification within the prescribed 1 year period. Only the CMC (MMSR-5) is authorized to issue an official statement of service to Reservists. No summary of retirement credits/qualifying years (i.e., the automated Career Retirement Credit Record) is presented to a Reservist as an official statement of service unless it has been audited and certified by the CMC (MMSR-5).

Paragraph 3012.1b(5)(b). Qualifying Service. Rewritten based upon changes in law.

(b) Total retirement points credited for inactive duty participation in any anniversary year may not exceed the following stipulations (excluding funeral honor points): 90 points for anniversary years closing on or after 30 October 2000; 75 points for anniversary years closing between 23 September 1996 and 29 October 2000; and 60 points for anniversary years closing prior to 23 September 1996.

3012.4. Retired Grade Determination Enlisted Personnel. Rewritten. Per SECNAVINST 1820.2B, enlisted members upon transfer to the retired Reserve will be placed on the Reserve Retired List in the highest grade they have served satisfactorily. Reservists in the grades of E-7 through E-9 must serve 2 satisfactory years (50 points) from the date of promotion. The CMC (MMSR-5) will make the determination of satisfactory service. Factors used in making this determination are:

a. Time served in the current or higher grade or to service limits, whichever occurs first.

b. Any report of misconduct, moral or professional dereliction, conduct not in the best interest of national security, or conviction by court-martial.

c. The nature and severity of any misconduct.

Paragraph 3012.5a. Retired Grade Determination Additional Factors.

a. Inactive duty personnel are required to earn a minimum of 50 retirement points to satisfy each year of the service-in-grade requirement. A period less than a full year is made a qualifying year by earning the required number points shown in figure 3-3 for the actual number of days served in the period. Members must keep in mind that the service-in-grade requirement begins on the date of promotion which in most cases does not coincide with the member’s anniversary year requiring the partial periods of service to meet time-in-grade requirements.

b. If the CMC determines that a member's service is not satisfactory in the highest grade, the retired grade will be the grade in which satisfactory service was last performed.

3014. TRANSFER TO THE RETIRED RESERVE WITHOUT PAY (HONORARY RETIREMENT. Rewritten.
1. DoD Instruction 1200.15 and SECNAVINST 1829.2B suspended the “Honorary” retiree program. Members previously transferred to the Retired Reserve in a honorary status will maintain their retired status.

2. Reservists who possess special qualifications or critical professional skills and are not eligible for non-Regular service retired pay and are subject to mandatory removal from an active status may be transferred to Retired Reserve status in lieu of discharge as approved by DC M&RA.

Paragraph 3016.1. Application for Transfer to Retired Reserve Awaiting Pay at Age 60. Rewritten.
1. Submission of Requests. Requests for voluntary retirement will be submitted by reporting command via the unit diary system in MCTFS per MCO P1080.40B (MCTFSPRIM) and paragraph 2004. Requests outside the 4 to 14 month submission timeframe, or for those Reservists desiring a retirement ceremony before the requested effective date of retirement, must be submitted via separated correspondence/naval message to CMC (MMSR-5) with justification, endorsements and the following information:

a. Name, grade, social security number, and date of birth.

b. Current mailing address.

c. Desired date of transfer and date of retirement ceremony.

d. Address where the retirement package is to be sent, point of contact with telephone number. Per 5 U.S. Code, Section 8301, the effective date of retirement must be the first day of the month and cannot be later than the first day of the month following mandatory separation dates.

Paragraph 3019.1. Change last two sentences. However, such former members who are eligible to receive retired pay at age 60 per 10 U.S.C. 12731, are entitled to identification cards reflecting appropriate benefits (commissary, exchange privileges, and commencing at age 60, health care) under 10 U.S.C. chapters 54 and 55 and as otherwise provided by law. A DoD Reserve Component Commissary Card, DD Form 2229, is necessary for access to commissaries for those members not yet age 60.

Chapter 4: SEPARATION OF OFFICERS FOR CAUSE

Minor editorial changes.

Chapter 5: ACTIVE DUTY OFFICER RESIGNATIONS AND INVOLUNTARY DISCHARGES

Paragraph 5002.2e. Resignation Eligibility. Rewritten to reflect service obligations for special tours.

e. Completion of a minimum of 24 months active duty service after:

(1) Completion of training to be an instructor at a Fleet Readiness Squadron (FRS), or in the Naval Aviation Training Command (NATC).

(2) Completion of Marine Aviation Weapons and Tactics Squadron (MAWTS-1) Weapons and Tactics Instructor Course (WTI), or Naval Fighter Weapons School (Top Gun).

(3) Completion of a tour as a participant in the Marine Corps Foreign Personnel Exchange Program (MCFPEP), aviation, or aviation ground exchange tours with U.S. services or a foreign military service. These tours include, but are not limited to, USAF exchange tours, the Navy Flight Demonstration Team tour, Royal Navy exchange tours, Royal Australian Air Force exchange tours, Italian Navy exchange tours, Spanish Navy exchange tours, and Canadian Navy exchange tours.

(4) Completion of training to be a pilot for operational support aircraft. This includes, but is not limited to, the UC-12, UC-35 and T-39 aircraft. For operational support aircraft the obligation is incured at the commencement of any training toward initial qualification and begins upon completion of initial training; in the case of failure to complete training the obligation begins on the date of transfer from the course.

Paragraph 5002.5. Waiver of resignation criteria. Add. **Opportunity for civilian employment does not warrant waiver of the criteria.**

Paragraph 5006.4. Officer not qualified for promotion to First Lieutenant. An officer found not qualified for promotion to the grade of first lieutenant shall be honorably discharged at the end of the 18 month period beginning on the date on which the officer is first found not qualified for promotion.

5006.6. Separation pay. An officer that contributed to their failure of selection through written communication to the board requesting/indicating not to be selected, or who declined promotion when selected is not eligible for separation pay.

Paragraph 5006.6b. Readjustment pay. No longer authorized. Deleted.

Paragraph 5006.6. Eligibility for Separation Pay. Rewritten. Officers involuntarily discharged as a result of a second failure of selection may be entitled to separation pay. Separation pay will only be authorized if the officer signs a written agreement to serve in the Ready Reserve for 3 years. The DODFMR prescribes actual entitlements and methods of computation. The CMC (MMSR) will complete a statement of service to include a statement of qualifying service which will be included in the separation orders. For further information on separation pay see chapter 1, section 3 of this Manual and SECNAVINST 1900.7G.

Figure 5-3: Acceptance of Resignation of Regular Commission. Add reference. (f) MCO P7301.104."

Figure 5-5, pg. 5-24, Letter of Discharge U.S. Marine Corps ELECTION ENDORSEMENT. First sentence: Delete the words “Home of Record/”. After the words, “Place of Commission” insert “or Home of Selection.”

Figure 5-5, pg. 5-24, Letter of Discharge U.S. Marine Corps ELECTION ENDORSEMENT. Notes, paragraph 2. Rewritten. Insert at the (*) either the Home of Record, Place of Commission, or Home of Selection per the joint travel regulations.

Table 5-1. The table and notes were updated to reflect continuation options for captains and CWO-2s.

Chapter 6: ENLISTED ADMINISTRATIVE SEPARATIONS

Paragraph. 6001.3. Mandatory Separation Processing. Throughout this chapter reference is made to a requirement to "process (a Marine) for separation." While discharge is one possible outcome resulting from separation processing, so are retention and suspension of the discharge. “Mandatory processing” means that the commander must initiate the involuntary separation process to the separation authority. This term does not mean that a board hearing is mandatory or that separation of the respondent is necessary.

Paragraph 6105. COUNSELING AND REHABILITATION. **Rewritten.** The commanding officer must sign adverse counseling entries. The date of the entry reflects when the counseling occurs, not when the entry was prepared. There are separate entries for a Marine **NOT** currently being processed for administrative or judicial action and for a Marine who **IS** currently being processed for administrative or judicial action.
1. Marine Corps policy is that reasonable efforts at rehabilitation should be made before initiation of separation proceedings.

2. Unless separation is mandatory, the potential for rehabilitation and further useful military service will 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. In cases involving unsatisfactory performance, pattern of misconduct, minor disciplinary infractions, or other bases requiring counseling under paragraph 6105, separation processing may not be initiated until the Marine is counseled concerning deficiencies, and afforded a reasonable opportunity to overcome those deficiencies as reflected in appropriate counseling and personnel records. No certain amount of time can be used to define "reasonable opportunity.” This must be determined by the commanding officer on a case-by-case basis. The commanding officer must sign adverse page 11 entries. 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 successfully take the recommended corrective action; and,

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

e. Make the following entry as appropriate on page 11 of the service record upon completion of counseling. The Marine will acknowledge by signing the entry. (See MCO P1070.12K, paragraph 4010.3cc concerning rebuttal and counter-entry requirements). The Marine's signature acknowledges that counseling has occurred, not that the Marine concurs with the content of the entry. These entries, once properly made, may not be removed by subsequent commanding officers based upon the passage of time or subsequent good performance. The date of the page 11 entry is the date that the Marine was counseled by the commanding officer. Forward a photocopy of the completed page 11 entry and written rebuttal statement, if any, to the CMC (MMSB-20) within 30 days.

(1) Use this entry to warn a Marine who is NOT currently being processed for administrative or judicial action. The purpose of this format is to warn Marines about problems and consequences and to offer an opportunity for improvement.

"___Date_____: Counseled this date concerning the following deficiencies: _____. Specific recommendations for corrective action are _____ and to seek assistance, which is available through the chain of command and _____. Failure to take corrective action and any further violations of the UCMJ may result in judicial or adverse administrative action, including but not limited to administrative separation. I was advised that within 5 working days after acknowledging this entry I may submit a written rebuttal which will be filed on the document side of the service record. I choose to ____ /not to ____ make such a statement.

_____ _____

SNM Commanding Officer

(2) Use this entry to document problems for a Marine who IS currently being processed for administrative or judicial action. The purpose of this format is to document problems that are the bases for impending or current judicial or administrative processing when the Marine has previously been given an opportunity to overcome problems or when the basis for separation (such as commission of a serious offense) does not require that the Marine be given such an opportunity. It may also be used to document additional problems arising after judicial or administrative processing has already begun. This entry is not a prerequisite to civilian or military judicial action or to administrative separation.

"____Date____: Counseled this date concerning the following deficiencies: _____. Specific recommendations for corrective action are

_____ and to seek assistance, which is available through the chain of command and _____. I understand that I am being processed for the following judicial or adverse administrative action: _____. I was advised that within 5 working days after acknowledging this entry I may submit a written rebuttal which will be filed on the document side of the service record. I choose to ____ /not to ____ make such a statement.

_____ _____

SNM Commanding Officer

f. If the individual Marine annotates their desire “not to” make a statement, the entry is appropriately annotated as such and no further administrative action is required. When the individual Marine desires to make a statement, the following guidance applies:

(1) Complete the statement using white paper, preferably type written, and ensure the statement is dated and signed.

(2) The Marine’s statement must conform to article 1122, U.S. Navy Regulations regarding temperate language, limited to pertinent facts concerning the deficiencies identified in the page 11 entry and shall not question or impugn the motives of another person.

(3) This is not the forum for surfacing issues more timely and appropriately handled at either request mast or through an Article 138 UCMJ, Complaints of Wrongs hearing.

4. The commanding officer must also determine, on a case-by-case basis, whether the Marine has effectively overcome the noted deficiencies after the counseling and page 11 entry have been made. There are no requirements for subsequent imposition of nonjudicial punishment or other administrative or judicial actions as a prerequisite for separation proceedings. There must be some evidence in the administrative separation proceedings, however, indicating the Marine has not overcome the noted deficiencies.

5. A Marine being processed for separation under one of the bases requiring counseling under paragraph 6105 may only be processed if the counseling entry reasonably relates to the specific basis for separation ultimately recommended.

Paragraph 6106.1a. Limitations on Separation Actions. Add “(including summary courts-martial)” after the word “proceedings” on the second line.

Paragraph 6106.3. New. Time limitations. No statute of limitations exists for administrative separations. Accordingly, a Marine may be processed for separation based on conduct notwithstanding (1) the length of time between the conduct and the notification of separation or (2) the expiration of a statute of limitations for court-martial or nonjudicial punishment.

Renumber remaining sub-paragraphs.

Paragraph 6106.4. Separation processing for retirement/FMCR eligible Marines. Rewritten to correspond to SECNAVINST 1910.4B. Retirement/FMCR

eligible Marines may now request retirement/transfer to the FMCR prior to or after the initiation of separation proceedings.

4. A Marine being considered for administrative separation processing who is otherwise eligible for transfer to the FMCR/retired list will, at his or her request, be allowed to transfer to the FMCR/retired list before initiating administrative separation processing. If the Marine declines to transfer to the FMCR/retired list, the convening authority shall proceed with administrative separation processing. If the member does elect, and does transfer to, the FMCR/retired list, he or she may not be recalled to active duty except with the review and approval of the CMC. Provisions to reduce a Marine to a lower grade by the command are contained in the Marine Corps Promotion Manual, Volume 2, Enlisted Promotions (MCO P1400.32C).

a. Requests for retirement/transfer FMCR may also be made at any time after initiation of separation proceedings. If submitted before final action on the proposed separation, the request will be acted upon before final action on the separation. Marines eligible for retirement/transfer FMCR who do not request transfer initially, may still do so after notification that separation has been directed. Submit requests to the CMC (MMSR-2) within 5 working days of notification that separation has been directed for a transfer/retirement date within 30 days of the date separation was directed.

b. If the respondent is being retired/transferred to the FMCR by reason of misconduct, homosexual conduct, or security, then the CMC may direct reduction to the next inferior grade to that in which the respondent is currently serving before transfer. The CMC will determine whether the member should be transferred in the pay grade currently held or first be reduced to the next inferior grade based on unsatisfactory performance in the current grade. If the CMC determines that the member's service in the current pay grade was satisfactory, the member will be retired/transferred to the FMCR in the current pay grade. If the CMC determines that the member did not serve satisfactorily before being transferred to the FMCR/retired list, the member will be reduced one grade. 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 pay grade, and whether the misconduct was known by reporting seniors, and if not, what effect, if any, it might have had on the respondent's 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.

New. (5) Conduct by reservists. Conduct by a member of the reserve component, regardless of where committed, may be the basis for separation whether or not the Marine is on active duty, active duty for training, or inactive duty for training status at the time of the conduct.

New. Paragraph 6109. ELECTRONIC SIGNATURES AND ELECTRONIC RECORD OF PROCEEDINGS

1. The electronic signature of a separation authority is a valid and legally sufficient signature of the separation authority's final action in all involuntary administrative separation proceedings described in this chapter.

2. Electronic records of involuntary administrative separation proceedings described in this chapter, are valid and legally sufficient for all purposes, to include processing, review, separation authority final action and record retention by the Commandant of the Marine Corps (MMSB).

Paragraph 6201. INVOLUNTARY ADMINISTRATIVE SEPARATIONS. Rewritten. This section lists the reasons a commander may recommend involuntary separation of a Marine before the Marine's expiration of current contract and sets up the necessary administrative rules for separating a Marine under any of the reasons given.

1. References. DoD Directive 1332.14 and SECNAVINST 1910.4B.

2. Format. The general bases for separation are identified by the title at the beginning of major numbered paragraphs. For example, "Convenience of the Government" is a general basis for separation. Specific bases for separation are identified in paragraphs under the general bases for separation. For example, "Parenthood" is a specific basis for separation under the general basis “Convenience of the Government.” For some general bases such as "Alcohol Abuse Rehabilitation Failure", there are no specific

New. Paragraph 6203.2b and c. Convenience of the Government (CofG). Physical Condition not a Disability – Refusal of Medical Treatment.

b. Refusal of Medical Treatment. A Marine may be separated for refusing medical treatment and that refusal results in a condition which interferes with duty. The commander must determine if the refusal is “reasonable” or “unreasonable” and warrants separation based upon the situation and the following considerations.

(1) The Manual of the Medical Department (MANMED), article 18-22, states that medical, dental, and surgical treatment will not be performed on a mentally competent member who does not consent to the recommended procedure. When a member refuses medical treatment a medical evaluation board must be convened per the MANMED article and the results forwarded to the Physical Evaluation Board (PEB). See chapter 8 regarding the medical board and PEB process. The PEB will make a determination of “reasonable” or “unreasonable” refusal of medical treatment according to SECNAVINST 1850.4D, paragraph 3413. A medical evaluation board and PEB action are necessary because a determination of unreasonable refusal and intentional misconduct/willful neglect will result in denial of Department of Veterans Affairs and Social Security Administration medical treatment for the member in the future.

(2) If the refusal of medical treatment is determined to be reasonable, the member may still be separated at the commander’s discretion per this Manual. If unsatisfactory performance of duty or misconduct are not considerations, separation, for physical condition not a disabilty, may be appropriate with the assignment of reenlistment codes RE-3P or RE-3C.

(3) If the PEB determines that the refusal of medical treatment was "unreasonable" or provides a finding of intentional misconduct/willful neglect, the commander may consider the following:

(a) Administrative separation for unsatisfactory performance per paragraph 6206 or misconduct per paragraph 6210.

(b) Administrative reduction. See MCO P1400.32C regarding nonpunitive reductions relating to professional incompetence and competency review boards.

(c) Characterization of Service. If a finding of intentional misconduct/willful neglect or other negative aspects of a Marine's performance outweigh positive aspects of performance, to include proficiency and conduct average markings, and administrative separation is warranted, the least favorable characterization of service is general under honorable conditions.

(4) Refusing innoculations. Service members are required to submit to required immunizations according to Navy Regulations, article 1144. The medical evaluation board and PEB procedures described in paragraph 6203.2.b(1) are not required for members refusing innoculations. Disciplinary action and separation for orders violations may be appropriate based upon the commander's decision.

c. Separation processing may not be initiated until the Marine has been counseled and allowed an opportunity to correct the deficiency per paragraph 6105. If a member is separated for "unreasonable" refusal of medical treatment, the following items must be included as part of the notification requirements of paragraph 6303:

(1) A reenlistment code of RE-4, not recommended for reenlistment, will be assigned and the member will be discharged and not transferred or eligible for service in the IRR.

(2) A finding of intentional misconduct/willful neglect requires the following notifications:

(a) Assignment of separation code _____ (basis determined).

(b) The member is not disabled and the condition did not occur in the line of duty.

(c) The Department of Veteran Affairs and the Social Security Administration may deny future medical benefits for this condition.

Paragraph 6203.3a. Personality Disorder. New last sentence.
3. Personality Disorder

a. Basis for processing. Separation under this paragraph is authorized only if, due to personality disorder, the Marine's ability to function effectively in the military environment is significantly impaired and if no other basis for separation applies. For example, if separation can be based on another basis, including another basis under convenience of the

government, misconduct, or unsatisfactory performance, use one of those bases in spite of the existence of personality disorder. “Initiate separation proceedings per paragraph 6303 or 6304 as appropriate.”

Paragraph 6203.4. Action in lieu of approved punitive discharge. Rewritten to conform to SECNAVINST 1910.4B.
4. A member may be separated if placed on appellate leave pursuant to 10 U.S.C. 706 and whose punitive discharge is set aside, suspended, remitted, or disapproved during the review process. In this case, separation processing must be based upon an applicable provision of this chapter and may proceed without the member being present. The member, however, must have been notified of the separation processing prior to beginning appellate leave, or be afforded the rights under paragraph 6303 or 6304, as appropriate, and either waive those rights or fail to respond within 30 days of receipt of notification of separation proceedings. Further, the characterization limitations of paragraph 6203 do not apply and characterization will be based upon the guidelines contained in paragraph 1004.

Paragraph 6204.2d. Erroneous Enlistment; Separation Authority. Rewritten. The separation authority is the GCMCA. For Reservists not on active duty, the CG, MCRC (ENLRCTG) is separation authority. If an individual has already sworn in, but fails to ship, or is determined to be ineligible for enlistment and has not yet reported to a MCRD, the CG, MCRC is the discharge authority.

Paragraph 6204.3d. Fraudulent Entry into the Marine Corps; Characterization. Rewritten to conform to SECNAVINSTs.
Characterization of service under other than honorable conditions may only be issued when the fraud involves concealment of a prior separation in which service was not characterized as honorable (the administrative board procedure of paragraph 6304 must be used if characterization under other than honorable conditions is desired). In all other cases, the notification procedure of 6303 will be used and service will be characterized as honorable, general (under honorable conditions), or uncharacterized. If the material misrepresentation included preservice homosexual conduct, the procedures in paragraph 6207 shall be applied. See table 6-1 for characterization limitations.

Paragraph 6206.5b. Unsatisfactory Performance. Add last sentence.
“A member may also be separated under this basis for failure to conform to weight standards as a result of apathy or a lack of self discipline.”

Paragraph 6207. Homosexuality. This paragraph may require significant revisions due to recent guidance from the Secretary of Defense. Discussions with DoD are ongoing about any need to revise Marine Corps policies or procedures. A MARADMIN may be published at a later date to effect any necessary changes to paragraph 6207.

Paragraph 6207.2. Add to last sentence. A Marine shall be separated under this paragraph if one or more of the following approved findings is made “by the separation authority with or without administrative board proceedings.”

Paragraph 6209. Alcohol Abuse Rehabilitation Failure. Rewritten.

1. A Marine who has been referred to a program of rehabilitation for personal alcohol abuse and/or dependency, 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 naval service; or

b. Long term rehabilitation is determined necessary and the Marine is transferred to a civilian medical facility for rehabilitation.

2. Initiate separation proceedings following the procedures in par. 6303 or 6304 as appropriate.

3. Characterization is honorable, general (under honorable conditions), or uncharacterized per table 6-1.

4. Nothing in this paragraph precludes separation under other provisions in this Manual.

Paragraph 6210.1. Misconduct. Second to last sentence delete “sexual harassment.” See paragraph 6210.8 concerning sexual harassment.

Paragraph 6210.2. Minor Disciplinary Infractions. New second sentence. A Marine may be separated when there is, in his or her service record book, 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, nonjudicial punishment.

New. When multiple offenses have been the subject of one nonjudicial punishment, they remain separate offenses for the purpose of determining eligibility for processing under this paragraph.

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 per paragraph 6105. The notification procedure contained in paragraph 6303 may be used if characterization of service under other than honorable conditions is not warranted.

Paragraph 6210.3. Pattern of Misconduct. Rewritten.
3. A Pattern of Misconduct

a. A minimum of TWO incidents occurring within one enlistment is required. Misconduct occurring in an extension of an enlistment is considered to be within one enlistment. The infractions may be minor or more serious. There must be discreditable involvement with civil or military authorities or conduct prejudicial to good order and discipline. The misconduct need not have been the subject of NJP or military or civilian conviction. Such incidents include, but are not limited to, an established pattern of minor unauthorized absences; an established pattern of dishonorable failure to pay just debts; or an established pattern of dishonorable failure to contribute adequate support to family members or comply with orders, decrees, or judgments of a civil court concerning support

of family members. The incidents of misconduct do not have to be of the same nature.

b. Separation processing may not be initiated until the Marine has been counseled per par. 6105. The notification procedure contained in par. 6303 may be used if characterization of service under other than honorable conditions is warranted.

Paragraph 6210.5. Drug Abuse. Rewritten.

5. Drug Abuse

a. Commanders shall process Marines for administrative separation for illegal, wrongful, or improper use, possession, sale, transfer, distribution, or introduction on a military installation of any controlled substance, marijuana, steroids, or other dangerous or illicit drug or other forms of substance abuse (such as designer drugs, fungi, chemicals not intended for human consumption, etc.) as defined in paragraph 5.c of SECNAVINST 5300.28C, and/or the possession, sale, or transfer of drug paraphernalia as defined in SECNAVINST 5300.28C. Commanders shall also process Marines who attempt to engage in any of the aforementioned activities. Evidence obtained from an involuntary urinalysis administered pursuant to an inspection under Military Rule of Evidence in the current version of the Manual for Courts Martial (MCM), or from a search and seizure under Military Rules of Evidence 311-317, or incident to an examination 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 par. 6304 shall be used when separating a Marine under these provisions, unless a characterization of service more favorable than other than honorable is warranted.

b. Except as provided below, all Marines (regardless of pay grade) identified for processing under the criteria of par. 6210.5a will be processed for administrative separation by reason of misconduct, due to drug abuse, on the first offense. Processing is not required if:

(1) The offense has been adjudicated at a general or special court martial, for which the sentence approved by the convening authority includes a punitive discharge (suspended or unsuspended), or

(2) The limitations of par. 6106.1 apply.

c. Self-referral for drug use constitutes confirmation of illegal drug abuse and requires a Marine to be processed for administrative separation. The Voluntary Drug Exemption Program is no longer applicable. However, a Marine's voluntary submission to a DoD treatment and rehabilitation program, and evidence voluntarily disclosed by the Marine as part of the course of treatment in such a program may not be used against the Marine on the issue of characterization of service. This limitation does not apply to:

(1) The introduction of evidence for the purpose of impeachment or rebuttal in any proceeding in which evidence of drug abuse has been first introduced by the Marine; or

(2) The taking of action based on independently derived evidence, including evidence of continued drug abuse after initial entry into a treatment and rehabilitation program.

d. Marines separated for drug abuse will be screened for drug dependency at a Substance Abuse Counseling Center (SACC) and, if diagnosed as drug or alcohol dependent, will be referred to the Veterans Administration at the time of separation.

Paragraph 6210.6c. Commission of a Serious Offense. Rewritten.
The notification procedure contained in paragraph 6303 may be used if characterization of service under other than honorable conditions is not warranted.

Paragraph 6210.7d. Civilian Conviction. Rewritten.
The notification procedure contained in paragraph 6303 may be used if characterization of service under other than honorable conditions is not warranted.

Paragraph 6210.8a. Sexual Harassment. Processing for separation is mandatory following the first substantiated incident of sexual harassment (see definition paragraph 1002.53) involving any of the following circumstances:

Paragraph 6211.2. New Entrant Drug and Alcohol Testing. Per MARADMIN 249/99; delete ". . . 6204.3(Erroneous Enlistment)" from the first sentence and substitute " . . 6204 (defective enlistment and induction)." While processing for fraudulent entry would be legally permissible in most cases, it would not be in all cases.

2. Members who test positive, but are not found dependent, for drugs or alcohol during an initial entry drug or alcohol test shall be processed for separation per the appropriate provision of paragraph 6204 (defective enlistment and induction). Commanding officers are not precluded in appropriate cases from taking disciplinary action against a member or processing a member for discharge, with or without a characterization, under an alternative basis for separation.

Paragraph 6213. Rewritten.
6213. UNSATISFACTORY PARTICIPATION IN THE READY RESERVE. A Marine may be separated for unsatisfactory participation in the Ready Reserve under criteria established in DoD Directive 1215.13, MCO P1001R.1 (MCRAMM), and MARFORRES. The separation authority is the GCMCA. Characterization of service will conform with paragraph 1004 and the rules of table 6-1.

6215. WEIGHT CONTROL/BODY COMPOSITION FAILURE. Rewritten.
When the sole reason for separation is failure to meet weight and body fat standards, and the Marine's performance and conduct otherwise conform with established standards, if separation is warranted, the Marine will be separated under this paragraph.

1. Basis for processing

a. Medical problems: Obesity. Marines with a medically diagnosed condition that precludes or interferes with weight/body fat control may be separated through appropriate medical channels.

b. No medical problems: Weight Control/Body Composition Failure. The following criteria must be met to meet this basis for separation:

(1) The Marine is unqualified for further service;

(2) The Marine failed to meet weight standards under MCO 6100.3K;

(3) The Marine has no medically diagnosed condition precluding or interfering with weight/body fat control;

(4) The Marine made a reasonable effort to conform to Marine Corps weight and body fat standards by adhering to the regimen prescribed by the appropriately credentialed health care provider (ACHCP) and the commander as prescribed in MCO 6100.3K. A reasonable effort consists of adherence to a reasonable diet combined with a regular physical training regimen and a steady loss of weight/body fat. Processing of Marines who fail to make a reasonable effort will be under paragraph 6206 (unsatisfactory performance of duties), not this paragraph; and

(5) Weight control/body composition failure is the only basis for separation and the Marine's performance and conduct otherwise conform with established standards. This basis will NOT be used if another basis (such as misconduct or unsatisfactory participation or performance) is appropriate.

2. Documentation. The following must be included to support separation:

a. The request for preliminary medical evaluation in enclosure (1) to MCO 6100.3K, completed through the fifth endorsement. An ACHCP must sign the first and fifth endorsements. **The ACHCP must be a medical officer, contract physician, nurse practitioner, or physician's assistant; the signature of a corpsman is NOT sufficient.** The signature block will CLEARLY state the name, grade, branch of service, medical title, and organization (as appropriate) of the ACHCP who diagnosed the cause of the respondent's deficiency.

b. Weigh-in/Body Composition Progress Chart. If the respondent received an extension beyond the initial assignment, attach a statement from the officer who approved the request, indicating the date approved and length of extension. An ACHCP must reevaluate the Marine 30 days prior to the end of the extension.

3. Counseling (6105). Before initiating separation, the command must counsel the Marine according to paragraph 6105; giving the Marine corrective guidance and a reasonable opportunity to correct deficiencies; and document any failure to correct those deficiencies. PROPER 6105 COUNSELING ABOUT THE WEIGHT/BODY COMPOSITION PROBLEM SHOULD BE RECORDED IN THE SRB ON THE SAME DAY THE MARINE IS ASSIGNED TO THE WEIGHT CONTROL/BODY COMPOSITION PROGRAM. The 6105 counseling is required for administrative discharge, but a page 11 entry is not required to record assignment to the weight control/body composition program for unit diary purposes. The 6105 counseling is different from the counseling required in paragraph 3201.1.3.f of MCO 6100.3K when the Marine does not lose weight within 2 weeks (one month for Selected Marine Corps Reserve) of assignment to the weight control/body composition program. Follow the time periods (and extensions) in MCO 6100.3K for losing weight. Ensure that command reevaluation is conducted 6 months after the initial assignment to the weight control/body composition program.

4. Characterization. Honorable or general (under honorable conditions) as warranted under paragraph 1004 and Table 6-1. Table 1-1, Rule 8, is not used for this separation.

5. This paragraph will not be used for entry level separation.

6. "Weight control failure" and "body composition failure" (as stated in MCO 6100.3K)" are synonymous. "Weight Control Failure" is used for paragraph 6215 in compliance with Department of Defense standards. In addition, "Weight Control Failure" will be used as the narrative reason in block 28 of the DD Form 214 for Marines separated under this paragraph.

Table 6-1, Notes. Delete Note 5 and replace with: “5. Authorized in accordance with guidance in paragraph 1004.” Add Note 6, “6. Authorized only when the fraud involves concealment of a prior separation in which service was not characterized as honorable.

Paragraph 6301. Add last sentence.
6301. GENERAL. This section establishes the administrative procedures for separation and provides detailed procedures for administrative separation boards. “In light of the unique nature and requirements of the reserve component and problems inherent in contacting members of the SMCR and IRR, the Commander, MARFORRES may supplement these procedures and figures with procedures and figures that facilitate the separation process yet ensures fairness to reserve Marines.”

Paragraph 6302. INITIATION OF SEPARATION PROCESSING. Rewritten. Note in paragraph 6302.2 that “By direction signatures are not authorized.” However, Inspector-instructors and site commanders are authorized to sign notification letters and command letters of recommendation for discharge on behalf of Reserve commanding officers when the Reserve commanding officer is not available for signature, but concurs in the action or recommendation.

1. When a Marine's performance or conduct falls within any of the reasons within section 2 and all required command attempts at leadership and rehabilitation of the Marine have been unsuccessful, 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. Marines must be processed for all reasons for which minimum criteria are met. However, separation authorities must choose the most appropriate reason when actually effecting the separation.

2. Notification letters and command recommendations will be signed personally by the commanding officer. During the commanding officer’s official absence, such correspondences will be signed “Acting” by the officer temporarily succeeding to command. By direction signatures are not authorized. Inspector-instructors and site commanders are authorized to sign notification letters and command letters of recommendation for discharge on behalf of Reserve commanding officers when the Reserve commanding officer is not available for signature, but concurs in the action or recommendation.

3. Before initiating separation processing the command should take the following steps as well as consulting the checklist at figure 6-2.

a. Step One: Review limitations on separation. Review paragraph 6106 and determine if separation is precluded.

b. Step Two: Determine the Marine's status. Determine precisely the status of the Marine since status and basis for separation can determine the separation authority, the nature of separation, and the rights afforded to the Marine.

(1) Active reserve (if reserve SMCR or IRR; if SMCR obligor or non-obligor);

(2) Amount of active and inactive service; and

(3) Proximity to expiration of active service, current contract, obligated service, and eligibility for transfer to the FMCR or retirement.

(a) Holding beyond release date. A Marine may not be held on active duty involuntarily beyond his or her release date for administrative discharge. See paragraph 1008. Similarly, a member of the IRR or SMCR may not be held beyond ECC or EOS for administrative discharge.

(b) Marine eligible or within two years of eligibility for retirement or transfer to the FMCR. See paragraph 6106 and 6307.

(4) Eligibility of SMCR Marine to transfer to the IRR.

(a) Mandatory participants in the SMCR. An SMCR member with a mandatory participation requirement ("obligor") may be retained involuntarily in the SMCR for administrative discharge. See MCRAAM paragraph 3301. Do NOT transfer such a Marine to the IRR without MARFORRES approval.

(b) Non-mandatory participants in the SMCR. An SMCR member without a mandatory participation requirement ("non-obligor") and not subject to a separate written agreement to train (SWAT, MCRAAM paragraph 3102) CANNOT be retained involuntarily in the SMCR for administrative separation. See MCRAAM paragraph 3301.2b. If such a Marine facing administrative discharge requests transfer to the IRR, such transfer must be granted. The SMCR command must then contact MARFORRES (SJA) and MCRSC (Special Actions Division) so that MCRSC can initiate proceedings to separate the member from the IRR.

c. Step Three: Review limitations on characterization. Review paragraph 1004.4. Especially important are paragraphs 1004.4a and 1004.4b (prior service and pre-service activities) and 1004.4d (conduct in the civilian community by a reservist not in a duty status).

d. Step Four: Identify the separation authority. Review paragraph 6307.

e. Step Five: Drug and alcohol dependency. Evidence of alcohol or drug dependence requires that the respondent be evaluated before the case is referred to a board or forwarded to the separation authority. See MCO P5300.12A for evaluation, counseling, and treatment requirements.

Paragraph 6303.3. Notification Requirements. Delete and replace with: "3. Notification Requirements. If there is evidence of alcohol or drug dependence, the respondent must be evaluated prior to the case being referred to a board or forwarded to the separation authority. Refer to MCO P5300.12A for evaluation, counseling, and treatment requirements."

Paragraph 6303.3a(2). Notice. Delete "Transfer to the Fleet Marine Corps Reserve/Retired List if requested."

Paragraph 6303.3a(4). Notice. Rewritten. If the Marine is FMCR/Retired List eligible and has refused to request transfer to the FMCR/Retired List under paragraph 6106.4, the respondent's notification letter shall include a statement reflecting such refusal and acknowledging the respondent's understanding that, if separation is approved, he or she may lose all retainer/retired pay and benefits."

Paragraph 6303.b. Counsel. Add, "Qualified Counsel" is a trial or defense counsel certified under Article 27b of the UCMJ, or a civilian attorney authorized to practice law.

Paragraph 6303.3b(1)(a)&(b). Counsel. Limitations on consulting with counsel. Rewritten.

(a) The respondent is away from or deployed outside the United States, or attached to a vessel away from its overseas homeport, or attached to a shore activity remote from Judge Advocate resources;

(b) No qualified counsel is assigned and present at the vessel, unit, or activity;"

Par 6303.3b(3). Counsel. Add sentence at the end of the paragraph. "Consultation with civilian counsel shall not delay orderly processing in accordance with this Manual."

Paragraph 6303.4a(2)(c). Marine Confined by Civil Authorities. Add. "Once the respondent makes an election of rights, action need not remain suspended."

Paragraph 6303.4c. Reimbursement Requirement. In those cases that may be subject to a reimbursement requirement for recoupment of advance education assistance costs, bonuses, or special pays, the respondent must be advised of such requirement prior to making a decision on an involuntary separation resulting from alleged misconduct. Failure to provide such advisement, however, shall not constitute grounds for avoiding a reimbursement requirement unless otherwise expressly provided by law or superior regulation"

Paragraph 6304.1q. Discussion on eligible members requesting transfer to FMCR/Retired List. Delete. Now discussed in Paragraph 6106.4.

Paragraph 6304.2. Additional Notice Requirements. Add.

d. In those cases that may be subject to a reimbursement requirement for recoupment of advance education assistance costs, bonuses, or special pays, the respondent must be advised of such requirement prior to making a decision on an involuntary separation resulting from alleged misconduct.

Failure to provide such advisement, however, shall not constitute grounds for avoiding a reimbursement requirement unless otherwise expressly provided by law or superior regulation.

Paragraph 6304.3. Counsel. Add.
d. Non-lawyer counsel may not represent a respondent before an administrative separation board unless:

(1) The respondent expressly declines appointment of counsel qualified under article 27(b)(1) of the UCMJ and requests a specific nonlawyer counsel; or

(2) The separation authority assigns non-lawyer counsel as assistant counsel.

Paragraph 6304.5. Waiver. Add.
c. In all cases in which the separation authority is CMC or the Secretary of the Navy, conditional waivers will be disapproved without referral to CMC unless the GCMCA (or convening authority for units which report to HQMC) specifically supports the requested waiver."

Paragraph 6305.1. Command Recommendation. Rewritten.
1. Once the notification requirements contained in paragraphs 6303 and 6304 are met, and provided the commanding officer desires to continue separation processing, the commanding officer must forward the recommendation for separation, copies of the appropriate notification, the Marine's acknowledgment and necessary supporting documentation to the separation authority via the normal chain of command. The commanding officer's recommendation will bear significant weight, provided the requirements of this chapter and separate Marine Corps directives (when applicable) have been observed. It must include a specific recommendation for:

a. Discharge or retention; and

b. The characterization of service and type of discharge.
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 will lend themselves to a general format, commanding officers must ensure that the specific content accurately reflects the circumstances of the case being considered."

Paragraph 6305.2a. Command recommendation, supporting documentation. Remove "page 23 of the SRB, (Reserves only)."

Paragraph 6307.1c. Separation Authorities. Rewritten. When the member is being processed for involuntary separation and has 18 years or more total active military service (sanctuary period, i.e. within 2 years of becoming eligible for military retired or retainer pay), the separation authority is the DC (M&RA). Determinations of "No Further Service" will not be made for Regular enlisted Marines who have entered the sanctuary period. However, the DC (M&RA) may direct the Marine's command to convene an administrative separation board (providing the command a copy of the Marine's complete OMPF

pursuant to subparagraphs 2800.5d and 2800.6b of the Marine Corps Manual and 5 U.S.C. Section 552a(b)(1)), and process the Marine for administrative separation per chapter 6, section 3, of the MARCORSEPMAN in order to identify substandard performers or unqualified Regular enlisted Marines ineligible for further service who are within the sanctuary period;

Paragraph 6307.1d. Separation Authorities. Rewritten. The involuntary separation of Reservists on active duty (other than for training) who are within 2 years of becoming eligible for retired pay or retainer pay under a purely military retirement system must be approved by the Secretary of the Navy (10 U.S.C. § 12686); or"

Paragraph 6307.3. Separation Authorities. Correction. The Commanding General, Fleet Marine Forces Atlantic, is the separation authority for any matter under this chapter involving Marines of Marine Corps Security Forces for any case normally acted upon by an officer having general court-martial authority.

Paragraph 6308.1c. Legal Review. Rewritten.

(1) In the following cases, the record of proceedings shall be reviewed by a Judge Advocate, or civilian attorney employed by the Navy or Marine Corps, prior to action by the separation authority:

(a) When an administrative board has been held and characterization of service under other than honorable conditions is recommended;

(b) When an administrative board has been held and the respondent identifies specific legal issues for consideration by the separation authority;

(c) When action is taken to vacate a previously suspended separation and the respondent identifies specific legal issues for consideration by the separation authority.

(2) The original or a signed copy of the review will be attached as a permanent part of the record of proceedings. The form and content 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 is adequate. If the respondent has raised specific legal issues, the review will comment on the merits of the issues raised. If the proceedings are not found to be correct in law and fact, the review shall set forth the facts and reasoning leading to such a determination, and recommend corrective action, if appropriate."

Paragraph 6309. SEPARATION AUTHORITY FINAL ACTION. Add. "The final action of the separation authority shall be recorded in writing."

Paragraph 6309.1b(4). SEPARATION AUTHORITY FINAL ACTION. Rewritten. At the discretion of CMC, if the Marine is FMCR/Retired List eligible, suspend separation to afford the respondent the opportunity to request transfer to the FMCR/Retired List within 30 days.

Paragraph 6309.2a(2)(d). SEPARATION AUTHORITY FINAL ACTION. Rewritten. At the discretion of CMC, if the Marine is FMCR/Retired List eligible, approve the separation, but suspend execution to afford the respondent the opportunity to request transfer to the FMCR/Retired List within 30 days.

Paragraph 6311.4. Administrative Action After Decision. Delete. Discussed transfer to FMCR/retired list which is now discussed in Paragraph 6106.4.

Renumber paragraphs 6311.5 through 6311.8.

Paragraph 6311.6. Administrative Action After Decision. Rewritten. Refer to MCO P1070.12K (IRAM) for permissible service record entries when an administrative separation has been suspended or a respondent has been retained despite board findings that one or more allegations are supported.”

Paragraph 6311.7. Administrative Action After Decision. Add. Recoupment. The separation authority should initiate recoupment of reenlistment bonuses, advance educational assistance, etc., by using the procedures in DoD 7000.14-R, DoD Financial Management Regulation, Volume 7A, table 7-6.

Reinstated. Paragraph 6311.8. Administrative Action After Decision. Draft copies of this Manual had deleted this provision to correspond with SECNAVINSTs. Recent action by the Secretary reinstated this provision.

When a Marine serving in pay grade E-4 or above is administratively separated with an other than honorable characterization of service, the Marine shall be administratively reduced to pay grade E-3, such reduction to become effective upon separation.

Table 6-2. Guide for review of Separation Packages. Add GCM to the separation authority category under erroneous enlistment/reenlistment.

Table 6-2, page 6-62. Guide for review of Separation Packages. Under specific reason “Commission of a serious off.” and “civilian conviction”, replace “Y” with “#” in the column for Notes 7 & 8.

Table 6-2, Note 10. Guide for review of Separation Packages. Rewritten. Separation package must be reviewed per paragraph 6308.1C when an administrative board has recommended separation under other than honorable conditions, and when an administrative board has been held and the respondent identifies specific legal issues for consideration by the separation authority. For Marines with 18 or more years of service, subparagraph 6307.1C applies.

Table 6-2. Guide for review of Separation Packages. Change the symbol under Note column 8 for the basis "Commission of a Serious Off." from "Y" to "#." Entitlement to a board is conditional.

Table 6-2. Guide for review of Separation Packages. Enter a "Y" in Note column 10 for all specific reasons for separation which contain a "Y," "X," or "#" in Note column 7. A respondent may identify legal issues in any case referred to a board.

Table 6-2 Legend. Guide for review of Separation Packages. #. Rewritten. Only if Marine has 6 or more years of active and inactive service or the Marine is notified that an other than honorable discharge is the least favorable characterization that can be received.

Paragraph 6315. Composition of Administrative Separation Boards. Change all "Major or above" to "O-4 or above."

Par 6315.1a. Composition of Administrative Separation Boards. Change the first sentence to: The convening authority shall appoint to the administrative board at least three commissioned/warrant or staff noncommissioned officers of the armed forces of the United States of America (or reserve components thereof).

Paragraph 6315.1.b. Add. Characterization may be under other than honorable conditions if the member consents to or waives administrative discharge proceedings or a court-martial or a board.

Paragraph 6315.2a. Presiding Officer. Seventh line, delete "procedure, evidence, and challenges," and replace with "procedure and evidence,"

Paragraph 6315.3. Recorder. 13th line, change ...may be warrant or commissioned officers to "...shall..."

Paragraph 6316.1. Procedure. 11th line, delete the sentence beginning "The board may impose…" and replace with: Reasonable restrictions shall be observed, however, concerning relevancy and competency of evidence. The president of the board has full authority to decline to accept evidence whose probative value is outweighed by the prejudicial effect on the respondent, or which would cause unnecessary embarrassment to a witness or victim involved in the case.

Paragraph 6316.7c. Challenges. Rewritten.
7. Challenges

a. The respondent may challenge any voting member or legal advisor for cause only. The basis for such challenge 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 competency to sit in that particular case. This examination may or may not be under oath or affirmation at the discretion of the respondent. When the respondent desires oath or affirmation the election to swear or affirm resides with the challenged person. The recorder and other members of the board may also examine the challenged person. Other evidence relevant to the challenged person's competency to sit on the board may also be heard.

b. The burden of persuasion in establishing a challenge is on the respondent.

c. The convening authority shall rule finally on all challenges for cause of legal advisors, when appointed, and of board members when a legal advisor has not been appointed.

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 major 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 par. 6315.1.

Paragraph 6319.1. Findings and Recommendations. After the first sentence, Add: Only voting members of the board shall be present.

Paragraph 6319.5e. Findings and Recommendations. Delete paragraph and subparagraphs. Transfer to the FMCR/retired list is now discussed in par 6106.4.

Paragraph 6320. RECORD OF PROCEEDINGS AND REPORT OF THE BOARD. Rewritten. Note the last two sentences in the lead paragraph, paragraph 1a, and paragraph 3.
In cases where the board recommends separation, the record of the proceedings shall normally be kept in summarized form unless a verbatim record is required by the separation authority or authorized by the convening authority. In cases where the board recommends retention, a record of the proceedings is optional unless required by the separation authority. However, a summarized or verbatim record shall be prepared in any case in which the CMC is the separation authority, and in any case in which the board recommends retention and the separation authority elects to forward the matter to the Secretary of the Navy under paragraph 6309.2. The board reporter shall retain all materials necessary to prepare a transcript should the separation authority elect to forward the case to the Secretary. 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 of either or both, by a member in lieu of the president or by a member in lieu of the recorder. Whether or not a written transcription is ultimately required, at a minimum, the proceedings shall be recorded using audio tapes or a court reporter if available. The recorder will determine the availability of court reporters after consulting with the SJA, law center director, or the OIC legal system services support (LSSS).

1. When a record of proceedings is required, it shall contain, as a minimum:

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. Acknowledgment 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 non-voting recorder, and their respective legal qualifications.

f. Copies of the letter of notification to the respondent, advisement of rights, and acknowledgment 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.

i. All exhibits accepted by the board for consideration with Recorder and Respondent exhibits marked in such a manner to differentiate between them. Each exhibit will be clearly and individually identified within the record of proceedings, and each exhibit shall be clearly marked and sequentially numbered or lettered, e.g., “Govt Exhibit 1,” “Respondent Exhibit A,” “Board Exhibit I,” etc.

j. A majority board report signed by all concurring voting members.

k. A minority board report, if applicable, signed by all concurring voting members.

2. In all cases, the findings and recommendations of the board shall be in verbatim form.

3. The convening authority shall forward to the separation authority, via the chain of command, the findings and recommendations of the board, the record of proceedings, and the recommendations of subordinate commanders, if applicable, and shall make a recommendation with specific rationale on each of the board’s findings and recommendations.

Paragraph 6321.1. Subsequent Administrative Separation Board Proceedings. After the phrase “improperly convened” in the tenth line, add “or constituted”.

Figure 6-1. Updated. Figure 6-1. Commands Delegated by the CMC (SJA) as Discharge Authority For Other Commands.

Figure 6-2. Notification of Separation Proceedings Without an Administrative Board. Add new paragraph 4f. f. Use if applicable. Although you are FMCR/Retired List eligible, you have refused to request transfer to the FMCR/Retired List as provided in paragraph 6106.4 of the reference. If separation is approved, you may lose all retainer/retired pay and benefits.”

Figure 6-2. Notification of Separation Proceedings Without an Administrative Board. Add new paragraph 5 and renumber existing paragraphs as 6 and 7. 5. If you are separated before you complete an active duty service requirement incurred because you received advanced education assistance, bonuses, or special pays, you may be required to reimburse the U.S. on a pro rata basis for the unserved portion of the active service requirement."

Figure 6-2, pg 6-74. Acknowledgment of Rights. Add new paragraph 3e.
e. _____ (if applicable) although I am FMCR/Retired list eligible, I have refused to transfer to the FMCR/Retired List. I understand that, if separation is approved, I may lose all retainer/retired pay and benefits.

Figure 6-2, pg 6-74. Acknowledgment of Rights. Add new paragraph 4 (below) and renumber existing paragraph as 5.
4. _____ I understand that if I am separated before I complete an active duty service requirement incurred because I received advanced education assistance, bonuses, or special pays, I may be required to reimburse the U.S. on a pro rata basis for the unserved portion of the active service requirement.

Figure 6-3, pg 6-75. Notification of Separation Proceedings With an Administrative Board. Paragraph 3, Delete the last sentence and replace with: “Include the following language if applicable: Although you are FMCR/Retired List eligible, you have refused to request transfer to the FMCR/Retired List as provided in paragraph 6106.4 of the reference. If separation is approved, you may lose all retainer/retired pay and benefits.”

Figure 6-3, pg 6-77. Notification of Separation Proceedings With an Administrative Board. Add a new paragraph 6 (below) and renumber existing paragraphs as 7 and 8.
“6. If you are separated before you complete an active duty service requirement incurred because you received advanced education assistance, bonuses, or special pays, you may be required to reimburse the U.S. on a pro rata basis for the unserved portion of the active service requirement."

Figure 6-3, pg 6-78. Acknowledgment of Rights. Paragraph 2, delete the last sentence and replace with: “Include the following language if applicable: Although I am FMCR/Retired List eligible, I have refused to request transfer to the FMCR/Retired List. I understand that, if separation is approved, I may lose all retainer/retired pay and benefits.”

Figure 6-3, pg 6-79. Acknowledgment of Rights. Add a new paragraph 5 (below) and renumber existing paragraph as paragraph 6.
"5. _____ I understand that if I am separated before I complete an active duty service requirement incurred because I received advanced education assistance, bonuses, or special pays, I may be required to reimburse the U.S. on a pro rata basis for the unserved portion of the active service requirement."

Paragraph 6401.7. Add, Submission of Request (voluntary early release under SECNAV/CMC authority). Renumber remaining paragraphs .
All requests for voluntary early release requiring either CMC or Secretary of the Navy discharge authority must be received by CMC not less than six weeks prior to the requested separation date. Submissions received at CMC less than six weeks prior to the requested separation date will not normally receive favorable consideration.”

Paragraph 6401.9. Add. Reimbursement Requirement. In those cases that may be subject to a reimbursement requirement for recoupment of advance education assistance costs, bonuses, or special pays, the Marine must be advised of such requirement prior to submitting a request for voluntary separation. Failure to provide advisement, however, shall not constitute grounds for avoiding a reimbursement unless otherwise expressly provided by law or superior regulation."

Paragraph 6405.1. Early release for Education. Rewritten. GCMCA's 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. A vocational school is to include any state or local police department, fire department, or state, city, or county service agency that would require the Marine to attend a full-time course of instruction lasting 3 months or more. The educational institution must be accredited as specified in par 6405.3. This program is applicable to all enlisted personnel except:
Note: Enlisted Marines requesting early release for education are eligible for promotion consideration, selection, and promotion. Draft versions of this Manual had stated they were not eligible.

Paragraph 6405.3b(2). Early release for Education. Rewritten. (2) The school is accredited in the Education Directory for Postsecondary Education published yearly by the Department of Health, Education, and Welfare or has been determined by the United States Office of Education to be eligible for such listing."

Paragraph 6405.4. Early release for Education. Add. "f. Commands must immediately notify the CMC (MMPR-2) via message if a Marine, otherwise eligible for selection for promotion, has requested early release for education. Should a request for early release be disapproved, immediately notify the CMC (MMPR-2) for a determination of eligibility for remedial consideration for promotion."

Paragraph 6407. Hardship Discharge. Paragraph is more directive requiring submission of documentation and a definitive command recommendation for approval/disapproval and justification.

Paragraph 6407.5a. Hardship requests. Add. If a Marine is requesting either an extension, PTAD, humanitarian transfer, or hardship discharge, the command will make a definite recommendation with justification.
Paragraph 6407.5f. Hardship requests. Add. Command endorsements will include a command point of contact with telephone number.

Paragraph 6408.7. Pregnancy. Add. 7. The prohibition of pregnancy discharges within four weeks of delivery, as mandated in MCO 5000.12, does not apply to voluntary requests for separation. However, the Marine requesting voluntary separation must be advised of her rights and medical benefits available to her after her discharge. A page 11 entry must be made in the SRB and signed by the Marine.

Paragraph 6412.1. Not Selected for Promotion to SSgt. First sentence, change: "…immediate discharge…" to "…discharge prior to their EAS…" Add the

following to the end of the paragraph: “Sergeants deleted from the selection list for any reason, including misconduct, are considered passed over for promotion.”

Paragraph 6419.3e(3). Separation in Lieu of trial by Court Martial. Delete. Previously required Marines to request reduction to LCpl.

Paragraph 6419.3i. Separation in Lieu of trial by Court Martial. Add: “i. Conditional requests are not authorized. While a Marine may request the separation authority to consider a higher characterization than “under other than honorable conditions,” no request will be conditioned upon receipt of a higher characterization. See paragraphs 6413.3d(2).”

Chapter 7: RETIREMENT OF ENLISTED MARINES AND TRANSFER TO THE FMCR

Paragraph 7004.3 discusses issuance of PCS orders and requests for transfer to the FMCR.

3. PCS Orders

a. Marines who have been issued, or notified they will receive, PCS orders may request cancellation of the pending assignment provided a request for transfer to the FMCR is submitted. Requests will be approved based upon the needs of the Marine Corps.

(1) Marines eligible to transfer to the FMCR must request an FMCR date on or before the last day of the month after the effective date of their expected arrival at the new duty station.

(2) Marines eligible for transfer to the FMCR within 12 months of the date of arrival at the new duty station must request an FMCR date on the last day of the month after initial eligibility.

b. Marines not eligible for transfer to the FMCR within 12 months of the date of arrival at the new duty station will be required to execute PCS orders and complete the required minimum tour at the new duty station.

c. Requests involving cancellation of PCS orders and transfer to the FMCR must be forwarded to the CMC (MMSR-2) via naval message, with the CMC (MMEA) as an information addressee. Submit the request no later than 10 working days after receipt of orders. Requests that do not comply with this criteria will not normally be given favorable consideration.

d. Marines requesting transfer to the FMCR in lieu of PCS orders will not normally be granted additional service beyond the date established in paragraph 7004.3a.

e. Requests to withdraw a transfer to the FMCR are not given favorable consideration when PCS orders have been canceled or not issued.

Paragraph 7004.5. Service in grade/time in grade. Add. “Marines in the grade of gunnery sergeant and above will be required to extend or reenlist to have sufficient obligated service to serve the minimum time-in-grade of two years before promotion to the new grade will be effected.”

Paragraph 7004.12. Eligibility for Transfer to the FMCR. Rewritten. A Marine awarded a punitive discharge will not be eligible for transfer to the FMCR unless that part of the sentence is remitted."

Paragraph 7005.1. Application for Retirement or Transfer to the FMCR. Rewritten.
1. Reporting units must submit requests for retirement/transfer to the FMCR via the unit diary per MCO P1080.40B (MCTFSPRIM). The Marine requesting action is required to sign a copy of Appendix J from this Manual. Retirement must be on the first day of the month. Effective date of transfer to the FMCR will be the last day of the month. Marines at service limits will be authorized transfer to the FMCR at the end of the month in which their EAS falls, unless they are sooner eligible and specifically request an earlier date. Submit requests for retirement/transfer to the FMCR not more than 14 months and not less than 4 months before the requested date. Requests submitted outside this time frame are not accepted in the MCTFS and must be submitted, with justification and endorsements, by separate correspondence or message to the CMC (MMSR-2). Marines returning to the CONUS may elect separation at one of the duty stations identified in paragraph 1006.5.

Paragraph 7005.4a. Commanding Officer Responsibilities. Change last sentence. “Terminal leave and PTAD is granted at the discretion of the commanding officer and a replacement will not be provided to the unit during terminal leave or PTAD.”

Paragraph 7005.8. Modification or Cancellation of Requests. A change to the Manual in 1998 no longer allowed Marines to request cancellation of retirement/FMCR requests. A request to modify or cancel is restored based upon the criteria listed.

a. Submit requests to modify or cancel a retirement/transfer to the FMCR with justification and endorsements via separate correspondence/message to the CMC (MMSR-2) not later than 45 days before the effective date. Requests can not be submitted by unit diary. Approval will be based on the following criteria:

(1) Bona fide humanitarian or hardship circumstance; or

(2) A critical need exists for the Marine's grade and MOS which cannot be reasonably filled through the normal assignment/promotion process;

(3) Needs of the Service;

(4) ECFC considerations; and

(5) Requests for cancellation require the CMC to consider the relative strength of the Marine's MOS and the effect that cancellation may have on projected promotion opportunities for other Marines in that MOS.

b. Requests for modification after cancellation or nonissuance of orders will not be favorably considered.

c. The effective date of any modification should not exceed 14 months from the date of the original request, otherwise request cancellation.

d. Modifications requested after a Marine has started separation leave, or after replacement action by this Headquarters has been initiated, will only be considered if a bona fide humanitarian or hardship circumstance exists.

New. Paragraph 7009. MODIFICATION OF FMCR/RETIRED LIST DATES FOR CONVENIENCE OF THE GOVERNMENT. Explanation of the process to modify an approved retirement/transfer to the FMCR.
Only the CMC (MMSR-2) may modify an approved retirement/transfer to the FMCR. When such situations occur contact the CMC (MMSR-2) immediately for disposition instructions. **Convenience of the Government MCTFS entries made by the unit will not process and the Marine will be dropped from the active duty rolls without CMC intervention.** See paragraph 1011.2.

1. Convenience of the Government - Medical (CofGM). Modification for medical reasons requires hospitalization as an in-patient or acceptance of a medical medical board by the President of the Physical Evaluation Board.

a. If found fit for duty, the Marine’s contract will be extended and his or her retirement/transfer to the FMCR date will be established by this Headquarters as:

(1) The first day of the second month following the month in which found fit for duty for retirement; or

(2) The last day of the month following the month in which found fit for duty for transfer to the FMCR.

b. If found unfit for duty, see details in chapter 8 of this Manual for disability retirement processing.

2. Convenience of the Government - Legal (CofGL). If a pending transfer FMCR/retirement requires modification for legal processing the following pertains:

a. A Marine pending punitive discharge proceedings may be retained as CofGL beyond EAS/ECC. If the Marine is allowed to transfer to the FMCR/retire, the chain of command and the CMC (MMSR-2) will determine a new retirement date and an appropriate extension of contract.

b. Marines to whom jurisdiction has attached by commencement of action with a view to trial (by apprehension, arrest, confinement, or filing of charges) before release from active duty, may be retained on active duty. Once jurisdiction has so attached, it continues for purposes of trial, sentence, and punishment. Additionally, personnel may be retained if subject to the initiation of a preliminary inquiry, subject to information of a discreditory nature that may lead to a preliminary inquiry or the assumption of jurisdiction, to include, but not limited to, a restraining order against their person.

Figure 7-1. Transfer to the FMCR order format.

Figure 7-2. Transfer to the Retired List order format.

Chapter 8: SEPARATION AND RETIRMENT FOR PHYSICAL DISABILITY

Chapter 8 has been almost entirely rewritten to comply with the SECNAVINST 1850.4D (Navy Disability Evaluation Manual) and should be read in its entirety. Key changes:

1. Limited duty periods are now 8 months vice 6 months.

2. All officer limited duty must be approved by CMC (MMSR-4).

3. All subsequent periods of limited duty for enlisted Marines after an initial 8 month period must be approved by CMC (MMSR-4).

4. Non-medical assessments from the Commanding Officer are now required for all medical boards.

5. Death Imminent processing for Marines expected to live less than 72 hours is explained in detail.

Appendix A: SEPARATION PROGRAM DESIGNATORS

Paragraph 6203.2. Change narrative reason From “Condition not a physical or mental disability” to “Condition not a disability”

Paragraph 6204.2. Change narrative reason From “Erroneous entry” to “Erroneous entry (other)”

Paragraph 6204.2 pg, A-4 last item, change involuntary discharge from HFC1 to “HFC2”

Paragraph 6403. Change from “Interdepartment transfer” to “Interdepartmental transfer”

6404.3 Change from KDM4 to “KDM1”

8301. Change from “Transfer to TDRL” to “Disability, temporary”

6215. WEIGHT CONTROL FAILURE. Add under English Description: “Involuntary discharge (no board)” and under Code: “JCR1”

Appendix B: DETAILED INSTRUCTIONS FOR DD FORMS 214,214WS, AND 215

All dates on DD Forms 214 and 215 should be in YYYYMMDD format.

B001. Detailed Preparation Instruction for DD Form 214/214WS. Replace with: “The paragraphs below reflect actual items/blocks on the DD Forms 214 and 214WS. NOTE: It is the responsibility of the signing official to ensure all copies of the DD Form 215 and DD Form 215 are legible. No corrections will be made in the shaded areas and no typeovers will be used at all.”

Add to par B001.6. “For Marines who would normally have a reserve obligation remaining, but who are being discharged under other than honorable conditions, enter the date of discharge.”

Block 12. Replace with. “RECORD OF SERVICE. In computing service periods, consider each month to consist of 30 days regardless of the number of days in the month. Refer to the DoDFMR for correct formula for computing service periods. Note: When entering computed time, 30 days converts to 01 month, 12 months converts to 01 year. Use of a Julian Date Calendar for this purpose is not allowed.”

Block 13. Show the area of operation for the Combat Action Ribbon.

Block 16.a. Add the following to the end of the paragraph: “In no event will the regular leave balance or the saved leave balance exceed 60 days.”

Block 24. Add the following to the end of the paragraph. “In the event an administrative error is made in the characterization of a Marine’s discharge, the DD Form 214 should be cancelled and a new one issued.”

Block 28. Replace with. “NARRATIVE REASON FOR SEPARATION. This is a brief statement describing the circumstances of the termination. **Appendix A provides the narrative reason that must be used verbatim with the separation authority in item 25 AND with the separation code used in item 26. Do not use the English description from Appendix A in this block.** The narrative reason for separation for involuntary officer retirements shall read: "Retired".”

B002. Distribution Instructions. Add the following to the end of the paragraph: “The command must ensure all copies of the DD Form 214 and DD Form 215 are distributed to their **designated** federal and state agencies no more than five working days following the date of separation.”

B002.h. Copy No. 8. Add (3). “In all cases, a photocopy of the completed document will be maintained at the activity for two years.”

B003. PREPARATION OF DD FORM 215. 1. Add the following to the end of the paragraph: “The separation date in item 12 of the original DD Form 214 being corrected must be entered into item 5 of the DD Form 215. Do not leave this item blank.”

B003.5. Distribution Instructions. General distribution instructions for the DD Form 215 are in paragraph B002.2 When distributing copies 3 and 5, every effort should be made to include a copy of the original DD Form 214. The original and copy 4, if applicable, will be forwarded to the Marine at the address shown in item 4 with instructions that the DD Form 215 should be attached to the original DD Form 214 and copy 4, if applicable.”

Appendix C: CHECKLIST FOR SEPARATIONS

Numerous references have been updated. Selective Service System counseling upon separation is no longer required.

Appendix D: REGULATIONS AND PROCEDURES FOR BOARD OF CORRECTION OF NAVAL RECORDS (BCNR) AND THE NAVAL DISCHARGE REVIEW BOARD (NDRB)

New address for the Board: Naval Discharge Review Board, Washington Navy Yard, 720 Kennon Street, SE, Room 309, Washington, DC 20374-5023.

Old Appendix E: CERTIFICATES IN LIEU OF ORDERS

Deleted. Certificates in Lieu of Orders are not authorized. ALMAR 342/97.

Appendix E: AUTOMATED PROCESSING OF SEPARATION AND RETIREMENT REQUESTS IN MCTFS

Updated to reflect changes in MCO P1080.40B (MCTFSPRIM).

Appendix F: STATE DIRECTORS OF VETERAN AFFAIRS

Changes were made to addresses for Veteran's Affairs Offices in: Hawaii, Ohio, Utah, and Virginia.

Appendix G: JURISDICTION AND ADDRESSES OF VA REGIONAL OFFICES

Changes were made addresses for DVA Regional Offices in: Alabama, Canal Zone, District of Columbia, Florida, Georgia, Hawaii, Maine, Mississippi, Missouri, Virginia (counties of: Arlington, Alexandria, Fairfax), Vermont, Wyoming

Appendix I: REENLISTMENT CODES

RE2A. When Assigned: Transferred to the FMCR prior to reaching maximum service limitations for grade. Remarks: Recommended and eligible for reenlistment at the time of transfer to the FMCR.

RE3H. Remarks: Individual Marine must sign SRB entry.

RE3O. Add. "...and their names will be administratively deleted from any promotion selection list upon which they appear."

RE3-V. Remarks: ... to serve in the "IRR" ...
RE3-B – RE4-B assigned * indicating: Refer to the IRAM for appropriate page 11 entry.

Appendix J: RETIREMENT PREAPPLICATION CHECKLIST

Effects of retirement on promotion eligibility. Paragraph 2.a. Add. "I understand that if selected for promotion and my name is on a promotion selection list, my request for retirement or transfer to the FMCR will result in the removal of my name from that list."

Appendix K: BENEFITS AT SEPARATION

A new appendix that describes benefits based upon characterization of service.

Appendix L: INVOLUNTARY ADMINISTRATIVE DISCHARGE OUTLINE, CHECKLIST, AND FORMS

A new appendix to assist in processing involuntary administrative discharges.

Appendix M: SUMMARY OF CHANGES TO THIS EDITION OF THE MARCORSEPMAN

A summary of all revisions since change 3 (1998) that make up this version of MCO P1900.16F MARCORSEPMAN.

Appendix N: CERTIFICATE OF APPRECIATION FOR HONORABLE SERVICE

A sample of the certificate awarded to Marines released from active duty who have not yet served 8 years total service (and thus are not yet eligible for a discharge certificate) in appreciation for their faithful and honorable service as determined by their Commanding Officer.

APPENDIX N

CERTIFICATE OF APPRECIATION
(NSN 0109-LF-983-1400)

United States Marine Corps

Certificate of Appreciation

This is to certify that

was on the *day of* *released from active duty and transferred to the*

Individual Ready Reserve

after *years and* *months of Honest and Faithful Active Service.*

While the Marine Corps has been your occupation, family, and life for only a few short years, I am certain the honor, courage, and commitment instilled in you as a Marine will remain with you forever. Throughout your service, you demonstrated the leadership qualities and professional contributions that Marines strive to attain. You helped to maintain the security of the United States of America and have added strength to our Corps with a sense of patriotism and devotion to duty that is in keeping with the proud traditions of the United States Marine Corps. I honor you and respect the commitment and loyalty you displayed during your enlistment. Best wishes to you for happiness and success in the future. Semper Fidelis.

LEFT

Given under my hand on behalf of the Commandant of the Marine Corps this

day of *at*

NAVMC 11352 (8/99)

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

INDEX

Paragraph

A

Administrative procedures for all separations 1101
Administrative separations before completion of active/obligated service
Enlisted
Absentia 6312
Action in lieu of punitive discharge 6203.4
Administrative Procedures 6200-6201, 6301-6305
Administrative Separation Authority 6306-6313
Administrative Separation (Discharge) Board
Composition 6315
Convening authorities 6314
Findings and recommendations 6319
Notification procedures 6304
Oaths 6318
Procedures 6316
Record of hearing and report of the board 6320
Subsequent administrative board separation proceeedings . . 6321
Witnesses 6317
Alcohol abuse rehabilitation failure 6209
Best interest of the service (involuntary) 6214
Best interests of the service (voluntary) 6421
Changes in service obligation for active duty Marines
Involuntary/CMC directed. 6202
Voluntary 6404
Changes in service obligation for reservists on inactive duty 6403
Characterization 6107
Civilian conviction 6210.7
Commands designated as discharge authority for other commands Fig 6-1
Commission of a serious offense 6210.6
Concientious objection 6409
Convenience of the government 6203
Counseling and rehabilitation (6105 statements) 6105
Defective enlistment and induction 6204
Defective enlistment/reenlistment agreements 6402
Definitions 6002
Dependency of hardship 6407
Drug abuse 6210.5
Early release from overseas units 6420
Early release to accept public office 6406
Early release to further education 6405
Entry level performance and conduct 6205
Erroneous enlistment or induction 6204.2
Fraudulent entry 6204.3
Homosexual conduct 6207
Initiating administrative separation 6302
Involuntary administrative discharge checklist . . . . . Appendix L

Limitations 6106
Married to other service member 6416
Medical treatment, refusal of 6203.2b
Misconduct 6210
New entrant drug and alcohol testing 6211
Not selected for promotion to staff sergeant 6412
Notification 6303

Officer candidate disenrollment (involuntary) 6203.5
Officer candidate disenrollment(voluntary) 6411
Parenthood 6203.1
Periodic explanation 6103
Personality disorder 6203.3
Physical condition, not a disability 6203.2a
(obesity, bed wetting, sleepwalking, air sickness, motion sickness, pseudofolliculitis, allergy, height, other)
Policy 6101
Pregnancy 6408
Processing time goals 6102
Recoupment of bonuses 6108
Reduction from SNCO to sergeant or below 6413
Reservist becomes a minister 6414
Security 6212
Separation authorities . . . . . 6307, Table 6-3
Separation authority final action 6309
Separation authority review 6308
Separation in lieu of trial by court martial 6419
Separation of selected reservists in the delayed entry program 6418
Separation pending disciplinary and disability proceedings . 6313
Sexual harassment 6210.8
Sexual perversion 6210.4
Supremacist/extremist organizations 6210.9
Surviving family member 6410
Suspension of separation 6310
Transfer to Navy as a religious program specialist 6417
Transfer to the Navy Hospital Corps 6415
Unsatisfactory particpation in the Ready reserve 6213
Unsatisfactory performance 6206
Voluntary separations 6401
Weight control failure 6215
Administrative separations
Officer
Applicability 4001,4002
Characterization of service 4105
Guidance/reference 4003
Notification 4101
Processing 4102
Reasons for separation for cause 4103
Retirement or resignation 4104
Separation pay for involuntary separation for cause 4106
Aliens:
Notification to Immigration and Naturalization Service 1103

Separation 1104

B

Bad conduct separation 1004
Best interest of the service separations:
Involuntary 6214
Voluntary 6421
Bonuses, recoupment of enlistment/reenlistment 6108
Button/lapel pin:
Active enlistment retirement/transfer FMCR 7009
Honorable or general discharge 1101.2c

C

Ceremony (retirement) 1012
Certificates:
Amendment (DD Form 215) . . . . . Appendix B
Appreciation . . . . . .1101.2c(3)
Certificate in lieu of orders 1009.2e
Certificate of Release or Discharge (DD Form 214);
General instructions 1201-1205
Preparation . . . . . Appendix B
Distribution . . . . . Appendix B
Discharge 1101.2b
Retirement/transfer FMCR 1012
Retirement, physical disability 1012
Changes in service obligation
Defective enlistment and induction 6204
Demobilization or reduction in force 6202
Changes of address: 1404
Retired, physical disability 8205
Retired enlisted 1404
Retired officers 1404
Retired Reserves 3024
Temporary Disability Retired List (TDRL) 8306
Characterization of service 1004
Table 6-1
Confinement, discharge while in 1105.4
Convenience of the Government separations 6203
Counseling prior to separation
BCNR/NDRB advice 1101.4f
Career advisory interviews 1101.4a
Dental treatment 1101.4e
Disability evaluation 8004
Mailing address for pay, taxes, discharge certificates 1101.4j
Montgomery GI Bill 1101.4i
Not eligible or not recommended for reenlistment 1101.4c
Prior to involuntary discharge proceeding 6105
Selective service registration 1101.4h

Unemployment compensation (UCX program) 1101.4g
Uniforms 1101.5
Warning to Marines not eligible to reenlist 1101.4d
Court-martial
Separation in lieu of trial by
Enlisted 6419
Officer 4104.4
Discharge adjudged by 1105

D

DD Form 214 and 215 1201-1205
Appendix B
Death imminent processing 8511
Defective enlistment:
Involuntary 6204
Voluntary 6402
Definitions 1002
Delayed Entry Program separations (reservists). 6418

Dependency or hardship separations 6407
Disability Evaluation 8001-8004
Disability (physical) Evaluation System 8101
Disability Retirements due to permanent physical disability;
Current address and residence 8205
Disposition instructions 8202
General information 8201
Retired pay procedures 8203
Retirement documents 8202
Temporary Disability Retired List 8301
Disability separations:
Disability with severance pay 8401
Disability without severance pay 8402
Disability existing before service 8404
Member of an officer training program found not physically qualified
for retention 8406
Personality disorders as determined by a medical board . . 8405
Promotion 8002.9
Reservists on inactive duty found not physically qualified for retention
in the Marine Corps Reserve 8407
Reservists ordered to active duty for unsatisfactory participation
and found not physically qualified 8408
Separation procedures for discharge with/without severance pay. 8403
Disability separation/retirement admin procedures and policies . . 8501
Certificates in lieu of orders 8507
Concurrent disciplinary/disability proceedings 8508
Death imminent processing 8511
Disability tax liability exclusion 8510
Disposition awaiting final disability determination (home
awaiting orders) 8504

Leave 8509
Non medical assessments . . . . . Figure 8-5
PFT 8606
Physical examinations 8503
Responsibilities 8506
Retirement 8502
Voluntary separation before completion of final proceedings . . 8505
Discharge (see involuntary separations, voluntary separations, or separations)
Discharge adjudged by sentence of a court-martial 1105
Discharge by expiration of enlistment/obligated service 1005
Discharge letter in lieu of discharge certificate . . . . . Figure 1-1
Dishonorable separation 1003
Drug abuse/involvement
Enlisted 6210.5
Officer 4103.1
Drug rehabilitation failure 6209

E

Early release to further education 6405
Early release to accept public office 6406
Early release from overseas units 6420
Electronic signatures and records of proceedings 6109
Entry level performance and conduct separations 6205
Erroneous enlistment:
Involuntary 6204
Voluntary 6402
Expiration of enlistment 1005
Expunging resignation related material 5004.3

F

Failure of selection for promotion:
Enlisted, to staff sergeant 6412
Officer;
Continuation boards 2005, 5006.5
General information 2005, 5006
Options . . . . . .Table 5-1
Separation/severance pay 5006.6
Fraudulent enlistment 6204.3

G

General, under honorable conditions separation/characterization . 1003, 1004

H

Hardship discharge 6407
Homosexuals, separation
Enlisted 6207
Officers 4103.3
Honorable separation/characterization 1003, 1004

I

Individual Ready Reserve transfers:
At EAS 1005.3, 1006.3b
Prior to EAS (involuntary) 6311.3
Prior to EAS (voluntary) 6401.5
Interservice transfers (Regular):
Enlisted;
Transfer to the Navy Hospital Corps 6415
Transfer to the Religious Specialist Program 6417
Officers 5008
Interservice transfers (Reserve):
Enlisted 3004.4a
Officers;
On active duty 5008
Inactive duty 3004.4b
Involuntary/mandatory retirement (officer). 2005
Involuntary separations
Enlisted
Actions prior to discharge authority's decision
Counseling 6105
Forwarding recomendation to discharge authority 6305
Action after decision 6311
Administrative Discharge Boards . . . . . 6304-05, Appendix L
Alcohol abuse rehabilitation failure. 6209

Change in service obligation (involuntary). 6202
Characterization . . . . . 1004, Table 6-1
Convenience of the government 6203
Defective enlistment and induction. 6204
Entry level 6205
Limitations on separation 6106
Homosexual 6207
Misconduct 6210
New Entrant Drug and Alcohol Testing 6211
Notification procedures 6303
Security 6212
Separation authorities 6306-6313
Separation in the best interest of the service 6214
Unsatisfactory participation in Ready Reserve 6213
Unsatisfactory performance 6206
Weight control failure 6215

Separation concurrent administrative/disability proceedings . 6313,8508
SJA review 6308
Suspension of separation 6310
Transfer to the IRR 6311.3
Involuntary separation
Officer
Discharge orders 5005
Second failure of selection 5006
Separation pay 4106

J

K

L

Leave:
During physical disability processing 8509
General information 1010
Upon retirement/transfer to FMCR 1010
In conjunction with officer resignations 5004.4
Limited duty procedures and policies 8601
Deployability/PCS orders 8607
Light duty 8605
Permanent limited duty 8608
PFT partial and not required 8606
Policy 8604
Purpose 8602
System overview 8603

M

Married to other service members 6416
Medical qualification for separation 1011
Medical Evaluation Board (MEB) 8102
Medical Treatment, Refusal of 6203.2b

Misconduct
Enlisted 6210
Officers 4103
Modification/withdrawal
Enlisted retirement/transfer to the FMCR 7006.7
Officer retirement 2004.8
Resignation request 5004.2

N

New Entrant Drug and Alcohol Testing 6211

O

Obligated service:
Retirement (officers) 2003
Resignation 5002
Officer candidate disenrollment:
Involuntary 6203.5
Voluntary 6411
Officer resignation/separation (see Resignation)
Officer retirement (see Retirement, Regular-Officer, or Retirement, Reserve)
Officer, separation for cause (see Administrative separations, officer)
Orders:
Certificate in lieu of orders 1009.2e
Disability . . . . . Figure 8-3, 8-4
Enlisted retirement 7008
Home awaiting determination of physical disability . . . . . Figure 8-2
Officer resignation/discharge 5005
Officer retirement 2004.9
PCS cancellation in order to retire (officers) 2003.ld
Transfer to the FMCR 7008
Other than honorable separation/characterization 1103, 1104

P

Pay
General 1101.6
Physical disability 8203
Retainer (FMCR) and Retired (enlisted and officer) 1401-1405
Retired disability pay 8203
Separation pay for officers separated for cause 4106
Separation pay 1301-1308
Severance and separation (officers) 5006
PFT (partial during disability evaluation). 8606
Physical examination
General 1011
Physical disability 8204
Physical disability evaluation
Action by the Secretary of the Navy 8106
Disciplinary action and physical disability proceedings 8508
Disposition of personnel awaiting final determination of physical disability. 8504

General 8101
Medical board 8102

Officer Disability Review Board 8105
Physical Evaluation Board (PEB)
Formal. 8104
Informal. 8103
Physical evaluation for disability separation and retirement
Counseling 1101, 8004
Definitions and interpretations 8003
General 8001, 8002
Place of separation 1006
Pregnancy 6408
Processing time goals of administrative proceedings 6102
Punitive discharge
Enlisted 1105

Q

R

Recoupment of enlistment/reenlistment bonuses 6108
Reduction from SNCO to sergeant and below 6413
Reenlistment:
Codes . . . . . Appendix I
Refusal of Medical Treatment 6203.2b
Reserve enlisted interservice transfer . . . . . 3004, Figure 3-1
Reserve commission upon resignation 5004
Reserve officer separations (active duty) 5007
Reserve officer separations (inactive duty)
Resignations 3002
Involuntary discharge 3003,3009
Interservice transfer 3004
Twice failed of selection for promotion 3006
Separation for age and service 3005
Retirement 3005
Separations for unsatisfactory participation 3007
Exceptions to mandatory separation 3008
Reserve retirement credit report 3022
Resignation/separation of officers
Additional instructions 5004
Eligibility 5002
General 5001
Interservice transfer 5008
Involuntary as a result of a second failure of selection . . . 5006
Options after a second failure of selection for promotion . . .Table 5-1
Orders 5005
Separation of reserve officers on the active duty list 5007
Submission of requests 5003
Retirement, Regular
Enlisted
Application for retirement or transfer to the FMCR 7006
Cancellation 7005.8

Ceremony 1012
Certificates and lapel pins 7009
Creditable service 7002

Current address 1404
Eligibility for retirement 7003
Eligibility for transfer to the FMCR 7004
FMCR retainer pay 1401-1405
General 7001
Grade while a member of the FMCR 7013
Leave 1010
Orders 7008
Modification 7005.8,7009
Pay 1401-1405
Physical examinations 1011
Recall from the retired list 7019
Recall from the FMCR 7020
Receipt of request to retire/transfer to the FMCR at HQMC . . 7007
Retired grade 7012
Retirement from the FMCR 7018
Officer
Administrative procedures 2004
Ceremony 1012
Current address 1404
Definitions 2002
Eligibility 2003
General (DOPMA, Pre-DOPMA, WOMA). 2001
Leave 1010
Mandatory retirement 2005
Unrestricted officers 2005.2
Limited duty officers 2005.3
Warrant officers 2005.4
Orders 2004.9
Pay 1401-1405
Physical examinations 1011
Retired grade 2009
Safety zone 2002.3
Submission of request 2004.1
Voluntary 2003
Voluntary in lower grade 2003.3
Waivers of criteria 2003.2
Retirement, Reserve
Application for retired pay benefits at age 60 3017
Application for transfer to the retired reserve awaiting pay age 60 3016
Authority to release and separation orders 3020
Computation of retired pay 3013
Current address 3023
Defintions 3001
Exceptions to mandatory retirement 3008
Inactive/active duty points . . . . . Table 3-1
Membership points (gratuitous) . . . . . Figure 3-4
Minimum points to establish partial anniver yr as qualifying Figure 3-3

Orders . . . . . Figure 3-5
Physical disability retirement 3015
Qualifying service 3012
Reserve retirement credit report 3022
Retired documents and ceremony 3021
Retired reserve 3009
Retirement for age and service 3005
Retirement for unsatisfactory participation 3007
Retirement with pay based on active service 3010
Status in the retired reserve 3018

Status of former members 3019
Transfer to the reserve retired list with pay 3011
Transfer to the retired reserve without pay (honorary retirement) 3014
Twice failed of selection for promotion 3006
Retention beyond due date for separation 1008
Retired grade:
Physical disability 8002.9/10
Retired Regular
Enlisted 7012,7013
Officers 2009
Retired Reserves 3012

S

Security separation 6212
Selective service registration 1101.4h
Separation:
Administrative procedures and requirements 1101,1102
Aliens 1104
At EAS/EOS 1001,1005
Characterization
Enlisted 1004
Officer 4105
Definitions 1002
Effective date and time 1007
Involuntary retention 1008
Leave 1010
Location for CONUS and Hawaii units 1006.1
Locations outside CONUS 1006.7
Location in CONUS for overseas returnees 1006.4
Medical and physical examination 1011
Notification to Immigration and Naturalization Service 1103
Retention beyond separation 1008
Time and place 1006
Travel 1009
Types of separation 1003
Separation orders (officers) 5005
Separation pay 1301-1308
Officers 5006.6
Separation physical 1011

Separation leave for officers resigning 5004.4
Separation Program Designators (SPD) Codes . . . . . Appendix A
Servicemen's Group Life Insurance 1101.3
Service record, closing out 1101.7
Suspension of separation 6310

T

Tax liability exclusion for physical disability 8510
Temporary Disability Retired List (TDRL)
    Authority 8301
    Current address and residence 8306
    Disposition of TDRL members in hands of civil authorities . . . 8305
    Pay procedures 8303
    Periodic physical examinations 8304
    Removal from TDRL 8307

    Transfer to the TDRL 8302
Time and place of separation 1006
    Effective time of separation 1007
Tour length/minimum time on station
    Enlisted 7004
    Officer
      Retirement 2003
      Resignation 5002
Transfer to the Fleet Marine Corps Reserve (FMCR):
    Eligibility (10 U.S.C. 6330) 7004
    Grade 7013
    Orders & release from active service 7008
    Retainer pay 7015
Travel upon separation 1009

U

Unauthorized absence 6312
Uncharacterized separation 1004.5
Unemployment program (UCX) 1101.4g
Uniforms and clothing 1101.5
Unsatisfactory participation in the Ready Reserve 6213

V

Veterans Administration location and jurisdiction
    Federal Government . . . . . Appendix G
    State Directors of Veteran Affairs . . . . . Appendix F
Voluntary separations
    Enlisted
      Changes in service obligation (inactive Reserve) 6403
      Changes in service obligation (Regular active duty) 6404

Defective enlistment/reenlistment agreements 6402
Convenience of the Government
Best interest of the service 6421
Conscientious objection 6409
Early release subsequent to overseas tour 6420
Early release to accept public office 6406
Early release to further education 6405
Hardship 6407
Married to another service member 6416
Not selected for promotion to SSgt. 6412
Officer candidate disenrollment 6411
Pregnancy 6408
Reduction of SNCO to NCO or below 6413
Reservist becomes a minister 6414
Reservist in the delayed enty program 6418
Separation in lieu of trial by court-martial 6419
Sole surviving family member 6410
Transfer to Navy Hospital Corps 6415
Transfer to Navy Religious Program 6417
Characterization 6401.3
Separation Authorities 6307
Transfer to IRR 6401.5

Voluntary separations
Officer
Qualified resignations
In lieu of administrative processing 4104
In lieu of trial by court-martial 4104
Reserve officer release from active duty 5007
Reserve resignation (inactive) 3002
Unqualified resignations
Eligibility 5002
Limitations 5002.3
Overseas tour 5002.4
Reserve commissions, nonobligors 5004.1
Reserve commissions, obligors 5002.2h,5004.1
Submission 5003
Waivers 5002.5

W

Waivers
Resignation 5002.5
Retirement (enlisted) 7004.8
Retirement (officer) 2003.2
Transfer to the FMCR 7004.8
Withdrawal
Resignation 5004.2
Retirement (enlisted) 7006.7

Retirement (officer) 2004.8

X

Y

Z