

Headquarters, U.S.
Marine Corps

MCO P1900.16
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**MARINE CORPS SEPARATION
AND RETIREMENT MANUAL
(SHORT TITLE: MARCORSEPMAN)**

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DEPARTMENT OF THE NAVY
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IN REPLY REFER TO

MCO P1900.16E
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18 Aug 95

MARINE CORPS ORDER P1900.16E

From: Commandant of the Marine Corps
To: Distribution List

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

Encl: (1) LOCATOR SHEET

1. Purpose. To update regulations and policies on separations and retirements.
2. Cancellation. MCO P1900.16D.
3. Background. Separation and retirement processing as we know it has undergone a dramatic metamorphosis since the last edition of this Manual. Laws and policies have been instituted to assist the Department of Defense in force drawdown and reshaping. Additionally, laws have been passed to bring greater equity between grades. The passage of the Warrant Officer Management Act (WOMA) has done much to parallel the provisions of the Defense Officer Personnel Management Act (DOPMA). Enlisted Marines are now provided a "safety zone" prior to retirement eligibility, like that provided for commissioned officers. The Regular and Reserve components have been brought closer in line with one another under the Total Force concept. Marines who entered the service after 8 September 1980 will receive retired pay based on different computations from those who entered it prior to that date. The Department of Defense has consolidated pay accounts for all the services under the Defense Retiree and Annuitant Pay System (DRAS). However, the most directly impactful change has been the automation of separation and retirement processing. The outcome is a tremendous technological step forward and a significant reduction in unnecessary paper and message traffic. While this edition of the Order contains all significant changes and addresses the new processing requirements, it does not address provisions that are transitional in nature, e.g., the Voluntary Separation Incentive/Supplemental Separation Bonus and Temporary Early Retirement Programs; they will continue to be promulgated via ALMAR.
4. Summary of Revision. This revision contains a substantial number of changes and should be completely reviewed. In general, matters that pertain to more than one chapter have been consolidated in chapter 1; however, certain sections and figures/tables from chapter 1 have been moved to appendices to

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streamline the chapter. The scope of chapter 4 has been limited to Marine Corps particular policies with users being referred to Secretary of the Navy instruction for Department of the Navy policies and procedures. Chapter 8 includes a new section which incorporates pertinent information on limited duty processing and tracking. This information encompasses the policies and procedures promulgated by ALMAR 217/92. Significant changes follow.

a. Separation and retirement requests and approvals for Regular and Reserve Marines are now done exclusively by using the unit diary system in the Marine Corps Total Force System (MCTFS), except when a waiver of eligibility criteria contained in this Manual is requested. Additionally, all "voluntary" orders for lieutenant colonels and below, Regular and Reserve, will be issued by the unit using the unit diary approval from the CMC. The CMC will continue to issue orders for colonels and above.

b. A new section addresses entitlement to retired/retainer pay. It includes methods for calculation as determined by the Marine's date of entry into the service.

c. Enlisted Marines are now entitled to Reserve service credit in the computation of retired/retainer pay.

d. The Defense Finance and Accounting Service, Cleveland and Denver Centers (DFAS-CL and DFAS-DE) have replaced DFAS-KC as the agencies responsible for issuing retiree and annuitant pay, respectively. Commanders are now responsible for forwarding the Retired Pay Data Form (DD Form 2656) to DFAS-CL at least 30 days before the Marine retires/transfers to the Fleet Marine Corps Reserve (FMCR).

e. The responsibility to manage the Retired List of the Marine Corps has been moved from the Commanding General, Marine Corps Reserve Support Command and the old Retired Pay Division, DFAS-KC to the CMC (MMSR-7), Retired List Maintenance and Support Section. This section will manage Marines who are retired, Marines in the FMCR, and Reserve Marines Awaiting Pay at Age 60. Addresses have been changed accordingly.

f. All general discharges are characterized as "general (under honorable conditions)" for conformity with the Department of the Navy guidelines.

g. Deviation from written guidelines for determining characterization of service as contained in this Manual is disallowed; e.g., a commander may not issue a general (under honorable conditions) characterization at separation if average in-service conduct and proficiency of duty marks are 4.0 and 3.0 or above, respectively.

h. Physical examinations incident to separation (retirement) can now be initiated up to 12 months before separation. The commander must ensure that every attempt is made to complete all physical evaluation prior to the separation date.

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i. Separation locations have been adjusted to reflect unit deactivation, reorganization, and relocation.

j. Administrative separation no longer supersedes separation under the disability statutes, only disciplinary separation does; i.e. when a Marine is being processed (formal notification has occurred) for involuntary administrative separation for misconduct or the Marine is pending disciplinary proceedings (charges preferred) that could result in a punitive discharge or unsuspended punitive discharge.

k. Marines who, through no fault of the service, fail to complete a school assignment incident to a lateral move in conjunction with reenlistment, may be separated.

l. Service record books are now all sent to the CMC (MMSB) upon closeout, except for Marines having a Reserve obligation.

m. Enlisted Marines at service limits under the Enlisted Career Force Controls (ECFC) may now concurrently request consideration for promotion and transfer to the FMCR in certain instances.

n. Numerous changes have been made in the criteria for administrative separation, to include homosexual conduct, sexual harassment, weight control failure, drug abuse, and pregnancy.

o. Enlisted Marines may once again request transfer to the Navy as a religious program specialist.

p. Staff sergeants twice failed of selection for promotion to gunnery sergeant may request administrative separation.

q. Marines, otherwise eligible, who are in receipt of permanent change of station orders and who elect to separate or retire vice execute the orders, must now submit requests involving cancellation of PCS orders at least 120 days prior to the prescribed estimated date of arrival at the new duty station, but not later than 10 working days after receipt of orders, whichever is later.

[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 the appropriate chain of command.

6. Action. Commanders will ensure that they, and their designated representatives, are thoroughly versed in the contents of this Manual.

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

8. Certification. Reviewed and approved this date.



H. P. OSMAN
By direction

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INTRODUCTION

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

0002. STATUS

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

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

0003. SCOPE

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

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

0004. RESPONSIBILITY

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

2. If additional copies of the Manual are needed, submit requests per MCO P5600.31, Marine Corps Publications and Printing Regulations, chapter 3, section 3.

0005. ORGANIZATION

1. This Manual consists of one volume containing 8 chapters, 10 appendices, an index, and an introduction. It is functionally arranged, using the chapters as major divisions. The chapters are numbered in sequence and are listed in the Contents.

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

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Example.		<u>6012.3a(2)</u>
Chapter 6	_____	
Paragraph	_____	
Subparagraph 3a(2)	_____	

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

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

0006. CHANGES

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

2. Maintain a record of changes on the page provided for that purpose.

0007. METHOD OF CITATION. Reference paragraphs in this Manual in the following manner:

1. Correspondence and messages;

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

2. Directives;

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

3. Personnel records and forms only;

MARCORSEPMAN, par. 6012.3a(2)

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CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

1001. GENERAL

1. This 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), transfer to the Fleet Marine Corps Reserve (FMCR), transfer to the Retired Reserve, retirement, or resignation.

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

2. The remainder of this chapter, to include the following definitions, provides information, rules of interpretation, and prescribes procedures and policies applicable to all Marines. They apply throughout this Manual, and where applicable to more than one chapter have been consolidated in this 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. (Note: Definitions and rules of interpretation that relate to a specific chapter are listed at the beginning of that chapter.)

1. Active Commissioned Service. Service on active duty as a commissioned officer or commissioned 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. Separate list of Marine Corps officers, required to be maintained by the Secretary of the Navy under 10 U.S.C. 620 of all officers on active duty in the Marine Corps, other than officers described in 10 U.S.C. 641.

5. Active Service. Service performed on active duty. One of the prime factors upon which initial retirement eligibility is based.
6. Active Status. A Reserve commissioned or warrant officer, 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 prior to expiration of enlistment, period of induction, or other required period of service, or 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. Military service broken by any period greater than 24 hours and after 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. A commissioned officer or warrant officer who, by virtue of grade and assignment, exercises primary command authority over a military organization or prescribed territorial area under pertinent official directives is recognized as a "commander".
12. Commissioned Officer. Officer or warrant officer, CWO-2 and above, who holds a grade and office under commission signed by the President.
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, or Marine Corps, while on active duty or in an active, inactive, or retired 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 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. The Secretary of the Navy or those individuals authorized to appoint boards under this Manual.

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, 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, 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.

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 term 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. 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 schedule 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. Marine. An officer or enlisted member of the Regular or Reserve establishment of the Marine Corps.
34. Member (also Servicemember). A member of the Regular or Reserve components of the Marine Corps.
35. Military Record. An individual's overall performance while a member of the military service, including personal conduct and performance of duty.
36. Nonprobationary Officers. Regular commissioned officers (other than commissioned warrant officers or retired officers)
- a. With 5 or more years of active commissioned service; or,
 - b. Who were on active duty on 14 September 1981 and who have completed 3 or more years of continuous service since their date of appointment as a Regular officer.
37. 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.
38. 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.
39. Prior Enlistment or Period of Service. Service in any component of the Armed Forces, including the Coast Guard, which culminated in the issuance of a discharge certificate, certificate of service, or report attesting to the type and character of service rendered during that period.
40. Probationary Officers. Regular commissioned officers (other than commissioned warrant officers or retired officers)
- a. With less than 5 years active commissioned service; or,
 - b. Who were on active duty on 14 September 1981 and who have completed less than 3 years continuous service since their date of appointment as a Regular officer.
41. 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.

42. Qualified Resignation. A resignation for which the least favorable characterization of service allowed is general (under honorable conditions).
43. 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).
44. 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.
45. Resignation for the Good of the Service. A resignation for which the least favorable characterization of service allowed is under other than honorable conditions.
46. Respondent. A Marine who is the subject of separation proceedings.
47. Retention on Active Duty. The continuation of an individual in an active duty status in the Regular Marine Corps or Marine Corps Reserve.
48. Revocation of Appointment/Revocation of Commission/Termination of Appointment. A complete termination of the military service status of an officer.
49. Separation. A general term which includes discharge, 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, transfer to the IRR, transfer to the Fleet Marine Corps Reserve, Retired List, Temporary or Permanent Disability List, or Retired Reserve and similar changes in an active or reserve status.
50. 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.
51. 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.

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

53. 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).

54. 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.

55. The Secretary. The Secretary of the Navy. Includes the Under Secretary of the Navy or an Assistant Secretary of the Navy.

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

57. 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.

<u>Types of Separation</u>	<u>Character of Separation</u>	<u>Given by</u>
Release from active duty	Honorable, General (under honorable conditions), Uncharacterized	Administrative action

<u>Types of Separation</u>	<u>Character of Separation</u>	<u>Given by</u>
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	Under other than honorable conditions	General or special court-martial
Dishonorable discharge	Dishonorable	General court-martial

1004. CHARACTERIZATION OF SERVICE

1. Types of Characterization or Description. Characterization of service or description of separation based upon administrative action is authorized as follows. See paragraph 1004.3 for additional information.

- a. Honorable.
- b. General (under honorable conditions).
- c. Under other than honorable conditions.
- d. Uncharacterized. (See paragraph 1004.5.)

2. General Considerations for Characterizing Service

a. Importance of Proper Characterization

(1) 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.

(2) 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.

b. Guidelines for Determining Characterization

(1) Standards of performance and conduct as determined by MCO P1610.7, Performance Evaluation System, and MCO P1070.12, Individual Records Administration Manual (IRAM), form the primary basis for determining characterization of service. Minimum acceptable conduct and duty proficiency markings during an enlistment are 4.0 and above and 3.0 and above, 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.

(2) The reason for separation.

(3) The type of behavior which is the basis for discharge. 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.

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

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

(6) 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.

(7) 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, characterizations of service for Marines in this category, who are separated as a result of misconduct, may be awarded a characterization of service of less than honorable. In cases which warrant such a characterization, the command must forward a recommendation to the CMC, with supporting documentation and endorsements, for a determination.

3. Types of Characterization

a. Honorable. An 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, or is otherwise so meritorious

that any other characterization would be clearly inappropriate. For members who separate at EAS with conduct and proficiency marks of 4.0 and 3.0 or above, respectively, characterization will be honorable.

b. General (Under Honorable Conditions). If a member's service has been honest and faithful, characterize that service as general (under honorable conditions). Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the member's conduct or performance of duty outweigh positive aspects of the member's military record, as reflected by conduct and proficiency marks below 4.0 and 3.0, respectively.

c. Under Other Than Honorable Conditions

(1) This characterization may be issued when the reason for separation is based upon behavior, or omission, 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 superior-subordinate relationships, acts or omissions that endanger the security of the Marine Corps, deliberate acts or omissions that seriously endanger the health and safety of others, and drug abuse.)

(2) This characterization is authorized only if the member has been afforded the opportunity to request an administrative board, except in cases of separation in lieu of trial by court-martial. See paragraphs 4104 and 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.

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

a. Prior service activities, including records of conviction by court-martial, records of absence without leave, misconduct for which a reenlistment waiver was granted, or commission of other offenses for which punishment was not imposed or adjudged, shall not be considered to determine characterization. To the extent that such matters are considered in determining retention or separation decisions, the record of proceedings shall reflect that such information was not considered on the issue of characterization.

b. Preservice 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 preservice misrepresentations about matters that would have precluded, postponed, or otherwise affected the member's eligibility for enlistment or induction may be considered.

c. When the sole basis for separation is a serious offense (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 characterization of service as under other than honorable conditions is warranted under the guidance in sections 1 and 2 of chapter 6, it must be approved by the Secretary of the Navy on a case-by-case basis.

d. Conduct in the civilian community of a member of a Reserve component who is not on active duty, or active duty for training, may form the basis for characterization under other than honorable conditions only if such conduct 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 abuse 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 SECNAV or CMC under subparagraph 1004.4c or paragraph 6307).

f. The results of a mandatory urinalysis may be considered on the issue of characterization when the evidence was gathered during an inspection under Military Rules of Evidence 313, MCM, or from a search and seizure under Military Rules of Evidence 311-317, MCM, or incident to an examination conducted for valid medical purpose under Military Rules of Evidence 312(F), MCM.

5. Uncharacterized Separations

a. Uncharacterized. An uncharacterized description shall be used as follows. (Note: With respect to nonservice related administrative matters, i.e., 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, 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.

(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 prior to their expiration of active service are afforded the same benefits as though they were discharged at their EAS except as stated in MCO 7220.24, Selective Reenlistment Bonus (SRB) Program. 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 prior to 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 back to the Reserve component vice discharged (e.g. recruiter's aide assigned to temporary active duty), use MBK5 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 continental limits of the United States (CONUS). See paragraph 1006.6.

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

c. When the Marine is a resident of the Commonwealth of Puerto Rico. Commanders must transfer Marines, who are residents of and entered the Marine Corps in Puerto Rico, to that Commonwealth for separation at the Marine Corps Security Force Company, Roosevelt Roads. However, the Marine may submit a request in writing to separate other than in Puerto Rico. The request should be submitted to the local commander and may be approved at that level.

d. 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. Marines will be separated in the CONUS unless other provisions in this Manual allow separation outside the CONUS (OCONUS). Commanding officers of units overseas must transfer Marines pending separation to the nearest Marine Corps activity in the CONUS which has Government messing, quarters, medical, and Marine Corps disbursing facilities in time to ensure arrival at the separation location as close to but not less than 10 days prior to the effective date of discharge. Marines returning from permanent overseas duty stations who are within 90 days of completing their active service obligations may request separation upon return. Upon the Marine's completing the administrative requirements below, voluntary separation may be effected pursuant to paragraphs 6401 and 6420.

a. Criteria for Early Separation Upon Return to the CONUS

(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 CONUS.

(2) Marine consents in writing as outlined in subparagraph 1006.2e.

(3) Marine is not indebted to the Government.

(4) Marine does not intend to reenlist.

(5) Marines transferring to the FMCR are not eligible for early separation under the provisions of this paragraph.

(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. Separation Prior to Arrival CONUS. A Marine who is entitled to and elects separation OCONUS may do so provided the Marine meets the criteria of subparagraph 1006.2a; and,

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

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

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

"I hereby consent to be (discharged) (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 CONUS. I am not indebted to the U.S. Government. I do not intend to reenlist. I am not transferring to the 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 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 subparagraph 1008.2d of this Manual and 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.

3. Separation Locations

a. Marines returning to the CONUS for immediate retirement/transfer FMCR or for involuntary 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	*MATSG 90 MFS (Delete as of January 1997)	G79
MCSA KSC	047	MCAS NEW RIVER NC	024
CAMP H. M. SMITH HI	110	MCAS YUMA AZ	027
MCB CAMPEN CA	014	MCB KANEOHE BAY HI	091
MCB CAMLEJ NC	013	MCAS BEAUFORT SC	026
MCLB ALBANY GA	063	HQ 1ST MCD GCTY	902
MCLB BARSTOW CA	019	HQ 4TH MCD NEW CUMBERLAND PA	904
MCRD PISC	016	HQ 8TH MCD NRLNS	910
MCRD SDIEGO	017	HQ 9TH MCD KANSAS CITY MO	912
MCAS CHERPT	022		
MCAGCC TWENTYNINE PALMS CA	015	*MATSG PENSACOLA (Effective January 1997)	G78
MCAS EL TORO CA	023		

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

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

(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, prior to 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.

(6) Comply with instructions in paragraphs 1101.4; 2004.5 and 2004.6 (retiring officers); and 7006.4, 7006.6, and subparagraphs 7008.5a and 7008.5b (retiring enlisted).

4. Exceptions. All Marines, not covered in subparagraph 1006.2d and stationed OCONUS who are eligible for separation and who desire separation at a Marine Corps activity not listed in paragraph 1006.3, will request (MCC W95) orders via naval message from the CMC (MMSR) with an information copy to the CMC (MMOA) for officers and the CMC (MMEA) for enlisted Marines for separation at that activity. Marines with dependents in Government quarters at a CONUS site must request separation at that site.

a. These requests will not 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 or MMEA) authorizing Marines to proceed to a station not listed in paragraph 1006.3 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 P4650.37 (MCTIM) apply."

5. OCONUS Marines desiring to submit for 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 prior to 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) prior to the retirement/transfer FMCR date. The preceding does not account for any permissive temporary additional duty (PTAD) to which the Marine may be authorized.

6. 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 Hawaii or Alaska, eligible for an honorable discharge, may request separation at that duty station. Regardless of the characterization of service, separate Marines who are residents of, and serving in, Hawaii or Alaska at their duty station. Commanding officers must ensure the Marine is properly counseled about travel allowances and shipment of personal property/household goods entitlements and time limitations on exercising them.

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.

(4) To approve such requests, the commanding officer may accept a written statement from the appropriate consular or diplomatic representative 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).

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 Department of Veterans Affairs (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 a Marine on the date of discharge or release from active duty.

a. Do not deliver discharge certificates prior to 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 MSO (military obligation is terminated upon discharge), commanders are authorized to effect discharge (Regular or Reserve), or to order release from active duty (Regular or Reserve) on the

last working day preceding a Saturday, Sunday, or holiday when the separation date falls on one of those days, provided the Marine concerned consents in writing per subparagraph 1006.2e.

d. Subparagraphs 1006.2f through 1006.2h contain instructions for discharge or early 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. 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. 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 the Manual of the Medical Department (MANMED), articles 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, prior to release from active duty, may be retained on active duty. Once jurisdiction has so attached, it continues for purposes of trial, sentence, and punishment.

(2) Entitlement to pay and allowances for personnel retained after expiration of term of service in a disciplinary status is prescribed in paragraph 10316a of the Department of Defense Military Pay and Allowances Entitlements Manual (DODPM).

(3) Personnel retained beyond EAS due to serving a sentence or awaiting appellate review of a court-martial may be discharged under the provision of, and upon compliance with, section 0157 of the JAG Manual and/or SECNAV instructions 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 discharge 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 prior to 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 prior to 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 their 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 their 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 prior to 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 their 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 prior to the approach of EAS. In such situations the provisions of SECNAVINST 5820.4, 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 P4650.37, Marine Corps Travel Instructions Manual (MCTIM).
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/dependent 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, paragraph U5125-D.
- d. Furnish a DD Form 1351-2C, Voucher or Claim for Dependent Travel and Dislocation or Trailer Allowance, if entitled to dependent transportation.
- e. Issue the Marine a certificate, in triplicate, described in Appendix E, if the Marine is discharged without orders and is entitled to dependent's transportation. This certificate may be issued by the commanding officer up to a maximum of 180 days in advance of the effective date of the Marine's discharge/release from active duty and must be viewed by the disbursing officer to ensure that the entries are correct. If the Marine elects to take leave while awaiting separation, the certificate may be issued 45 days, plus the number of days leave authorized, in advance of the effective date of separation; this does not account for any PTAD to which the Marine may be authorized, but may still not exceed 180 days.
- f. If entitled to their home of selection and to travel allowances to said home from the last duty station, the JFTR, paragraphs U5130 and U5230 require that the member be:
 - (1) Informed of the time limitations covering completion of travel;
 - (2) Informed that once a home is selected and travel allowances are received for travel to such home, such selection is irrevocable; and,
- g. If returned from an OCONUS permanent duty station for separation in CONUS at an activity elected under paragraph 1006.3, inform the member of entitlement to travel allowances as specified in the JFTR, paragraph U5130-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:

Defense Finance and Accounting Service
Kansas City Center
Travel Division (Code FJTG)
1500 East 95th Street
Kansas City, Missouri 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, D.C. 20380-1775

1010. ACCRUED LEAVE

1. Leave in conjunction with separation may be authorized under the provisions of MCO P1050.3, 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 only if the commander can afford to let the Marine go. Granting of terminal leave is not an entitlement, it is a privilege. The following policies will apply in granting/requesting leave in conjunction with separation:

a. Leave will continue to be 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 P1050.3 allows the commander to approve up to 90 days 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 (MMA or MMEA) on a case-by-case basis.

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

d. If leave is desired in conjunction with a request for separation, the appropriate separation request must be submitted at least 120 days plus the amount of leave desired (to include PTAD) prior to 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 actions incident to separation have been completed; e.g. reporting of terminal leave, completion of separation physical, etc.

e. Do not approve leave in excess of the number of days which the member can accrue prior to the end of current contract (ECC). Leave taken in excess of 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, and at least 30 days prior to commencing leave. (For separating Reserve officers (not retirement eligible) provide this information to the CMC (MMOA-3). This will ensure that the Marine is in receipt of orders prior to 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. Separation leave for a Marine who has accepted employment with the Federal Government or the District of Columbia is authorized dual pay per 5 U.S.C. 5534a, subject to the above criteria and with command concurrence, and approval by the CMC (MMSR). Requests must include proof of acceptance of employment.

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, prior to 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, prior to 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 (during periods when PTAD is authorized) for involuntary separatees (includes retirees).

3. Commanders shall not authorize a Marine to depart on terminal leave without first certifying that the Marine has fully completed a separation physical. A Marine departing on terminal leave must be given a clean bill of health and shall be qualified to separate. A Marine 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 processing.

4. Accrued leave creditable upon separation may be liquidated by lump sum readjustment/payment subject to the provisions of DODPM, part 4, chapter 4, section A. 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. PHYSICAL EXAMINATIONS

1. Article 15-29 of the MANMED, requires 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 board incident to separation need not undergo further physical examination at the time of separation. A Marine should schedule a physical examination not more than 12, nor less than 6, months prior to 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 by the Secretary of the Navy. Longer periods may result in exceptional cases. Examinations are not required for Marines being discharged or retired upon the approved report of a medical board or a physical evaluation board (PEB), per the MANMED. See Chapter 8.

2. Notify CMC (MMSR), via naval message, immediately, but not later than 30 days prior to the approved separation date, if medical processing requires deferral of an approved separation date. Include pertinent details.

3. Separation will not normally 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. Medical board hearing.

c. Necessary medical or dental treatment.

4. MANMED articles 18-23 provide 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. It further provides that servicemembers will not be afforded medical board action (unless directed by higher authority) when pending administrative separation based upon misconduct or pending a punitive discharge. See paragraph 8508.

5. Deferral

a. Statutory/Mandatory Separation. The 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, if:

- (1) The Marine is hospitalized; or,
- (2) A medical board report has been accepted by the President, PEB for disability evaluation processing.
- (3) Immediately notify the CMC (MMSR) per paragraph 1011.2, if either of the preceding conditions exists.
- (4) Warrant officers. For warrant officers (WO-1 to CWO-5), the deferral may not be for a period of more than 4 months, if, because of unavoidable circumstances, evaluation of the warrant officer's physical condition and determination of physical disability requires hospitalization or medical observation that cannot be completed before the mandatory separation date.
- (5) A request for deferral of a statutory separation must be approved by the Secretary of the Navy prior to the effective date; otherwise the separation shall, by law, remain in effect. For enlisted Marines, the CMC must approve the deferral prior to the effective date, or the separation shall remain in effect.

b. Voluntary Separation. If a Marine pending voluntary separation is found not physically qualified for separation, immediately notify the CMC (MMSR) per paragraph 1011.2.

- (1) If the Marine is subsequently found qualified and the initial separation date has not passed:
 - (a) Notify the CMC (MMSR-2); and
 - (b) Effect the separation as scheduled.
- (2) If the Marine is not fit to separate on the scheduled date, comply with instructions provided in paragraphs 8604.2 and 8607.1, to include:
 - (a) Not earlier than 90 days from the Marine's EAS, run the Marine in a medical hold status by reporting a unit diary entry per the PRIM: "Convenience of the Government Medical" (COFGM); and,
 - (b) Request disposition instructions from the CMC.
- (3) If the Marine is subsequently found qualified and the initial separation date has passed or the Marine is beyond EAS, the commanding officer will:
 - (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 per paragraph 7004.11; and,

2 Immediately notify the CMC (MMSR) concerning both fitness for duty and the nature of the contract in effect.

3 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.

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

7. 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.

8. 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. Additionally, a requirement exists to conduct HIV screening at least 90 days prior to separation for Marines being released from active duty. Results must be recorded on the SF 88 prior to separation. HIV test results are to be included in the separating Marine's medical record. If the HIV test results are not available at the time of separation:

a. The Marine will be informed by the MTF that their medical/dental records will be closed in absentia. Once 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 hand deliver both 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 care benefits and eligibility. The Marine will also be advised that punitive separations and other than honorable discharges may disqualify him or her for veterans 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 TDRL, the Marine will be advised in writing that a current mailing address and phone number must be provided to the PEB and that failure to do so 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 a medical board report be dictated and forwarded 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 as soon as they are found qualified. Therefore, Marines will liquidate all leave, not to be sold back as lump sum leave, to the fullest extent possible while pending final disposition.

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 instruction on retirement parades.
6. A retirement certificate, letters, and button are provided by the CMC for presentation upon retirement.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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. Instructions on the DD Form 214 are covered in section 2 and Appendix B.

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)

(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 will be under 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 prior to forwarding per MCO P1070.12, IRAM.

(3) Front Entries

(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. Additionally, the requirement for listing the middle name is waived for the Commanding General, Marine Corps Reserve Support Command (MCRSC), though a middle initial, if applicable, must be included. Discharge forms appropriate to the status under which the Marine is discharged will be issued to all Marines without designation of component.

(b) Date. As shown in the following example: "on the 10th day of."

(c) Signature. The normal signature of the officer who signs will be made on the top line. The bottom line will be completed as shown in the following example: "J. P. JONES, MAJOR, USMC."

(4) Delivery

(a) Every effort should be made to deliver honorable and general (under honorable conditions) discharge certificates in person by an officer, preferably commanding officer. If this is not practicable, 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 unit address as the return address. Returned discharge certificates, determined to be undeliverable, will be forwarded by the unit to the following address:

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

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 CMC (MMSB-10) as specified in the preceding 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 CMC (MMSB-10).

(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 Button (may only be 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 one of these buttons upon discharge, provided the character of service is at least general (under honorable conditions) and the Marine is not reenlisting.

(b) A supply of buttons 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 VA Pamphlet 80-92-1, "Federal Benefits for Veterans and Dependents".

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 before the end of 120 days following the date of separation from service.

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

Office of Servicemen's Group Life Insurance
213 Washington Street
Newark, NJ 07102-2999

Or, call 1-800-419-1473.

4. Counseling/Advice Prior to Separation. Prior to separation each Marine will be afforded pre-separation counselling. See Appendix C.

a. Career Advisory Interviews. Prior to 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 desirable.

(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 necessary information and are better equipped to answer questions expeditiously than if direct inquiry is made to the CMC. Recruiters may refer individual cases to the CG, MCRC (MRRE) per MCO 1130.58, Reenlistment of Prior Service Marines, when necessary.

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

Commanding General, Marine Corps Reserve Support Command
15303 Andrews Road
Kansas City South Airport
Kansas City, Missouri 64147-5000

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 P1040.31, Career Planning and Development Guide, will be counselled by their commanding officer. Record the following entry on page 11 of the service record when an RE-3 or RE-4 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-1B; 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 service 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 servicemembers 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 servicemembers discharged or released from active duty. The following provisions apply:

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

(4) All servicemembers who have completed at least 180 days of service at the time of separation must be provided a written explanation of eligibility requirements. This statement will be signed by the member acknowledging receipt and filed on the document side of the service record. If the member refuses to sign the statement, a certification from the commanding officer that the member was provided an explanation will be filed on the document side of the service record. A sample entry follows:

"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 prior to separation from active duty will be made in item 18 (Remarks Section) 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 to 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). Counsel Marines who have completed their first term of service and are separated from active duty that they 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. All separating male Marines (officer and enlisted), 18 to 26 years old, are required to register with the Selective Service upon separation from active duty, notwithstanding intentions to join Reserve or National Guard units or to serve in the IRR. Registration will be completed with the Selective Service System Separatees Registration Status Form (SSS 1 (MC) (SRS) stock number 0110-LF-100-0020). Marines, previously registered, should use this form to update any information on previous Selective Service forms. Advise separating male Marines that registration does not mean they will be automatically drafted if there were a future mobilization. A Marine who has served 12 months or more on active duty could be drafted only after a congressional declaration of war or national emergency. A Marine with less than 12 months active duty would be eligible for the draft, dependent upon (1) the circumstances, if discharged and (2) the regulations and induction standards in effect at the time a draft were ordered. Failure to register may be a violation of the Military Selective Service Act which provides a penalty of imprisonment for not more than 5 years and/or a fine of not more than \$10,000.

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 DFAS as undeliverable.

(2) Instruct Marines to inform the Defense Finance and Accounting Service (EYS), Kansas City Center, Kansas City, MO 64197-0001, of any address changes within 1 year of their separation date.

(3) Advise retiring Marines that failure to keep the Defense Finance and Accounting Service, Cleveland Center, Code ROA, P.O. Box 99191, Cleveland, Ohio 44199-1126 of a current PMA could result in termination of retired pay.

5. Government Property, Uniforms, and Clothing

a. Government Property. Recover prior to 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 P10120.28, 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. Clothing to be recovered includes all uniform coats, raincoats, overcoats, liners, trousers, utility uniforms, caps and covers in the Marine's possession, together with all grade and service insignia, service stripes and uniform buttons. 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 P10120.28 (ICR) addresses funding and allowances.

(4) Wearing of Uniform 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.

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 prior to the date of separation from active duty. See MCO P7220.31, Advance Pay Incident to Permanent Change of Station.

b. All separating Marines must report to the disbursing officer not less than 5 working days prior to 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. MCO P4650.37 (MCTIM) refers.

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 DODPM.

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 P1070.12 (IRAM).

(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 (SMCR)
P.O. Box 150950
St. Louis, Missouri 63115-8950

b. To avoid confusion and delay in the final pay settlement, no transfers will be made or authorized after a Marine's accounts have been closed prior to discharge.

1102. AUTOMATION

1. Background. During July 94, 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 service-wide 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. No longer are units faced with tracking reams of naval message traffic; necessary 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. All approvals are now generated to the parent command and responsible order writing unit exclusively via the unit diary by the CMC. See Appendix F for detailed procedures. Naval messages are no longer issued granting authority to release Marines for routine separations. A diary advisory is generated to the command reporting unit code (CRUC) whose responsibility it is to issue orders with an information copy 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 payments 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 not increase the administrative burden of field commands. Additionally, the modifications were developed to streamline processing and decentralize execution of separations once approved. However, while this was achieved, it is imperative that the very same administrative actions that have always been required of reporting units be meticulously complied with since these are key to the success of the system. See Appendix F.

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 (JA) a report of such a case so that the required certification may be prepared and transmitted to the Immigration and Naturalization Service (INS), Department of Justice, upon the Marine's discharge. This report will include the fact of discharge and the date. The report will also include whatever information is shown on the Marine's service record with respect to naturalization. The INS is responsible for the institution of proceedings for the revocation of citizenship in any such case.

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 prior to the date on which the Marine is to be separated.

4. Per 8 U.S.C. 1439, expeditious naturalization of a permanent resident alien upon completion of 3 continuous years of active service in the Armed Forces of the United States is authorized, 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 prior to completion of 3 years of service. The prescribed 3-year period may be satisfied by a combination of active duty and inactive duty in a Reserve status. Notwithstanding the foregoing, an alien desiring discharge for the above reason; i.e., hardship or for the 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 my requesting discharge prior to 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 MCM 1984, RCM 1003 (b) (10).

4. Personnel retained beyond EAS serving a sentence or awaiting appellate review of a court-martial may be discharged under section 0157 of the JAG Manual and/or SECNAV instructions 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 DD Form 214 at the time of their release from confinement, expiration of their sentence, or upon their parole or transfer to a Federal institution.

5. Except when the discharge has been suspended and not vacated, the transfer of Marines sentenced to discharge who are serving outside the CONUS 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 P1050.3 completed, a Marine sentenced to a punitive discharge will not be transferred to the CONUS until review has been completed by the officer exercising general court-martial jurisdiction, the promulgating order issued, and service record entries made reflecting the action by the officer exercising general court-martial jurisdiction.

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 Manual of the Judge Advocate General of the Navy, 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, 1984, with a copy to the CMC (JA). 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 by naval message the Judge Advocate General of the Navy with a copy to the CMC (JA). 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 (JA). See the MCM, 1984.

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 prior to 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, 1984. 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 destroyed after completion of the DD Form 214 or 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 divisions/departments 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. This is to be accomplished without a request from the separated Marine. See Appendix B.
 - b. The CMC; the Commanding General, Marine Corps Reserve Support Command (MCRSC), Kansas City, Missouri; and the Marine Corps Liaison Officer, General Services Administration (GSA), National Personnel Records Center (NPRC), St. Louis, Missouri 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.

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

1. 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.

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 (see Appendix B, subparagraph B001.8e):

(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 for training (ADT) of 90 days or more; and

(3) Separation from active duty while on 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 (these Marines will receive a DD Form 214 upon separation from enlisted status for the purpose of transferring to the FMCR effective on the same date of reversion);

g. Personnel removed from the TDRL; or,

h. Reservists discharged from the Reserve Special Enlistment Program (voluntary). Although they do not receive a DD Form 214, the reenlistment codes in Appendix J may be assigned for record purposes; e. g., page 11 entries or discharge letters.

4. General Instructions

a. The original of the DD Form 214 will be physically delivered to the Marine prior to 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, SPD code, and narrative reason for separation also will be physically delivered to the Marine prior to departure, if requested by initialing block 30. When emergency conditions preclude physical delivery or when the Marine departs well in advance of normal departure time (e.g., leave in conjunction with retirement 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 or transfer. The commander must ensure that copies 2, 3, and 5 through 8 of the DD Form 214 are distributed the day 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 creates the following types of problems:

(a) It generates queries from separation employment services and lending institutions; and

(b) It impedes the servicing of eligible and deserving former Marines seeking employment, financial assistance, or various veterans benefits.

(2) The DVA has requested, to preclude delays and possible financial hardship in applying for and receiving veteran's benefits (particularly education benefits), that the Marine be advised that copy number 4 of the DD Form 214 is required, and should be submitted with the application, to receive 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.

b. Exceptions:

(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 prior to 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.

(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 VA 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, prior to 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.

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

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

e. 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 be bond paper and 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.

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

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

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

(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 the form 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).

i. Special Follow-Up Procedures. DoD instructions require that each item of the DD Form 214 be completed prior to 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. The importance of establishing these procedures cannot be overly stressed. 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.

j. Forms Control. See paragraph 1204.

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 DD Forms 214 and 215. Items 1, 3, 4, 12, and 18 through 30 of the DD Form 214, as well as items 1, 3, and 5, of the DD Form 215 have been surprinted with security ink to make alterations readily discernible. No corrections are permitted in the shaded areas.

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 gunnery 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. There is no requirement for the forms to be serialized (although they may be) for accountability purposes. A log book or other means may be used 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., over stamped "FOR INSTRUCTIONAL PURPOSES ONLY".

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 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, prior to submission to the ASD (P&R).

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 P1080.20, 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 SPD's. Officer SPD's are assigned by the CMC and are therefore not listed in the appendix.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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.

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 prior to 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, prior to 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 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. As a formula, it looks like the following:

$$\text{Full Separation Pay} = .1(a \times b)$$

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. Marines involuntarily separated from active duty whose separation is characterized as honorable and meet the criteria below, except for those excluded under paragraphs 1305 and 1306, are entitled to the full separation pay rate.

2. Minimum Service. Regular officers and enlisted members on the active duty list, officers not on the active duty list, and Reserve enlisted members must have completed at least 6 years of active duty service prior to separation. They do not have to be continuous, but must end immediately before the separation, discharge or release.

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 not 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 paragraphs 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 1920.6, 1910.4, and 1210.5 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

- a. Expiration of service obligation.
- b. Selected changes in service obligation.
- c. Homosexual conduct.
- 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 (MMSR-3) and the member's chain of command.

1306. MARINES NOT ELIGIBLE FOR SEPARATION PAY. Any Marine separated under other than honorable conditions is not eligible for separation pay. See SECNAVINST 1900.7 for further guidance.

1307. REPAYMENT OF SEPARATION, SEVERANCE OR READJUSTMENT PAY. Provisions concerning repayment of separation, severance or readjustment pay are covered in paragraph 12 of SECNAVINST 1900.7. 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 in conformity with specific provisions of law. The information in this paragraph applies only to nondisability retirements effected by the provisions of this Manual.

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

(2) Total active service, including active duty for training, performed subsequent to 31 May 1958.

b. For the purpose of the calculation in subparagraph 1402.1a, 1 day of credit (with a maximum of 60 days of credit for any 1 year) is awarded for each retirement point earned as a member of a Reserve component subsequent to 31 May 1958; through authorized attendance at drills, completion of correspondence courses; periods of equivalent instruction or appropriate duty performed as authorized by the CMC, the COMMARFORRES, or the CG, MCRSC; and 15 points per year gratuitous credit for Reserve membership.

c. 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.

d. 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 Class I(d) of the FMCR are entitled, when not on active duty, to retainer pay at the rate of pay described in paragraph 1405 of the basic pay received at the time of transfer multiplied by the number of years of active service in the Armed Forces.

b. 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. 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.

c. All active service, as defined in paragraph 7002.2, is included in computing service for transfer to Class I(d). To determine the number of years and months of service used as a multiplier to compute retainer pay, every month is prorated (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/active constructive service the multiplier would be 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. To derive the retired pay multiplier, credit a Marine with:

a. Officers

(1) Prior to 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 not to exceed 60 points per year.

b. Enlisted Personnel

(1) All service per paragraph 7002.2, and

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

1403. PAY ACCOUNTS

1. Pay accounts of retired Marines are maintained at the Defense Finance and Accounting Service, Cleveland Center. Address inquiries on retired pay matters to the:

Defense Finance and Accounting Service
Cleveland Center (Code RO)
P.O. Box 99191
Cleveland, Ohio 44199-1126

Or, call toll free 1-800-321-1080.

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 Relief Society. MCO P7220.45 refers.

1404. CHANGE OF ADDRESS AND RESIDENCE OF RETIRED MARINES

1. Retired Marines will:

a. Keep the Director, Defense Finance and Accounting Service informed at all times of current check mailing address and current home mailing address using the address in paragraph 1403.1 above. As of July 1992, all retired Marines must be on direct deposit.

b. Keep the CMC (MMSR-7) informed at all times of current home mailing address. Reports address changes to:

Commandant of the Marine Corps (MMSR-7)
Headquarters, U.S. Marine Corps
2 Navy Annex
Washington, D.C. 20380-1775

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

c. Provide address changes, as appropriate, and submit over the Marine's signature and with the SSN for identification purposes.

2. Subject to the above requirements and conditions stated in the Marine Corps Retirement Guide, NAVMC 2642, a retired Marine may reside abroad.
3. Retired Marines and members of the FMCR will keep the CMC (MMSR-7) informed at all times of their current home mailing address. Report address changes to:

Commandant of the Marine Corps (MMSR-7)
 Headquarters, U.S. Marine Corps
 2 Navy Annex
 Washington, D.C. 20380-1775

4. A retired Marine or member of the FMCR may reside abroad. See the Marine Corps Retirement Guide, NAVMC 2642.

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.

1. METHOD 1. MARINES WITH A DATE INITIAL ENTRY MILITARY SERVICE (DIEMS) BEFORE 8 SEPTEMBER 1980. The Act of August 10, 1946 implemented this method for calculating retired/retainer pay. This method is used to compute the retired/retainer pay for the majority of Marines currently retiring from active duty. Use the following procedure to determine your monthly gross retired/retainer pay:

a. Step 1

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

(2) Transfer FMCR. To determine the multiplier for Marines transferring to the FMCR, multiply the Marine's years (include fractional portions of a year) of active or active constructive service by 2.5% (.025).

Example 1: A Marine with 23 years and 8 months of active/active constructive 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/active constructive service.

Multiply this figure by 2.5% (.025) to get the retired pay multiplier; i.e. $23.66 \times .025 = .5915$.

b. Step 2. Multiply the retired pay multiplier by the monthly basic pay grade the Marine will hold on the Retired List/in the FMCR.

Example 2: .5915 (retired pay multiplier) X basic pay = retired/retainer pay

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

2. METHOD 2. MARINES WITH A DIEMS OF 8 SEPTEMBER 1980 THROUGH 31 JULY 1986. The Department of Defense Authorization Act of 1981 implemented a second method of calculating retired/retainer pay for any member of an armed force who first became a member on or after 8 September 1980. 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-36" method. Use the following procedure to compute your gross retired/retainer pay.

a. Step 1. To determine the retired pay multiplier, 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 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 your retired pay multiplier.

3. METHOD 3. MARINES WITH A DIEMS ON OR AFTER 1 AUGUST 1986. Retired/retainer pay for those who first became members of an armed force on or after 1 August 1986 will be computed under a system established by the Military Reform Act of 1986. This system was implemented partly to encourage Marines to remain on active duty for more than 20 years. This is accomplished by computing retired/retainer pay using a two-tier system. The first tier provides a reduced amount of retired/retainer pay for those who retire/transfer 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 retired pay multiplier start with a base of 40% for 20 years of active service. This factor cannot exceed 75%.

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).

Example 3: 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.

Example 4: .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 1 above.

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.

RETIREMENT/RETAINER PAY MULTIPLIER TABLE

<u>Old Retired/Retainer Pay RPMs</u>		<u>New Retired/Retainer Pay RPMs</u>	
<u>Years of Service</u>	<u>RPM</u>	<u>Years of Service</u>	<u>RPM</u>
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%

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(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, please address your inquiries to the National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132-5100. All written inquiries should include your full name, social security number, and date of discharge.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 1-1. Characterization of Service

R U L E	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.)	an Honorable Discharge Certificate (DD Form 256 MC), a DD Form 214 and an honorable discharge pin.
5	is over 18 years of age and has served 180 days or more, is a corporal or below and has average conduct and proficiency 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.)	an Honorable Discharge Certificate (DD Form 256 MC), a DD Form 214 and an honorable discharge pin.
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 pin, if appropriate.

NOTE: 1. To compute final average conduct and proficiency markings for separation, they should be rounded 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 would round up to 4.0; whereas 3.94 would remain at 3.9).



MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 2

RETIREMENT OF OFFICERS ON ACTIVE DUTY

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 2

RETIREMENT OF OFFICERS ON ACTIVE DUTY

2001. GENERAL

1. This chapter outlines policies and procedures governing retirement of officers on active duty. 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 allow for retirement, in certain instances, under pre-DOPMA law, based on the individual case. Officers contemplating voluntary retirement and those subject to statutory retirement, must understand which provisions apply.

a. Retirement Under Prior Law (Pre-DOPMA). Officers serving in or selected for the grade which they presently hold prior to 15 September 1981 will be retired under pre-DOPMA law, unless continued on active duty under such regulations as the CMC may prescribe.

b. Retirement Under DOPMA. Officers selected for promotion, continued, augmented, or reappointed 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. section 6151, officers who previously served in 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. 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. 6323.

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

3. Safety Zone. Term used to identify officers and warrant officers subject to statutory separation, but by virtue of being within 2 years of attaining retirement eligibility on or before their mandatory discharge date, shall 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 officers commissioned pre-DOPMA, commissioned service is measured from 30 June of the fiscal year in which an officer was appointed to the grade of second lieutenant. Use this when determining the mandatory retirement date of pre-DOPMA officers. See subparagraph 2001.2a.

b. DOPMA. For officers commissioned after DOPMA, and for all service on or after 15 September 1981, only active commissioned service is used to determine the mandatory retirement date. See subparagraph 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 service-in-grade requirements below:

(1) Pre-DOPMA. Lieutenant colonels and above who are eligible for retirement must serve 2 years in grade (see paragraph 2001.2).

(2) 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:

<u>GRADE</u>	<u>REQUIREMENT</u>
CWO-2 - CWO-5	2 Years
2dLt, 1stLt	6 Months
Capt, Maj	2 Years
LtCol - MajGen	3 Years

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

<u>Grade</u>	<u>Approval Authority</u>	<u>Minimum TIG</u>
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

<u>School/Duration</u>	<u>Service Obligation</u>
20 weeks or more	2 years
Less than 20 weeks	1 year
MAWTS-1/WTI	2 years

Note: All service obligation begins upon completion of the school. 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.

(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) all officers having incurred a tuition assistance service obligation.

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 geo-location date the current tour began (GEO DCTB) as established in MCTFS. Use the original GEO DCTB for officers reassigned within the same geographical area.

(2) Overseas/Prescribed Tour Length. Officers serving overseas or on tours whose length is prescribed by MCO P1300.8, Marine Corps Personnel Assignment Policy, must complete a full tour.

(3) Waivers. 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 P1300.8. See paragraph 2004.3.

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.

(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.

(3) 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 at least 120 days prior to the prescribed estimated date of arrival at the new duty station, but not later than 10 working days after receipt of orders, whichever is later. Requests that do not comply with this criteria will not normally be given favorable consideration.

e. Contact Relief/Critical Skill. Requests for retirement from officers serving in billets which require contact relief of 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. Except for the TIG requirement, the CMC may waive the remaining criteria in paragraph 2003.1. Requests for waiver of the minimum TIG requirement must be submitted to the Secretary of the Navy for approval; they will not normally be given favorable consideration.

b. An officer requesting waiver of any criteria must submit a written request via the chain of command to the CMC (MMSR-2). No unit diary is required. Except as noted in subparagraph 2003.2c, 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 retirement requiring a waiver will normally receive favorable consideration if an officer:

(1) Has completed at least 30 years of active service or has satisfied the applicable TIG requirements and any other service obligations;

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

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

(4) 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 1920.6 and 5510.30; or,

(5) Has a genuine dependency or undue hardship 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 not be approved. The Secretary of the Navy may grant retirement in a lower grade based on exceptions specified in SECNAVINST 1811.3.

2004. ADMINISTRATIVE PROCEDURES

1. Submission of Requests. Submit requests for voluntary retirement, not requiring waivers, via the unit diary system in MCTFS per MCO P1080.35, Personnel Reporting Instructions Manual (PRIM). The officer requesting retirement will be required to sign the following page 11 entry on the administrative remarks page of the service record:

"I request to transfer to the retired list effective (date). I have signed the Commanding Officers pre-application checklist and fully understand the ramifications of this request."

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 that timeframe will not be accepted in MCTFS and therefore must be submitted, with justification and appropriate endorsements, by separate correspondence/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) 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 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/message with justification and endorsements via the chain of command. Retirement requests requiring a waiver and submitted solely by unit diary will be disapproved.

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 1006.5. 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 1006.3 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. Prior to submitting a retirement request, the commanding officer or designated representative will:

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 K) to certify that the Marine has been advised of the ramifications of the request to transfer FMCR/Retire prior to the request being submitted to Headquarters Marine Corps.

b. Survivor Benefit Plan (SBP). Counsel the officer and spouse concerning options under the SBP.

(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 the:

Defense Finance and Accounting Service
Cleveland Center (Code ROCAC)
P.O. Box 99191
Cleveland, Ohio 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 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 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. See MCO 1741.11.

c. DEERS Information. Ensure that the dependent information in DEERS is current and accurate.

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

e. Ensure that waiver requests are submitted by separate correspondence to the CMC (MMSR-2), justified by the officer and endorsed by the command.

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

a. Found not physically qualified. See paragraphs 2007 and 8604.2. This will not terminate processing action by the CMC (MMSR-2); however, retirement orders and other documents will be held in abeyance, if not issued. If issued, the command will hold the retirement orders and documents pending instructions from the CMC (MMSR-2). If the officer is subsequently found fit to retire, immediately notify the CMC (MMSR-2). If the officer is referred to the Naval Disability Evaluation System, notify the CMC (MMSR-2) and return all retirement orders and documents. See chapter 8 for disability retirement processing.

b. Deceased.

c. Reassigned.

d. Promoted (or selected).

7. Receipt/Processing at HOMC. See Appendix F 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-enlistment-retirement date will post reflecting the requested retirement date. The officer should maintain liaison with the appropriate unit administrative personnel until request acceptance is confirmed via the DFR.

b. Acknowledgement. A "request" RER flag does not indicate receipt at this Headquarters. The CMC (MMSR-2) acknowledges receipt of the request by entering a "pending" RER flag in the unit diary. It will reflect 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 retirement requests. Staffing requires approximately 120 days to obtain approval, prepare necessary letters and certificates, prepare a statement of service, and initiate billet replacement action.

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, or for completion of the current tour or an ordered tour of duty.

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. Additionally, separate correspondence message will be issued and sent through the chain of command.

f. Approval Authority. The CMC (MMSR-2) will post approvals in MCTFS, which will reflect on the unit's DFR with an "approved" RER flag. Written authority to release or issuance of orders is no longer provided for lieutenant colonels and below. The "approved" RER flag is the authority to release. The CMC (MMSR-2) will mail appropriate documents within 2 weeks of the authority to release. The responsible order writing unit will issue orders. The CMC (MMSR-2) will issue orders for all colonels and above.

g. Mandatory Retirements. The CMC (MMSR-2) will issue authority to release via naval message for all mandatory retirements 4 months prior to the effective date when the officer concerned fails to otherwise request voluntary retirement.

8. Modification/Cancellation of Requests

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

- (1) Bona fide humanitarian or hardship circumstances; or
- (2) A critical need exists for the officer's grade and MOS which cannot reasonably be filled through the normal promotion process.
- (3) Needs of the service.

b. Requests for modification/cancellation from officers whose request for retirement resulted in either cancellation or nonissuance of orders, or in being slated to retire on the annual officer slates, 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/cancellations requested after an officer 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.

9. Retirement Orders

a. Colonels and above are issued orders from this Headquarters. Upon receipt of authority to release via the unit diary approval entry from the CMC (MMSR-2), the responsible order writing unit will issue retirement orders per figure 2-1 for lieutenant colonels and below.

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 may not be issued until a retirement date has been approved by the Secretary of the Navy and in no case more than 180 days in advance of the effective date of the approved retirement date. Certificates-in-lieu will not be issued unless a bona fide need exists. See subparagraph 1009.2e and figure 1-1.

2005. STATUTORY RETIREMENT

1. Since numerous statutes govern mandatory retirement, officers must understand which statutes apply in their case and the distinction between total commissioned service, active commissioned service, and active service. Paragraphs 1002 and 2002.4 define these terms.

2. By statute, officers shall be retired as indicated in table 2-1 and the following:

a. Commissioned Officers -- Age 62. Officers serving in the grade of major general or above may have their retirement deferred by the President for a period of time not to exceed age 64.

b. Warrant Officers -- Age 62. Retirement may only be deferred by the Secretary of the Navy for a period not to exceed 4 months due to hospitalization or disability evaluation by the Physical Evaluation Board (PEB).

c. Safety Zone. Officers, otherwise subject to involuntary separation but within 2 years of qualifying for retirement will be retained on active duty until qualified for retirement unless sooner retired or discharged under another provision of law. See paragraph 2002.3.

d. 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, requests are filed without further action. The maximum period a commissioned officer may be continued on active duty under DOPMA 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) Lieutenant Colonels and Colonels. A period of time not to exceed 5 years beyond 28 or 30 years of active commissioned service respectively, and not to extend beyond the officer's 62nd birthday.

(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) SecNav policy authorizes that CWO-3's within 6 years of retirement eligibility be continued until retirement eligible.

(c) Marine Corps policy is to not involuntarily separate majors or CWO-3's, except for show cause or court-martial proceedings, until retirement eligible.

e. Warrant Officers. Warrant officers, unless separated or retired under other provisions of law, will be retired on the 1st 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 on:

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

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

(4) The first day of the seventh month after completion of 20 years active service if previously subject to involuntary separation, but retained on active duty by virtue of falling within the safety zone (see 2002.3).

(5) Marine Corps policy allows for the continuation of CWO-4's twice failed of selection to the next higher grade until the completion of 26 years of active service.

f. 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.

g. 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-1 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 following 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.

3. Status of Temporary Officers Designated for Limited Duty. SECNAVINST 1920.6A applies.

a. 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:

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

(2) 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.

b. 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 retirement date referenced in subparagraph 2005.3a(2) above, and is subject to involuntary retirement or separation as a warrant officer under the applicable statutes and directives.

c. A temporary LDO with a permanent Regular enlisted status whose appointment is terminated will be afforded the option, if otherwise eligible, of voluntary retirement/transfer to the FMCR 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, where applicable.

d. 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:

(1) 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,

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

4. Status of Permanent Officers Designated for Limited Duty. SECNAVINST 1920.6A applies.

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

(1) 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,

(2) 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 in which the Secretary of the Navy approves the report of a selection board in which the officer is considered as having failed of selection for promotion to the next higher grade for the second time.

b. An officer serving in the grade of captain, who is not retirement eligible and who had a permanent status of warrant officer when first appointed as an officer designated for limited duty, has the option, instead of being discharged, of reverting to the grade and status he would hold had the officer not been so appointed.

5. Administration/Notification of Status. Upon final approval of any promotion board, the CMC (MMSR) will:

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

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

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

d. Adjust the officers' ECC in MCTFS, upon a second failure of selection, for officers in the grade of O-4 and below.

e. Should an officer so identified not subsequently be selected for promotion and not request earlier voluntary retirement, the CMC (MMSR) will issue involuntary retirement orders 4 months prior to the effective date.

f. It is each officer's responsibility to know their mandatory retirement date. Failure to receive 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).

g. The preceding procedures shall not in any way jeopardize an officer's competitiveness for promotion.

2006. LEAVE. See paragraph 1010.

2007. PHYSICAL EXAMINATIONS. See paragraph 1011.

2006. RETIREMENT CEREMONY. See paragraph 1012.

2009. RETIRED GRADE

1. An officer is retired in the grade in which 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 processing the retirement.

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, and 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(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 P1900.16 (MARCORSEPMAN)
(c) JFTR, para U5130, U5230, and U5345-H
(d) MCO P5512.11
(e) MCO P1080.35 (PRIM), para 5303
(f) MCO P1070.12 (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
(4) CMC ltr 1811 MMSR-2 of (date) w/encls

1. On (PRR) you will be placed on the Marine Corps Retired List per references (a) and (b). Accordingly, at 2400 (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

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

approved retirement date to the Defense Finance and Accounting Service (DFAS), Cleveland Center (Code ROC), P.O. Box 99191, Cleveland, Ohio 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 maximum SBP coverage and 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, (Code ROA) 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 dependents travel and to 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 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, Kansas City Center, Travel Division (Code FJTG), 1500 East 95th Street, Kansas City, Missouri 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. Enclosure (4) contains information and regulations regarding post government employment. You are required to comply with the reporting requirements therein.

12. 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.

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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

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

15. 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.

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
Officer Concerned
Service Record

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 2-1. Service Tenure Under Applicable Retirement Laws

	Pre-DOPMA*	DOPMA*
Effective date	30 June of FY which officer attains:	1st of the month following the month the officer completes:
MajGen	5 years in grade 35 years TCS	5 years in grade 35 years ACS
BGen	Second failure of selection	5 years in grade 30 years ACS
Colonel	30 years TCS	30 years ACS
LtCol	26 years TCS	28 years ACS
Major **	N/A	20 years active service

Key: TCS - Total Commissioned Service (paragraph 2002.4 refers)
ACS - Active Commissioned Service (paragraph 1002.3 refers)

Notes: * - See paragraph 2001.2 for applicable laws.

** - A major who fails selection for the second time and who is not on a selection list to the next higher grade, shall, unless continued on active duty:

(1) Be discharged on the date requested by such officer and approved by the Secretary concerned. The discharge date shall not be later than the 1st day of the 7th calendar month beginning after the month in which the President approves the report of the board which considered the officer for the second time, or

(2) Officers eligible for retirement under any provision of law, be retired on the date requested by the officer and approved by the Secretary concerned. The retirement date shall not be later than the 1st day of the 7th calendar month beginning after the month in which the President approves the report of the board which considered the officer for the second time, or

(3) Officers who would otherwise be subject to mandatory separation, but are within 2 years of qualifying for retirement on or before their mandatory discharge date, will be retained on active duty until qualified for retirement unless sooner retired or discharged under another provision of law.

An officer subject to discharge or retirement in accordance with the above, may, subject to the needs of the service, be continued on active duty by a selection board.

Officers who apply for retirement after completing more than 20 years of active service, 10 years of which was service as a commissioned officer above the grade of W-1, may be retired on the 1st day of any month designated by the President.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 7

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

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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)

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.

7002. CREDITABLE SERVICE

1. This paragraph contains information pertaining to service creditable toward eligibility for retirement and 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.

(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.

(1) It may be used to compute service eligibility for transfer to the FMCR or increase the multiplier.

(2) It is not creditable for basic pay purposes. See paragraph 1402.

3. To compute active service for retirement of enlisted Marines and for transfer to the FMCR, the following periods of time lost, as defined and computed per the DODPM, part 1, must be deducted from Regular Marine Corps enlistments or other periods of active service.

- a. Unauthorized absence.
- b. Confinement.
- c. Nonperformance of duty.
- d. Sickness due to misconduct.
- e. Also deducted from active service for retirement/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, the same tenure (sanctuary) protection, afforded to officers under the law, is provided to enlisted members who have completed 18 but less than 20 years of active duty for retirement eligibility purposes. Unless other specific statutory or regulatory (administrative

discharge board) authority is applicable, enlisted Marines are accorded the same sanctuary protection as officers within 2 years of qualifying for retirement. This sanctuarial protection is commonly referred to as the safety zone.

a. A Regular enlisted member pending involuntary separation, or whose term of enlistment expires and who is denied reenlistment, and who on the date the member is to be discharged is within 2 years of eligibility for retainer pay, shall be retained on active duty until qualified for transfer to the FMCR, unless the member is sooner retired, separated or discharged under any other provision of law.

b. Constructive Service. Constructive service as defined below counts toward qualifying an enlisted Marine for transfer to the FMCR and for tenure under the sanctuary period.

(1) Per 10 U.S.C. 1171, an enlisted Marine may be discharged within 3 months of expiration of enlistment without affecting any right, privilege, or benefit, except pay and allowances.

(2) Under 10 U.S.C. 6330, in determining an enlisted Marine's eligibility for transfer to the FMCR, an enlistment terminated within 3 months of the term of enlistment is counted as active service for the full term, if creditable to the Marine for such purpose before 31 December 1977.

c. The sanctuary provisions do not preclude:

- (1) Administrative separation,
- (2) Separation under the disability statutes, or
- (3) 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. Unless otherwise entitled to a higher grade in an officer status, each Marine will be retired in the grade in which the Marine was serving at the time of retirement.

3. Upon retirement, an enlisted Marine, unless otherwise entitled to a higher pay by having served satisfactorily as an officer, is entitled to retired pay at the rate of 75 percent of the basic pay of the pay grade in which the Marine was serving on the day before retirement.

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 Class I(d) of the FMCR. Marines will not be authorized service beyond Enlisted Career Force Controls (ECFC) service limits to meet minimum time-on-station (TOS)/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 prior to completion of their tour as prescribed in MCO P1300.8, Marine Corps Personnel Assignment Policy. 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 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 1006.3, and must indicate their selection (MCC) in the request. See paragraphs 1006.5 and 1010 for separation leave requirements.
 - c. For Marines (not serving a dependents-restricted tour) assigned to an overseas location not indicated by a double asterisk in MCO P1300.8, 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.
 - (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 as follows:

(1) Marines eligible to transfer to the FMCR may request a 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 not eligible to transfer to the FMCR, but who will be eligible within 12 months of their expected date of arrival at the new duty station, may request a date on the last day of the month after initial eligibility. Initial eligibility includes meeting all requirements stated in laws, DoD Instructions, SecNav Instructions, and Marine Corps Orders.

b. Marines with more than 12 months before initial eligibility for transfer to the FMCR will be required to execute PCS orders and complete the required minimum tour at the new duty station or complete an unaccompanied tour OCONUS.

c. Requests involving cancellation of PCS orders must be forwarded to the CMC (MMSR-2) via naval message, with the CMC (MMEA) as an information addressee. Submit the request at least 120 days prior to the prescribed estimated date of arrival at the new duty station, but not later than 10 working days after receipt of orders, whichever is later. Requests that do not comply with this criteria will not normally be given favorable consideration.

d. Marines requesting to transfer to the FMCR in lieu of PCS orders will not normally be granted additional service beyond initial eligibility.

e. Requests to withdraw a request for 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 prior to the deployment date and prior to 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 prior to deployment.

5. Service-in-Grade (SIG). Also time-in-grade (TIG). Marines in the grade of gunnery sergeant or above, except those who have served satisfactorily as an officer, must serve 2 years in their current grade prior to transfer to the FMCR. Waiver of this requirement may only be approved by the Secretary of the Navy and only in instances of humanitarian or hardship situations.

6. 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 P1300.8, unless the member is subject to ECFC regardless of EAS.

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 prior to 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 prior to 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. Requests for waiver of the minimum TIG requirement must be submitted to the Secretary of the Navy for approval; they will not normally be given favorable consideration.

b. 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). No unit diary is required.

c. 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 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.

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 for transfer to the FMCR. If retained beyond the expiration of enlistment for medical reasons and returned to a duty status as fit for duty, the Marine must immediately extend or reenlist on the date found fit. The Marine's commanding officer, after effecting the extension of enlistment, will notify the CMC (MMSR-2) by message with the following information.

a. The Marine is physically qualified.

b. The Marine has been extended on the date found physically fit, to include the length of the extension.

c. The new date on which the Marine's retirement or transfer to the FMCR is planned. It must be the first day of the month following or the last day of the month in which the Marine is found fit, respectively.

12. Convenience of the Government - Legal Hold (COFGL)

a. A Marine may not be retained beyond EAS/ECC for the sole purpose of administrative separation processing. See subparagraph 1008.2b.

b. A Marine pending punitive discharge proceedings may be retained as COFGL beyond EAS/ECC. The Marine must be placed on a valid contract prior to retirement/transfer to the FMCR.

c. Marines erroneously dropped must be reaccessed per the MCO P1080.35 (PRIM).

13. A Marine awarded a punitive discharge will not be transferred to the FMCR unless that part of the sentence is vacated.

7005. PHYSICAL EXAMINATIONS. See paragraph 1011.

7006. APPLICATION FOR RETIREMENT OR TRANSFER TO THE FMCR

1. Reporting units must submit requests for retirement or transfer to the FMCR via the unit diary per MCO P1080.35 (PRIM), paragraph 8101. The Marine requesting action is required to sign the following page 11 entry on the administrative remarks page of the service record book:

"I request (retirement) (transfer to the FMCR) effective date. I have signed the Commanding Officers pre-application checklist and fully understand the ramifications of this request."

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 prior to the requested date. Requests submitted outside this timeframe are not accepted in the MCTFS and must be submitted, with justification and endorsements, by separate correspondence/message to the CMC (MMSR-2). Marines returning to the CONUS may elect separation at one of the duty stations identified in paragraph 1006.3.

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.

3. By signing the retirement/transfer to the FMCR entry in the service record, the Marine certifies understanding the provisions of SECNAVINST 1850.4, 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 PEB.

4. Commanding Officer Responsibilities. Prior to submitting a retirement request, the commanding officer or designated representative will:

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 date meets the eligibility criteria.

(3) Sign the pre-application checklist to certify that the Marine has been advised of the ramifications of the request to transfer FMCR/Retire prior to the request being submitted to Headquarters Marine Corps.

b. Survivor Benefit Plan (SBP). Counsel the Marine and spouse concerning options under the SBP.

(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 the:

Defense Finance and Accounting Service
Cleveland Center (Code ROCAC)
P.O. Box 99191
Cleveland, Ohio 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 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 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. See MCO 1741.11.

c. DEERS Information. Ensure that the dependent information in DEERS is current and accurate.

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 a Marine, denied further service as a result of being twice failed of selection for promotion and whose EAS is after the scheduled adjournment date of the board, must be submitted via message to the CMC (MMSR-2). The Marine must state in the message:

a. That transfer to the FMCR is requested per policy regarding failure of selection;

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, unless the promotion is declined).

- e. Processed for disciplinary action.
- f. Lost time (include number of days and reason).

7. Modification/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 prior to the effective date. They can not be submitted by unit diary. Approval will be based on the following criteria:

- (1) Bona fide humanitarian or hardship circumstance exists; or,
- (2) A critical need exists for the Marine's grade and MOS which cannot be reasonably filled through the normal promotion process.

(3) Needs of the Service.

b. Requests for modification/cancellation after cancellation or nonissuance of orders will not be favorably considered.

c. Short term modifications of up to 6 months may be authorized, upon request, when based upon valid military requirements. The effective date of the requested modification should not exceed 14 months from the date of the original request. If so, request cancellation vice modification.

d. Requests for cancellation are unconditional and must include a statement from the Marine agreeing to extend the enlistment for an appropriate service obligation, but not greater than 2 years. The Marine must also agree to not submit a request for transfer to the FMCR during that period, except for reasons of hardship. A Marine will not be authorized service beyond ECFC service limits to meet a modification/cancellation obligation.

e. Modifications/cancellations 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.

7007. RECEIPT OF REQUEST FOR RETIREMENT/TRANSFER TO THE FMCR. See Appendix F 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 Researcher File (TRF). A "request" reenlistment-extension-retirement (RER) flag will post in MCTFS indicating a request submission. Additionally, a planned reenlistment-enlistment-retirement 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. Acknowledgement. A "request" RER flag does not indicate receipt at this Headquarters. The CMC (MMSR-2) acknowledges receipt of the request by entering a "pending" RER flag in the unit diary. It will reflect in the unit's DFR. Additionally, a preretirement 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 120 days to obtain approval, to prepare necessary letters and certificates, to prepare a statement of service, and to initiate billet replacement action.
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" RER flag. Additionally, a separate message will be issued and sent through the chain of command.
6. Approval Authority. The CMC (MMSR-2) will post approvals in MCTFS and will reflect on the unit's DFR with an "approved" RER flag. Written authority to release or issuance of orders is no longer provided. The "approved" RER flag is the authority to release. Authority to grant extensions in conjunction with the approved date for transfer to the FMCR will be provided via a unit diary history statement at the time of approval. The CMC (MMSR-2) will mail appropriate documents within 2 weeks of the authority to release. The responsible order writing unit will issue orders.

7008. RETIREMENT/TRANSFER TO THE FMCR ORDERS AND RELEASE FROM ACTIVE DUTY

1. Authority for release from active duty and transfer to the Retired List or FMCR will be issued by the CMC (MMSR-2).
 - a. Retirement. Retirement is normally effected on the date preceding the effective date of retirement and retired pay commences on the effective date of retirement.
 - b. Transfer FMCR. Transfer to the FMCR will be effected on the last day of the month and Marines will assume a status in the FMCR on the first day of the following month.
 - c. See figure 7-1 for 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 them on active duty in a retired status prior to 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 7006.6 occur.

5. Commanding Officer Responsibilities

a. Issue orders per the format contained in figure 7-1.

b. Comply with the Manual of the Medical Department, art. 16-14, and the IRAM, paragraph 4001.5, table 4-1.

c. Per MCO P1070.12 (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 (SMCR)
P.O. Box 150950
St. Louis, Missouri 63115-8950

d. Honor the Marine's desires for an appropriate retirement ceremony.

7009. RETIREMENT/FMCR CERTIFICATES AND BUTTONS. Certificates and buttons will be provided by the CMC (MMSR-2). They are assembled with individual orders by the reporting command for delivery to the Marine. Should they be received in unsatisfactory condition, immediately notify the CMC (MMSR-2).

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. 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 active service will be entitled to retired pay at the rate of 75 percent 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.

5. The CMC (MMSR-2) will issue notification to each Marine transferred from the FMCR to the Retired List advising them of their change in status.

7019. ENLISTED MARINES ON 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, Ohio 44199-1126.
4. Retired enlisted Marines not on active duty are entitled to medical treatment and hospitalization. When hospitalized in a naval hospital, they are entitled to a daily ration.

7020. MEMBERS OF 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.

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(Letterhead)

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

Subj: RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE RETIRED LIST (FLEET MARINE CORPS RESERVE (FMCR))

Ref: (a) Title 10, U.S. Code
(b) MCO P1900.16 (MARCORSEPMAN)
(c) JFTR, para U5130, U5230, and U5345-H
(d) MCO P5512.11
(e) MCO P1080.35 (PRIM), para 5303
(f) MCO P1070.12 (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 (Transfer to the FMCR)

1. On (PRR) you will be placed (on the Marine Corps Retired List or in the Fleet Marine Corps Reserve (FMCR)) per references (a) and (b). Accordingly, at 2400 (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.

[Constructive Service: For transfer to the FMCR only, when the constructive service field is not zeroes on the RETM screen in MCTFS, add the following sentence at the end of paragraph 2 above: "You had (CONSTRUCTIVE SERVICE) constructive service creditable toward the retired pay multiplier.]

[Transfers FMCR: For all transfers to the FMCR insert the following as the last sentence of paragraph 2 above: Your retirement from the FMCR will be effective without request on (ADV GRADE ED) at the completion of 30 years accumulative service.]

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

Figure 7-1. Format for Orders for Release from Active Duty and Transfer to the Retired List or FMCR

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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 (DFAS), Cleveland Center (Code ROC), P.O. Box 99191, Cleveland, Ohio 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/retainer pay reduced to correspond to maximum SBP coverage and 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, (Code ROA) 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 dependents travel and to 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/FMCR. Complete the home of selection endorsement prior to 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, Kansas City Center, Travel Division (Code FJTG), 1500 East 95th Street, Kansas City, Missouri 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 (transfer to the FMCR).
11. You (are/are not) entitled to extraordinary heroism pay.

Figure 7-1. Format for Orders for Release from Active Duty and Transfer to the Retired List or FMCR -- Continued

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12. 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.
13. You may wear your uniform from this command to your home, if travel is performed within 3 months after your release from active duty, and on such occasions as the wearing of the uniform is appropriate, under the Marine Corps Uniform Regulations.
14. Per reference (g) expenditures under these orders are chargeable to: (Cite pertinent appropriation data from reference (g)).
15. As a retired Marine/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.
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 Retired List or FMCR -- Continued

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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. For transfers to the FMCR:
 - a. Replace all reference to retirement/retired list with transfer to the FMCR as indicated.
 - b. Use PRR vice PRR minus 1 day for all entries marked with an (*).
 - c. Paragraph 11 (extraordinary heroism pay) applies only to transfers to the FMCR.
2. All blank spaces should be filled with the appropriate data elements from the RETM screens in MCTFS.
3. The PRR/PRR minus 1 day date should be in "DD Month YYYY" format.
4. All other service data should be in "YY years, MM months, and DD days" format, as appropriate.
5. The following will be inserted as paragraph 3 to the orders of 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 7-1. Format for Orders for Release from Active Duty and Transfer to the Retired List or FMCR -- Continued

MCO P1900.16E

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CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

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CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

6001. GENERAL

1. The procedures and instructions in this chapter pertain to the administrative separation of Marines prior to completion of active or obligated service. Unless specifically authorized by separate order, only the reasons contained in this chapter may form the basis for a Marine's separation, whether voluntary or involuntary.
2. Procedures and instructions for separating Marines at expiration of active service or upon completion of obligated service are contained in chapter 1. Those related to disability processing are in chapter 8.
3. 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. In short, when mandatory separation processing is required, this does not explicitly equate to discharge.

6002. DEFINITIONS

1. Broken Service. The enlistment of a former member of the Armed Forces, discharged for more than 24 hours who completed a minimum of 12 consecutive weeks of active duty or active duty for training. The only exception is continuous service as defined below.
2. Continuous Service. Service in the Regular Marine Corps or Marine Corps Reserve which is continued by reenlistment within 30 days (per DODPM) following discharge or release from active duty.
3. Convening Authority. The separation authority or the commanding officer empowered to convene a special court-martial.
4. Entry Level Status
 - a. Upon enlistment, a Marine qualifies for entry level status during:
 - (1) The first 180 days of continuous active military service; or,
 - (2) The first 180 days of continuous active service after a break of more than 92 days of active service.

b. A member of a Reserve component who is not on active duty or who is serving under a call or order to active duty for 180 days or less begins entry level status upon enlistment in a Reserve component. Entry level status for such a member of a Reserve component terminates as follows:

(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.

c. 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.

5. General Courts-Martial Convening Authority (GCMCA). Article 22 of the Uniform Code of Military Justice (UCMJ) and subparagraph 0120(a) of the Manual of the Judge Advocate General defines the general courts-martial convening authority.

6. Qualified Counsel. Counsel certified per Article 27(b), UCMJ.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 1: POLICY AND GUIDANCE

6101. POLICY

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

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

3. Release from Active Duty/Transfer to the Individual Ready Reserve (IRR)

a. Commanders will ensure that Marines who meet the criteria for separation under this chapter are processed rather than allowed to continue to their normal Expiration of Active Service (EAS) or Expiration of Current Contract (ECC).

b. Marines not qualified for active duty who meet the criteria for separation per this chapter, will be discharged unless the reason for separation does not affect their eligibility for active duty; i.e., the reason for separation will not be an obstacle to their activation during a mobilization.

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 below 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. When board action is not required, or is waived, separation action should be completed in 15 working days. When the initiating command and the separation authority are not located in the same geographical region, processing should be completed within 30 working days.

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

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

6104. PROVIDING INFORMATION DURING SEPARATION PROCESSING

1. During separation processing of all members (except those separated for immediate reenlistment), the purpose and authority of the Naval Discharge Review Board and the Board for Correction of Naval Records shall be explained with a written fact sheet.

2. The fact sheet shall include an explanation that a discharge under other than honorable conditions, resulting from a period of continuous unauthorized absence of 180 days or more, is a conditional bar to benefits administered by the Department of Veterans Affairs notwithstanding any action by the Discharge Review Board.

3. This is a command responsibility, not a procedural entitlement. Failure by the member to receive and understand the explanation required by this paragraph does not prevent separation or accurate characterization. A sample fact sheet is provided in figure 1-2.

6105. COUNSELING AND REHABILITATION

1. Marine Corps policy is that reasonable efforts at rehabilitation should be made prior to initiation of separation proceedings.

2. Unless separation is mandatory, the potential for rehabilitation and further useful military service 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. 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 on page 11 of the service record upon completion of the above counseling. The Marine will acknowledge (sign) the entry. (See MCO P1070.12, paragraph 4012.2 concerning possible rebuttal requirements.) The Marine's signature acknowledges that counselling has occurred, not that the Marine concurs in the content of the entry.

"(Date). Counseled this date concerning deficiencies (list deficiencies; provide specific recommendations for corrective action; assistance available). (If the commander plans to process the Marine for judicial or separation proceedings as a result of the deficiencies, include that information in the entry. If the commander does not plan to process the Marine for separation due to deficiencies, include the following sentence: "I am advised that failure to take corrective action may result in administrative separation or limitation of further service."! I was advised that within 5 working days after acknowledgement of this entry a written rebuttal could be submitted and that such a rebuttal will be filed on the document side of my service record. I choose (to) (not to) make such a statement.

(Signature of Marine)

(Signature of Appropriate Official
under IRAM subparagraph 4001.4i)"

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 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 1004.4c regarding characterization limitations.)

3. A member being processed for separation who is retirement/transfer FMCR eligible will, upon request, be allowed to retire/transfer FMCR, provided the Marine meets all other eligibility criteria.

a. Requests for retirement/transfer FMCR may be made at any time after initiation of separation proceedings. If done before final action on the proposed separation, the request will be acted upon before 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 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 Fleet Marine Corps Reserve/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.

c. The member may not be recalled to active duty except with the review and approval of the CMC.

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.

6108. RECOUPMENT OF ENLISTMENT/REENLISTMENT BONUSES. Recoupment of unearned portions of enlistment/reenlistment bonuses is directed when an active duty Marine is separated under any reason contained in this chapter with the exception of the following: involuntary separations under paragraphs 6202 (general demobilization), 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.

2. Recoupment in Cases of Homosexual Conduct

a. Homosexual conduct, as defined in paragraph 1002.27, 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).

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 2: INVOLUNTARY ADMINISTRATIVE SEPARATIONS

6201. GENERAL. This section lists the reasons a commander may recommend involuntary separation of a Marine prior to the Marine's expiration of service and sets up the necessary administrative rules for separating a Marine under any of the reasons given. 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 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 table 6-1. Before involuntary separation under this provision, the notification procedure under paragraph 6303 or 6304, as appropriate, shall be used.

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. Prior to 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 6100.10.

(2) Bed-wetting (enuresis).

(3) Sleepwalking.

(4) Chronic air sickness.

(5) Chronic motion sickness.

(6) Pseudofolliculitis Barbae. Refer to MCO 6310.1, Pseudofolliculitis Barbae, for details or treatment required prior to 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. Prior to 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. Separation processing may not be initiated until the Marine has been counseled per paragraph 6105.

3. Personality Disorder. Separation under this paragraph is authorized only if a diagnosis by a psychiatrist or psychologist concludes that the disorder is so severe that the Marine's ability to function effectively in the military environment is significantly impaired. In addition to the medical diagnosis, there must be non-medical evidence showing specific examples of how the Marine is unable to function in the Marine Corps. In addition to the procedures required in this Manual, commanders must comply with SECNAVINST 6320.24 and DoD Directive 6409.1 when referring a Marine to a mental health evaluation.

Separation processing may not be initiated until the Marine has been counselled per paragraph 6105. However, such counselling is not required if a qualified medical officer has concluded that the Marine is self-destructive (suicidal) or dangerous to self or others. In such cases, administrative separation processing may be initiated immediately, without prior counselling under paragraph 6105. This does not imply mandatory separation processing or automatic approval of separation, only expeditious considerations. The Marine will not be separated under this paragraph if separation is warranted on the basis of unsatisfactory performance or misconduct, regardless of the existence of a personality disorder.

4. Review Action. 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 specific reasons below.

1. Minority

a. If a Marine is under the age of 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 18 years of age.
 - (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.
 - (4) The Marine will be given an entry level separation.
- c. 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 promptly submitted to the CMC (MMSR-3).

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 CMC (MMSR), the CG, MCRC (EnlRetg) for Reservists not on active duty, or the GCMCAS of the recruit depots for recruits only.

e. For individuals in the Delayed Entry Program 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 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. The SF 93 shall not be used as a basis for processing a recruit for discharge due to fraudulent enlistment. Characterization of service will be honorable, under honorable conditions (general), under other than honorable, or uncharacterized per table 6-1. However, if the fraud involves concealment of a prior separation from the service in which the character of service was not honorable, characterization will normally be under other than honorable conditions. A Marine processed for separation under other than honorable conditions must be afforded the administrative board procedures contained in paragraph 6304 of this chapter. If the material misrepresentation 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 Delayed Enlistment Program or members of the Selected Marine Corps Reserve awaiting initial active duty for training under this provision. Separation will be uncharacterized.
8. Provided they fall 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 is not contributory 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 numerical scores 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.

6207. HOMOSEXUAL CONDUCT

1. Policy

a. Homosexual conduct is grounds for separation from the Marine Corps under the bases described in paragraph 6207.2 below. 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 below.

b. Section 654(a), 10 U.S.C., 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:

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 Manual for Courts-Martial, United States, 1984, and JAGINST 5800.7C, JAGMAN.

(5) 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.

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 or she is attempting to verify and how the information being collected relates to those specific separation grounds.

(5) A statement by a servicemember that he/she is a homosexual or bisexual creates a rebuttable presumption that the servicemember engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. The servicemember 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 servicemember 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 16 years of age;

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

d. Openly in public view;

e. For compensation;

f. Aboard a military vessel or aircraft; or

g. In another location subject to military control under aggravating circumstances 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 subparagraph 6207.1b above.

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 subparagraphs 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 subparagraphs 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; or

(b) Forward the case to the Secretary of the Navy via 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 subparagraphs 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 subparagraphs 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 REHABILITATION FAILURE

1. Policy

a. Per 10 U.S.C. 1090 and SECNAVINST 5300.28, a Marine diagnosed as alcohol dependent shall, prior to separation, be afforded treatment for detoxification by an appropriate medical facility based on a medical officer's opinion of the necessity of such treatment. Treatment and rehabilitation by the Department of the Navy is required only for those Marines showing potential for further service. The larger category of alcohol dependent Marines will be given appropriate care and referred to a Department of Veterans Affairs facility or other rehabilitation center. There is no requirement to provide treatment to a level beyond detoxification.

b. Requests for second or subsequent Level III treatment for alcohol abuse will be forwarded to the CMC (MHH) per MCO P5300.12, Substance Abuse Manual.

c. Normally, Marines diagnosed as alcoholic will be afforded one opportunity for treatment in Level III. There will be occasions where commanders will request subsequent Level III treatment. To qualify for subsequent treatment, the Marine must have previously completed a Level III program successfully, assumed personal responsibility for recovery, and suffered a relapse after returning to full duty consistent with Marine Corps standards of behavior and performance for a significant period of time. The Marine's overall performance must be considered in evaluating the individual's potential for further service after a second or subsequent Level III treatment. This can only be accomplished in accordance with the following:

(1) Upon receipt of a second or subsequent request for Level III alcohol abuse treatment, the CMC (MHH) will make a determination whether further treatment is in the best interests of the Marine and the Marine Corps based upon the individual's case file and field commander's recommendation.

(2) The request will then be sent to the CMC (MM) for comment on the Marine's future potential for service.

(3) The CMC (DC/S M&RA) will approve all second or subsequent Level III treatment requests per these procedures.

2. General Requirements for Separation. Any Marine offered Level III treatment will be processed for separation if they refuse to attend Level III treatment or do not successfully complete the Level III treatment. Successful completion of treatment includes the period of aftercare prescribed in MCO P5300.12.
3. Separation of Marines Who Are Alcohol Abusers (Not Dependent)
 - a. A Marine diagnosed as an alcohol abuser (no dependency exists) and who is considered not to have potential for further useful military service by the commanding officer will be processed for separation under paragraph 6206 (Unsatisfactory Performance) or paragraph 6210 (Misconduct), as appropriate.
 - b. A Marine diagnosed as a chronic alcohol abuser (no dependency exists) and who is considered to have potential for further useful military service will be ordered to a Level II treatment program as set forth in MCO P5300.12. If the Marine refuses to participate in the treatment/aftercare program and/or fails to successfully complete the Level II treatment program, the Marine will be processed for discharge under this paragraph. If this nondependent Marine completes Level II treatment program and subsequently fails to follow the prescribed aftercare program by returning to a pattern of alcohol abuse, that Marine will be reevaluated by a substance abuse counselor (MOS 8538), diagnosed by the appropriate medical personnel, and if the second diagnosis substantiates the original diagnosis of nondependent abuse, the Marine will be processed for separation under this paragraph.
4. Retention of Marines Who Are Alcohol Dependent. Marines diagnosed as alcohol dependent, but who are determined by their commanding officer to show potential for further service, will be ordered to a Navy Alcohol Rehabilitation Facility for treatment/rehabilitation per MCO P5300.12. Any Marine who refuses to attend treatment, fails to participate in treatment, or does not successfully complete treatment will be processed for separation under this paragraph. Likewise, any Marine who successfully completes treatment and subsequently returns to uncontrolled alcoholic drinking, or whose standard of performance and/or conduct remains below Marine Corps standards, and who is not considered amenable to, or qualified for additional treatment will be processed for separation per paragraph 6206 or 6210, as appropriate.
5. Initiate separation proceedings following the procedures in paragraph 6303 or 6304 as appropriate.
6. Characterization is honorable, general (under honorable conditions), or uncharacterized per table 6-1.
7. Nothing in this paragraph precludes separation under other provisions in this Manual.

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 under honorable conditions (general) 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, sexual harassment, 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.

2. Minor Disciplinary Infractions. A Marine may be separated when there is, in his/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. 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 Marine may be separated where there is a pattern of more serious infractions than in paragraph 6210.2 which include two or more discreditable involvements with civil and/or military authorities or two or more instances of conduct prejudicial to good order and discipline within one enlistment. Such a pattern may include both minor and more serious infractions. An established pattern of dishonorable failure to pay just debts and/or to contribute adequate support to dependents or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents may be processed under this paragraph. Separation processing may

not be initiated until the Marine has been counseled 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 1002.53) 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 the possession, sale, or transfer of drug paraphernalia as defined in SECNAVINST 5300.28. Evidence obtained from an involuntary urinalysis administered pursuant to an inspection under Military Rule of Evidence 313, MCM 1984, or from a search and seizure under Military Rules of Evidence 311-317, MCM 1984, 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 required.

b. All Marines, regardless of pay grade, confirmed as having used or possessed illegal drugs will be processed for administrative separation for misconduct, by reason of drug abuse, per paragraph 6210.5 on the first offense. Marines may also be disciplined if such action is deemed appropriate.

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.

6. Commission of a Serious Offense

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. Follow the procedures in paragraph 6304 when separating a Marine under this provision.

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 adjudications 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 Commandant of the Marine Corps. Such requests must be approved by the Secretary of the Navy who may direct that the member be separated prior to final action on the appeal.

c. For special provisions regarding characterization of discharge based upon civilian conviction in the case of a Reservist, see subparagraph 1004.4d.

d. Follow the procedures in paragraph 6304 when separating a Marine under this provision.

8. 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.

c. Refer to the procedures in paragraph 6303 or 6304, as applicable. The basis for separation shall be under paragraphs 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.

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's 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, JFC7.

(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 paragraph 6204.2 (Erroneous Enlistment). 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. 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. Confirmed marijuana use for officer candidates may not be waived.

c. Personnel confirmed positive at a 0.05 blood alcohol level or greater shall be processed for separation unless the GCNCAs 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, under honorable conditions (general), 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 MCO P1001R.1. The separation authority is the GCMCA. Characterization of service will conform with 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 prior to the expiration of that Marine's term of service after determining that such separation is in the best interest of the Marine Corps. For example, the Secretary may use secretarial plenary authority to separate a Marine whose personal conduct reflects discredit upon the service, adversely affects the good order and discipline of the unit, or adversely affects the Marine's performance of duty. 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 subparagraph 6309.2b, disagrees with the administrative board's recommendation for retention. In cases forwarded under subparagraph 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 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 FAILURE. When the sole reason for separation is failure to meet height and weight standards, and the Marine's performance and conduct otherwise conform with established standards, the Marine will be separated under this paragraph.

1. Obesity. In all cases, commanders are obligated to document counseling and rehabilitation opportunities afforded to Marines with regard to meeting prescribed height and weight standards. Marines with a medically diagnosed condition that precludes or interferes with weight control may be separated through appropriate channels.

2. Weight Control Failure. To be eligible to separate a Marine for weight control failure, the Marine must have made a reasonable effort to conform to Marine Corps height and weight standards by adhering to the regimen prescribed by the appropriately credentialed health care provider (ACHCP) and the commander as prescribed in MCO 6100.10.

3. Weight control failure will not be used to separate overweight Marines who also meet the criteria for separation under other provisions, such as paragraph 6206 (Unsatisfactory Performance) or paragraph 6210 (Misconduct). These Marines, who are also overweight, do not qualify for separation based on weight control failure, but should be processed under these more appropriate administrative discharge provisions.

4. Basis. A Marine may be separated for failure to meet established height and weight standards when it is determined that the member is unqualified for further military service and meets both of the following conditions:

a. The Marine fails to meet height and weight standards and the sole reason for separation is failure to meet such standards; and,

b. The Marine's performance and conduct otherwise conform with established standards.

5. Counseling and Rehabilitation. Separation processing may not be initiated until the Marine's weight control program progress has been fully documented; he or she must have been counseled and afforded an opportunity to overcome noted deficiencies per paragraph 6105.

6. Characterization. Characterization will be honorable or general under honorable conditions per table 6-1.

7. This paragraph will not be used for entry level separations.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 2	X 1,3	X	X 3
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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 6-1. Guide for Characterization of Service -- Continued

	HON	GEN	OTH	UNCHARACTERIZED
Par. 6213				
Unsat Part in Ready Reserve	X 2	X 1,5	X	X
Par. 6214				
Secretarial Plenary Authority	X 1,5	X 1,5		X
Par. 6215				
Weight Control Failure	X 1,5	X 1,5		

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 as determined by the Marine's service record.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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.

6302. INITIATION OF SEPARATION PROCESSING. 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.

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.

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 by a qualified drug and alcohol counselor prior to the case being referred to a board or forwarded to the separation authority. If the qualified drug and alcohol counselor suspects dependence, an evaluation by a medical officer is required. If the medical diagnosis is dependence, the respondent must be afforded treatment at the Department of Veterans Administration nearest to the individual's place of residence or home of record upon separation. If the respondent refuses and or fails to complete treatment, a counseling entry will be made on page 11 of the service record book stating that the respondent refused and or failed to complete formal treatment at the time of separation, and that the respondent was advised of the name and address of the Department of Veterans Affairs medical facility nearest the Marine's place of residence or home of record. Refer to MCO P5300.12 for additional instructions.

a. Notice. A commanding officer must provide written notice to any Marine being recommended for separation. Sample letters of notification and acknowledgment form are provided in figure 6-2. Commands may develop their own procedures; however, such written notice shall include the following:

(1) Each of the specific reasons for separation in section 2 which forms the basis of the proposed separation, including the circumstances upon which each action is based and a reference to the applicable provisions of the chapter;

(2) Whether the proposed separation could result in discharge, release from active duty to a Reserve component, transfer from the Selected Reserve to the IRR, transfer to the Fleet Marine Corps Reserve/retired list if requested, release from custody or control of the naval services, or other form of separation;

(3) The least favorable characterization of service or description of separation authorized for the proposed separation, and the characterization recommended by the commanding officer;

(4) For eligible members, whether the proposed separation could result in a reduction in pay grade prior to transfer to the Fleet Marine Corps Reserve/retired list;

(5) A statement of the Marine's right to obtain copies of documents that will be forwarded to the separation authority supporting the basis of the proposed separation. Classified documents shall be summarized;

(6) A statement of the Marine's right to submit statements;

(7) A statement of the Marine's right to consult with counsel per subparagraph 6303.3b, and a statement that it is in the Marine's best interest to consult with counsel prior to waiving any rights;

(8) A statement of the right to request an administrative board if the Marine has 6 or more years of total active and inactive service;

(9) A statement of the right to waive the rights afforded in subparagraphs 6303.3a(6) through 6303.3a(9) above, after being afforded a reasonable opportunity to consult with counsel and that failure to respond shall constitute a waiver of these rights;

(10) If the respondent is in civil confinement, absent without authority, 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 conduct and proficiency markings.

b. Counsel

(1) A respondent has the right to consult with qualified counsel when the notification procedure is initiated, except when all of the following conditions are met:

(a) The Marine is attached to a vessel or unit deployed outside the CONUS; and

(b) No qualified counsel is assigned and present at the vessel or activity; and

(c) The commanding officer does not anticipate having access to qualified counsel from another vessel, unit, or activity, for at least the next 5 days (if qualified counsel is assigned and present 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.

c. Response. The respondent shall be provided a reasonable period of time, not less than 2 working days to respond to the notice. An extension may be granted upon a timely showing of good cause by the respondent. The respondent's selection as to each of the rights 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 acknowledge 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.

(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 subparagraph 6303.4b(1)(c).

(3) If the member submits evidence of completion of the conditions specified in subparagraph 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 subparagraphs 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. 1163(c), 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.

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 prior to waiving any rights.

e. The right to obtain copies of documents that will be forwarded to the separation authority supporting the basis of the proposed separation. Classified documents may be summarized.

f. The respondent's right to request a hearing before an administrative board.

- g. The respondent's right to present written statements to the separation authority in lieu of a hearing.
- h. The respondent's right to representation at the administrative board by counsel 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 subparagraphs 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 subparagraphs 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.
- q. If the respondent is eligible for transfer to the Fleet Marine Corps Reserve/Retired List and is being processed for misconduct, security, or homosexual conduct, the respondent has the right to request transfer to the Fleet Marine Corps Reserve/Retired List within 30 days of the date separation would otherwise be directed and may be reduced to the next inferior grade to that in which the respondent is currently serving before such transfer. The respondent shall notify the CMC (MMSR-2) regarding transfer to the Fleet Marine Corps Reserve/Retired List within 5 working days of notification that separation has been directed.

2. Additional Notice Requirements

- a. If separation processing is initiated on the basis of more than one reason in section 2 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, subparagraph 6311.3a, and paragraph 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.

3. Counsel

a. A respondent has the right to consult with counsel per subparagraph 6303.3b, prior to electing or waiving any rights under subparagraphs 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.

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 subparagraphs 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 subparagraph 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 subparagraph 6308.1b.

b. Separation authorities may disapprove requests for conditional waivers per subparagraph 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.

6305. COMMAND RECOMMENDATION

1. Once the notification requirements contained in paragraphs 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. 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.

a. It must include a specific recommendation for:

- (1) Discharge or retention; and
- (2) The characterization of service and type of discharge.

b. For Marines eligible for transfer to the FMCR/Retired List, the commanding officer will make a recommendation, consistent with paragraph 6106.3, regarding the pay grade in which the transfer should be effected.

The commanding officer need not restate what is evident within enclosed documentation, but should strive to present a concise "snapshot" of the case amplifying unique aspects when necessary. Though such recommendations 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), 23 (Reserves only), 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 prior to 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 NIS 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 service (sanctuarial period, i.e. within 2 years of becoming eligible for military retired or retainer pay), the separation authority is the CMC (MM). Determinations of "No Further Service" will not be made for Regular enlisted Marines who have entered the sanctuary period. However, the CMC (MM) may take the following actions in order to identify substandard performers or unqualified Regular enlisted Marines ineligible for further service who are within the sanctuary period:

(1) 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; and/or

(2) Direct reduction to the next inferior grade prior to transfer to the FMCR/Retired List per paragraph 6106 of the MARCORSEPMAN.

d. When the member is in the Reserve component and within 2 years of eligibility for retired or retainer pay, the separation authority is the Secretary of the Navy; or

e. When a separation authority specifically delegates authority for certain separations, subject to the limitations 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 over Officer Candidates School. That general officer may in turn delegate the authority to the Commanding Officer, Officer Candidates School.

3. The Commander, 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, except for requests for separation in lieu of court-martial. Requests for separation in lieu of court-martial by members of the Marine Corps Security Forces shall be acted upon by the officer having general court-martial convening authority over the Marine's court-martial.

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 of any case, screen them as follows:

a. Compliance with Prescribed Directives. This review should ensure that package is physically (i.e., all enclosures, etc., are attached) and administratively (all specific requirements of this chapter) complete. If not, initiate immediate corrective action. Table 6-2 is provided to assist in reviewing involuntary separations. For specific requirements, refer to the appropriate paragraph in section 2. If neither an administrative board nor judge advocate's review is required as indicated below, refer the case to the separation authority for decision.

b. Administrative Board Required. Upon completion of the screening for completeness in subparagraph 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 discharge per paragraph 6304.5, the separation authority is not bound to approve the request. If the circumstances of the case are such that the least favorable characterization authorized is clearly not warranted, the separation authority may approve the conditional waiver per paragraph 6304.5. If not, the request should be disapproved, the case referred to a board, and the Marine given the opportunity to exercise rights under paragraph 6304. The conditional waiver in this regard is intended as an administratively expeditious procedure for the former case. It is not to be used as a plea bargaining device used by Marines to obtain a characterization of service higher than truly deserved.

c. Judge Advocate Review

(1) The separation authority shall refer the record of proceedings to a judge advocate for review prior to final action in the following cases:

(a) In any case in which the Marine has been recommended for discharge for misconduct, homosexual conduct, or security, or in which the Marine has requested separation in lieu of trial by court-martial.

(b) In any case in which an administrative separation board is convened.

(2) The separation authority may refer any other administrative discharge matter to a judge advocate review.

(3) The original or a signed copy of the judge advocate's review will be attached as a permanent part of the record of proceedings. The form and content of the review will be as required by the separation authority. Normally a typed, stamped, or printed statement that the proceedings have been reviewed and found sufficient in law and fact will constitute adequate

evidence of the judge advocate's review. If the respondent raises specific legal, factual, or procedural issues, the judge advocate will comment on the merits of the issues raised. If the judge advocate does not find the administrative discharge proceedings to be correct in law and fact, the review should set forth the facts and reasoning leading to such determination and recommend corrective action, if appropriate.

2. Upon completion of the appropriate review, the recommendation should be forwarded to the separation authority for a decision.

6309. SEPARATION AUTHORITY FINAL ACTION

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) If a respondent is eligible for transfer to the Fleet Marine Corps Reserve (FMCR) or Retired List and being processed for misconduct, security, or homosexual conduct, and has waived the right to appear before a Board, the CMC shall make a determination, consistent with the guidelines in subparagraph 6319.5e as to whether the respondent should, if transfer to the FMCR/retired list is requested, be allowed to transfer in the grade currently held or in the next inferior pay grade.

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 reasons for separation alleged and recommends separation, the separation authority may take one of the following actions:

(1) Approve the board's findings and recommendation; 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) Change the recommended uncharacterized description of separation to a more appropriate description of separation following the guidelines in paragraph 1004, or to an honorable discharge, with supporting rationale, following the guidelines in paragraph 1004; 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 reasons for separation alleged 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 6106.3.

c. If the board finds that a preponderance of the evidence does not support one or more of the allegations in the notification of separation proceedings and recommends retention, the separation authority must approve the board's findings and recommendations unless the board's findings were obtained through fraud or collusion.

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 pay, administrative efforts, degradation of morale, and substandard mission performance.

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

(3) Counseling and rehabilitation efforts are a prerequisite to initiation of separation proceedings only insofar as expressly set forth under specific requirements for separation.

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. Prior to vacation of a suspension, the Marine shall be notified in writing of the basis for the action and shall be afforded the opportunity to consult with counsel and to submit a statement in writing to the separation authority. The respondent shall be provided a reasonable period of time, but not less than 2 working days, to act on the notice. If the respondent identifies specific legal issues for consideration by the separation authority, the matter shall be reviewed by a judge advocate prior to 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 subparagraph 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 other 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. If a respondent eligible for transfer to the FMCR/retired list is being processed for misconduct, security, or homosexual conduct, and waives the right to appear before a board, the CMC shall make a determination, consistent with the guideline in subparagraph 6319.4e as to whether the respondent should, if transfer to the FMCR/Retired List is requested, be allowed to transfer in the grade currently held or in the next inferior pay grade. The CMC may transfer a respondent to the FMCR/Retired List, when eligible, if such respondent waives the right to appear before a board.

5. Commanders who approve recommendations for separation should, whenever possible, designate a specific date for separation and direct the separating unit to immediately report the separation date as a new ECC via a unit diary entry.

6. 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) 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.
7. If final action results in the member's retention, the record of the administrative discharge proceedings will not be included in the service record book or OMPF. The prejudicial effect of such a record outweighs its limited usefulness to future commanders or selection boards.
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 general court-martial convening authority or higher authority determines that separation is otherwise appropriate under this chapter, a member may be separated without return to military control in one or more of the following circumstances:
 - a. Absent without authority after receiving notice of initiation of separation processing;
 - b. When prosecution of a member who is absent without authority appears to be barred by the Statute of Limitations, Article 43, UCMJ and the statute has not been tolled by any of the conditions set out in Article 43(d), UCMJ;
 - c. When a member who is an alien is absent without leave and appears to have gone to a foreign country where the United States has no authority to apprehend the member under a treaty or other agreement.
2. Notice. Prior to execution of the separation under subparagraph 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 Department of the Navy. The notice shall contain the matter set forth in paragraph 6303 or 6304, as appropriate, and shall specify that the action has been suspended until a specific date (not less than 30 days from the date of mailing) in order to give the respondent the opportunity to return to military control. If the respondent does not return to military control by such date, the separation authority shall treat the failure to respond as a waiver of rights and take appropriate action.
3. Members of Reserve Component. See 10 U.S.C. 1163 and SECNAVINST 1920.6A, Reserve Components: Members; Limitations on Separation; with respect to limitations on separation of members of Reserve components.

6313

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

6313. SEPARATION OF MARINES PENDING CONCURRENT DISCIPLINARY/ADMINISTRATIVE AND DISABILITY PROCEEDINGS. See paragraph 8508 of this Manual.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 6-2. Guide For the Review of Separation Packages

Specific Reason for Separation	Specific Authority	NOTES										Separation Authority
		1	2	3	4	5	6	7	8	9	10	
<u>CONVENIENCE OF THE GOVERNMENT</u>												
Parenthood	Par. 6203.1	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
Physical Condition Not a Disability	Par. 6203.2	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
Personality Disorder	Par. 6203.3	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
Involuntary Disenroll from Officer Candidate Program	Par. 6203.5	Y	Y	Y		X	X	X	X	Y		CG, MCRC or CG, MCCDC
Fail/Disenroll Lat School	Par. 6203.6	Y	Y	Y		X	X	X	X	Y		GCM Authority
All other COG	As Specified	Y	Y	Y		Y	Y	X	X	Y		CMC or GCM Authority
<u>DEFECTIVE ENLISTMENT</u>												
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		CMC
Fraudulent Enlistment	Par. 6204.3	Y	Y	Y		Y	Y	#	#	Y		CMC or GCM Authority
<u>ENTRY LEVEL</u>												
Entry Level Performance or Conduct	Par. 6205	Y	Y	Y	Y	Y	Y			Y		CMC or GCM Authority

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 6-2. Guide For the Review of Separation Packages -- Continued

Specific Reason	Specific Authority	NOTES										Separation Authority	
		1	2	3	4	5	6	7	8	9	10		
<u>UNSATISFACTORY PERFORMANCE</u>													
Unsanitary Habits	Par. 6206.5a	Y	Y	Y	Y	Y	Y	X	X	Y			CMC or GCM Authority
Unsat Perform of Duties	Par. 6206.5b	Y	Y	Y	Y	Y	Y	X	X	Y			CMC or GCM Authority
<u>HOMOSEXUAL CONDUCT</u>													
Homosexual Conduct	Par. 6207	Y	Y	Y		Y	Y	Y	Y	Y	Y		CMC or GCM Authority
<u>ALCOHOL ABUSE</u>													
Alcohol Rehab Failure	Par. 6209	Y	Y	Y		Y	Y	X	X	Y			CMC or GCM Authority
<u>MISCONDUCT</u>													
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	Y	Y		CMC or GCM Authority
Civilian Conviction	Par. 6210.7	Y	Y	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
<u>NEW ENTRANT DRUG AND ALCOHOL TESTING</u>													
New Entrant Drug and Alcohol Testing	Par. 6211	Y	Y	Y		Y	Y	X	X	Y			CMC or GCM Authority

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 6-2. Guide For the Review of Separation Packages -- Continued

Specific Reason for Separation	Specific Authority	NOTES										Separation Authority
		1	2	3	4	5	6	7	8	9	10	

UNSATISFACTORY PARTICIPATION IN THE READY RESERVE

Unsat Participation in Ready Res	Par. 6213	Y	Y	Y	Y	Y	Y	#	#	Y		CMC or GCM Authority
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SECRETARIAL PLENARY AUTHORITY

Secretarial Plenary Authority	Par. 6214	Y	Y	Y	Y	Y				Y	Y	SecNav
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WEIGHT CONTROL FAILURE

Weight Control Failure	Par. 6215	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
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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 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, par. 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, par. 6303)
3. Marine must be notified of and explained to their understanding the purpose and scope of the Naval Discharge Review Board and the Board for Correction of Naval Records. (MARCORSEPMAN, par. 6104)

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 6-2. Guide For the Review of Separation Packages -- Continued

4. Marine must be afforded a reasonable opportunity to overcome their deficiencies after being notified and counseled. SRB, page 11 entry must summarize counseling conducted. (MARCORSEPMAN, par. 6105)
5. Marine must be given the opportunity to consult with a judge advocate prior to exercising or waiving any of the Marine's rights. (MARCORSEPMAN, par. 6303 or 6304)
6. Marine must be advised that it is in their best interest to consult with a judge advocate prior to waiving any of their rights. (MARCORSEPMAN, par. 6303 or 6304)
7. Marine must be afforded the right to present their case before an administrative separation board with the advice and assistance of counsel. (MARCORSEPMAN, par. 6303 or 6304)
8. Marine must be afforded and explained the rights of the respondent concerning administrative separation board proceedings. (MARCORSEPMAN, par. 6303 or 6304)
9. Commander must refer Marine's case, together with their recommendations and all evidence, to the separation authority.
10. Discharge package must be reviewed by the discharge authority's judge advocate prior to final action (MARCORSEPMAN, subparagraph 6308.1c). Additionally, all cases where an administrative separation board is convened must be reviewed by a judge advocate. For Marines with 18 or more YOS, subparagraph 6307.1c applies.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 3: ADMINISTRATIVE PROCEDURES

PART C: ADMINISTRATIVE SEPARATION BOARD

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 who are well-qualified by reason of grade, leadership experience, and judicious temperament. 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 O-4 or above and a majority shall be commissioned/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 prior to 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.

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 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.

h. The convening authority may delegate the power to excuse members prior to 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 rank 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 O-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, evidence, and challenges, 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 nonvoting 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 may 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 board's 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 nonvoting 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. The board may impose reasonable restrictions as to the relevance, competency, cumulativeness, and materiality of all matters to be considered by the board so as to promote orderly procedure and ensure a full and impartial hearing. 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 hearing room will be cleared for voting on any challenge. Challenged members will not be present during deliberation or voting on their challenge. A challenge shall be decided by a preponderance of the evidence and shall be sustained by a majority or tie vote.

d. If a challenge is sustained as to any member or legal advisor, such person is excused from further participation in the case.

e. If a sustained challenge reduces the number of members below three or leaves the board without a member in the grade of 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 Creditability 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. Subparagraph 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 prior to 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. 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.

e. Transfer to the Fleet Marine Corps Reserve (FMCR)/Retired List. When the respondent is eligible for transfer to the FMCR/Retired List and the board recommends separation based on misconduct, homosexual conduct, or security, the board shall make a further recommendation as to whether the member, if ultimately transferred to the FMCR/retired list, shall be transferred in the pay grade currently held or the next inferior grade. See SECNAVINST 1910.4. In making its recommendation, the board will consider the following factors:

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

(2) All performance evaluation and other portions of the service record bearing on performance in the current pay grade, whether the misconduct was known by reporting seniors, and if not, what affect 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 recorder or the respondent.

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 it.

6320. RECORD OF HEARING AND REPORT OF THE BOARD. The record of the hearing shall be kept in summarized form, however, the convening authorities, upon their own initiative, or upon the request of the respondent or counsel, may authorize a verbatim record. 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.

1. As a minimum, the record of proceedings shall contain:

a. An authenticated copy of the appointing order and any other communication from the convening authority.

b. A summary of the testimony of all witnesses, including the respondent, appearing in person before the board.

c. A summary of the sworn or unsworn statements of all absent witnesses considered by the board.

- d. 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 nonvoting 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. A majority board report signed by all concurring voting members.
 - j. 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.

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). 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 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 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. 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 prior to the subsequent board's hearing of the respondent's case other than the appointment of the subsequent board. The respondent and their counsel shall be notified of the findings and recommendations of the previous board and timely notice of the time and place of the subsequent board hearing, the witnesses to be heard, and the evidence to be considered before the subsequent board.

7. If a subsequent board is convened, the record of the first proceeding should be attached to the record of the subsequent proceeding.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Separate Commands and Detachments where HQMC has delegated Discharge Authority to 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, D.C.

COMMARFORLANT

HQSVCBN MarForLant
EWTGLant
HQFMFEUR
MarBks Guantanamo Bay, Cuba
MarCorAdminDet Dam Neck, VA
MCSFBn
All MarDets on ships

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
MarCorAdminDet Ft Benning, GA
MarCorAdminDet Lowry AFB, CO
Blount Island Cmd Jacksonville, 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

CG, MCRD/WRR San Diego, CA

EWTGPac Coronado, 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

Figure 6-1. Commands Delegated by HQMC as Discharge Authority For Other Commands

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

From: Commanding Officer
To: (Individual Marine)

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

Ref: (a) MCO 1900.16 (MARCORSEPMAN)

Encl: (1) Purpose and Scope of the NDRB and 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 ____ 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 prior to waiving any of your rights.

b. You have the right to submit written statements to the (Separation Authority) in rebuttal to this proposed separation.

c. You have the right to obtain copies of documents that will be forwarded to the (Separation Authority) supporting the basis of this proposed separation. Classified documents shall be summarized.

d. You 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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

5. Information on the Purpose and Scope of the NDRB and the BCNR is provided to you as enclosure (1).

6. You are directed to respond in writing to this notice not later than (time and date) (e.g., 0900, 4May94. 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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(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 chose to execute to 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 so prior to 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.

4. _____ I have read and fully understand the information contained in the Purpose and Scope of the NDRB and BCNR.

Witness

Date

Respondent

Date

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

From: Commanding Officer
To: (Individual Marine)

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

Ref: (a) MCO 1900.16 (MARCORSEPMAN)

Encl: (1) Purpose and Scope of the NDRB and 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. If you are administratively separated with a characterization of service as under other than honorable conditions, you will be administratively reduced to lance corporal, such reduction to become effective upon separation.
4. As a result of these separation proceedings, you have the following rights:
 - a. You have the right to consult with qualified counsel prior to electing or waiving any of your rights. It is in your best interest to do so prior to 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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 prior to 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.

Figure 6-3. Sample Format for Notification with an Administrative Separation Board -- Continued

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

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.

n. Failure to respond after being afforded a reasonable opportunity to consult with counsel constitutes waiver of the rights in subparagraphs 6304.1d to 6304.1m of the reference.

6. Information on the purpose and scope of the NDRB and BCNR is provided to you as enclosure (1).

7. You are directed to respond in writing to this notice no later than (time and date; e.g., 0900, 4May94. 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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(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)/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. I understand that if I am administratively separated with an under other than honorable characterization of service, I will be administratively reduced to lance corporal, such reduction to become effective upon separation.
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 prior to 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.

Figure 6-3. Sample Format for Notification with an Administrative Separation Board -- Continued

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Subj: ACKNOWLEDGMENT OF MY RIGHTS TO BE EXERCISED OR WAIVED DURING SEPARATION PROCEEDINGS

- c. _____ To be represented by civilian counsel if I desire and at my own expense.
 - d. _____ To challenge voting members of the board or the legal advisor, if any, for cause only.
 - e. _____ To testify in my own behalf, subject to the provisions of article 31, UCMJ (Compulsory Self-Incrimination Prohibited).
 - f. _____ At any time during the proceedings I or my counsel may submit recorded matter for consideration by the board.
 - g. _____ I or my counsel may call witnesses on my behalf.
 - h. _____ I or my counsel may question any witness who appears before the board.
 - i. _____ I or my counsel may present argument prior to 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 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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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. Paragraphs 6403 and 6404. The general basis for separation is change in service obligation.

2. Separation Authority. The separation authorities for voluntary separations are listed in table 6-2. The separation authority will receive the Marine's request after it has been forwarded and endorsed via the chain of command. The separation authority will then direct the discharge or release from active duty of the Marine, if either is warranted, or will disapprove the Marine's request and direct retention.

3. Characterization. The following characterization of service will apply when the Marine's request for separation is:

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 paragraph 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 under honorable conditions (general) 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 prior to EAS/EOS. The separation authority will direct discharge in those cases which clearly demonstrate a Marine has no mobilization potential. The separation authority will also direct 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.

a. Transfer to the IRR is prohibited if:

(1) The Marine is separated by reason of homosexual conduct, drug use, defective enlistment;

(2) The characterization of discharge is other than honorable;

(3) Diagnosed as HIV-1 positive; or,

(4) Assigned a reenlistment code of RE-4.

(5) Use the procedures in chapter 1 when transferring Marines to the IRR.

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) Marines 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. Withdrawals. Requests for voluntary separation may be withdrawn by the Marine at any time prior to action on the request by the separation authority. Requests must be made in writing to the separation authority.

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 armed services; or

(2) Enlistment of 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 prior to enlistment in the Regular Marine Corps or of acceptance of appointment. The discharge certificate will be prepared and forwarded to the Marine.

2. Discharge for Enlistment in the Regular Army, Air Force, Coast Guard. Upon receipt of official notification of the enlistment of a Reservist in the Regular Army, Navy, Air Force, or Coast Guard, commanders will effect the discharge of the Reservist as of the day prior to such enlistment, and forward the discharge certificate to the member's new organization, if known, 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 Forces 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. Applications for commission in a service other than the naval service must be submitted via the CMC (MMSR) and include a statement acknowledging that, should the Marine be accepted in the applied for program, the Marine agrees to separation from the Marine Corps. Only the CMC may direct separation after receipt of certification from the gaining service that the Marine has been accepted for a commission or an appointment, or acceptance into a program leading to such.

2. 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 P1040.31).

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 prior to member's expiration of active obligated service if the member returned to the continental United States from the first overseas port-of-call.

b. When the home port of a member's ship or command changes, the member may be separated within 5 days of the ship's/command'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 prior to 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 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. This program is applicable to all enlisted personnel except:

a. Six-month trainees.

b. Reservists ordered to active duty due to unsatisfactory participation as provided in 10 U.S.C. 673(a). 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 1001.54 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. Marines serving under a 2-year obligated active service contract or agreement and who will have a Reserve obligation upon separation will not be released until they have completed a minimum of 21 months of active duty on their current term of service; and

d. The latest acceptable registration and class convening dates of the school term for which the Marine seeks release must fall within the last 3 months of the Marine's remaining service.

e. Applications will normally be denied if the Marine has:

(1) Received fully funded education, or education for which the Marine incurred obligated service; or

(2) Completed advanced technical training; or

(3) Received special compensation during the current enlistment (e.g., reenlistment bonus); or

(4) A military occupational specialty which due to military exigencies 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.

f. Waiver of the criteria in the preceding paragraph will only be considered when the Marine makes a cash remittance prior to initiation of separation processing.

3. Application. An application format is provided at 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 subparagraph 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's accreditation status.

(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 subparagraph 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 prior to entrance. A statement that the Marine is admissible, subject to a review of the Marine's records, or subject to passing an entrance exam, qualifies the acceptance and prohibits the Marine's early release. On the other hand, a Marine who is accepted on probation 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 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 prior to the requested date of separation. Marines assigned to OCONUS commands should apply 6 weeks prior to the requested date of separation.

d. The approved separation date will usually be 10 calendar days prior to the class starting date. In no event will it exceed 30 days.

e. Commanders may grant leave while awaiting separation in conjunction with this program as authorized by MCO P1050.3; 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) prior to 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 advance 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 prior to 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.

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 should 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 dependent and the Marine;

(3) The Marine's marital status, date of marriage, and number of dependents;

- (4) Names and addresses of persons familiar with the situation;
- (5) Names, ages, occupations of family members and the reason why they cannot provide the necessary help; 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 dependent(s).

b. The Marine should submit substantiating documentation as enclosures to the request:

(1) At Least Two Affidavits Should be Submitted. Where practicable, one should be from the dependent or family member concerned. Often, valuable information may be obtained from statements by knowledgeable and respectable sources such as family members, doctors, psychologists, clergyman, Red Cross representatives, and long-time neighbors. 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 doctors statement showing when the disability occurred, the nature of it, and probable duration.

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;
- 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 prior to 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); and

e. 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 prior to 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 or 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 1006.7.)

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 normally be approved 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. The Marine:

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 military occupational specialty which due to military exigencies requires retention; or

f. Is 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 prior to 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 women Marines of their eligibility for maternity care.

6. Women Marines should be notified that single or dual service parents are required to complete a family care plan per MCO 1740.13.

6409. CONSCIENTIOUS OBJECTION. Process the Marine's request per MCO 1306.16.

6410. SURVIVING FAMILY MEMBER. Process Marines 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 under conditions in which the candidate did not incur, or does not have, any service obligation.

6412. NOT SELECTED FOR PROMOTION TO STAFF SERGEANT/GUNNERY SERGEANT

1. Sergeants and Staff Sergeants may request immediate discharge after their commander verifies they have twice failed of 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. Authority to grant separation pay will be determined by CMC (MMEA-6).

2. Approval or disapproval of the request will be based on the needs of the service. 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 (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;

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 prior to 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. Marines may request discharge after the commanding officer verifies they have 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 service.

3. Assign an RE-3C reenlistment code to Marines 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 prior to 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, it is required that the Reservist be discharged from the Marine Corps.

6415. TRANSFER TO THE NAVY HOSPITAL CORPS. Marines 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 SERVICEMEMBERS

1. A Marine may submit a request for separation provided all of the following conditions are met:

- a. Not stationed near enough to their servicemember 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 1300.8;
- d. The Marine is not serving on an extension of service entered into after the marriage; and
- e. The Marine has completed 24 months service following completion of a service school if the length of the course was in excess of 20 weeks.

2. Requests will normally be denied if the Marine has:

- a. Received fully funded education, or education for which the Marine incurred obligated service;
- 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 prior to 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. Marines 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 separations contained in section 2 of this chapter apply;
- c. The reason for the requested discharge is:
 - (1) to permit return/or retention in school,
 - (2) that the member moves to a location where participation in the Selected Marine Corps Reserve would be impractical, or
 - (3) a 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 active 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. Marines may be separated upon their request in lieu of trial by special or general courts-martial if charges have been preferred with respect to an offense for which a punitive discharge is authorized and it is determined that the Marines are unqualified for further military service. This provision may not be used as a basis for separation when R.C.M. 1003(d) of the Manual for Courts-Martial, 1984, 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 under honorable conditions (general) 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

(3) As a condition precedent to approval of the request, the Marine, if serving in the grade of corporal or above, must also request administrative reduction to lance corporal.

f. The separation authority is the GCMCA.

g. Statements by the Marine or the Marine's counsel submitted in connection with a request under this subsection are not admissible against the member in a court-martial except as provided by Military Rule of Evidence 410.

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 CMC (MMSB) for inclusion in the Marine's OMPF.

6420. EARLY RELEASE FROM OVERSEAS UNITS. Marines scheduled to return from permanent overseas duty stations who are within 90 days of completing their active service obligation may request separation upon their return to CONUS or request separation overseas pursuant to guidelines set forth in paragraph 1006.2.

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 prior to 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 reason of separation 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 circumstance of the case and why no other reason for separation under this Manual is considered appropriate.
5. Separation under this paragraph will be characterized as honorable or general (under honorable conditions) unless an uncharacterized entry level separation is required.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(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 prior to the anticipated date of delivery. In areas where more than one military facility providing maternity care is available, you must apply to the Naval Medical Facility.

3. The Navy Department assumes responsibility for care of the child only during your hospitalization. Further arrangements for the 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 dependents.

(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)

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(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 P1900.16

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(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 P1900.16, 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 subparagraph 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

SEPARATION AUTHORITY FOR VOLUNTARY SEPARATIONS

Table 6-3. Separation Authority for Voluntary Separations

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	Early release to further education	GCMCA
On Active Duty		Early release to accept public office; not selected for promotion to SSgt/GySgt; reduction from SNCO to Sgt or below; Marine married to other service members; Change in service obligation (paragraph 6404.1)	CMC (MMSR)
		Dependency/Hardship	CMC (MMSR) and GCMCA
		Conscientious objector; Surviving Family Member	CMC (MMEA)
		Pregnancy	CMC (MMSR); GCMCA; recruiting district commanding officers; commanding officers of separate commands who have special courts-martial convening authority.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

SEPARATION AUTHORITY FOR VOLUNTARY SEPARATIONS

Table 6-3. Separation Authority for Voluntary Separations -- Continued

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 <u>servicemembers</u>	CMC (MMSR)
A Reservist on Inactive		Dependency/Hardship	CMC (MMSR); COMMARFORRES
		Pregnancy	CMC (MMSR); GCMCA recruiting district commanding officers; commanding officers of separate commands who have special courts-martial <u>convening authority.</u>
		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)



MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 5

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

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 paragraph 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 Secretary of the Navy and sent to the CMC. Under no circumstances will any other 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. Officers serve at the pleasure of the President and no terminal dates are established for their commissions. The Secretary of the Navy, acting on behalf of the President, may accept an officer's resignation. This authority has been delegated to the CMC (DC/S M&RA). 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 below; however, the criteria may be modified as necessary to meet existing needs of the service. Specifically, the acceptance of an officer's resignation may be deferred or disapproved in order to maintain officer personnel strength at the necessary level. The 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 as per subparagraph 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 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 normally be approved prior to the completion of 12 months active duty following completion of the course or 24 months after completion of the MAWTS-1 Weapons and Tactics Instructor (WTI) Course.

e. Completion of the service requirement prescribed in the applicable Marine Corps directive in effect at the time of the officer's selection for the College Degree Program, Excess Leave Program (LAW), or other full-time or funded schooling.

f. Completing 24 months on active duty after completing a course for which financial assistance was accepted pursuant to the Tuition Assistance Program.

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

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

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

a. The officer has been issued, or notified that they will be issued Permanent Change of Station (PCS) orders prior to 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 prior to 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 prior to the prescribed estimated date of arrival at the new duty station, but not 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 prior to completion of the minimum tour length prescribed by MCO 1300.8, 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 prior to fulfillment of that extension.

d. The officer has not completed 2 years at a current CONUS duty station (except those officers who fall under subparagraph 5002.4c).

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

f. The officer requests to resign prior to 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 prior to completion of that tour as defined in MCO 1300.8. Officers desiring to request resignation from an overseas duty station, or officers who are serving in a billet where tour length is specified in the PCS orders, and who are eligible, may elect one of the following options:

a. Request resignation coincident with rotation tour date.

b. Request resignation coincident 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 a minimum of 1 year at the next duty station before resigning. Officers who are ineligible to resign at RTD, or at the end of their specified tour length, but who will become eligible in less than a year, 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 subparagraph 5002.4c. Officers resigning per this paragraph will return to CONUS (MCC W95) not later than 10 days prior to the requested date of resignation unless they have notified the CMC (MMSR-3) that separation overseas is desired.

5. When an officer requests a waiver of any of the criteria set forth above, the officer must justify it on the grounds of undue hardship. Such requests must include the 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.

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 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 prior to submission of the resignation request. Following 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 P1900.16.

2. Submit requests for resignation via the unit diary per MCO P1080.35 (PRIM), paragraph 8102.9. The entry must be made not earlier than 14 months nor less than 4 months prior to the requested date of resignation. This is the minimum time necessary for processing requests and issuing orders to the officers 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 F. In those cases where the resignation request is

submitted by separate correspondence and is received less than 4 months prior to the requested date, the CMC will reestablish the effective date to allow time for complete processing. Officers requesting resignation are cautioned not to make significant personal commitments (such as buying or selling a house or business, enrolling in graduate school, etc.) based upon mere submission of a request. Problems which may arise from such premature commitments will not be used as a basis for subsequent expeditious or preferential processing of an officer's request.

3. The reporting unit will be advised of receipt of an officer's request for resignation via the diary feedback report (DFR). Specifically, CMC will post a "pending" planned reenlistment or retirement (PRR) 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 in accordance with the provisions of SECNAVINST 1920.6.

5004. ADDITIONAL INSTRUCTIONS

1. Reserve Commissions

a. 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 per paragraph 5003.4.

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 prior to 45 days from the effective date of the resignation or commencement of separation leave. If an officer desires to withdraw a resignation, a written request must be submitted to the Secretary of the Navy via the 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 includes: resignation requests and related correspondence in its entirety.

(2) For officers who resign and subsequently return to active duty in the naval service, includes: portions of resignation correspondence which contains 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).

4. Separation Leave. Commanding officers may authorize separation leave in conjunction with a resignation pursuant to MCO P1050.3, 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 will be issued via the unit diary in the MCTFS. Once the responsible order writing unit receives appropriate approval authority on a resignation request as a result of the CMC entering an "approved" RER flag in MCTFS (This is the authority to release.), appropriate separation orders may be issued per figures 5-2 through 5-5. Written authority to release, or issuance of orders, will no longer be provided except as specified below.

2. The CMC (MMSR) will normally issue message orders granting authority to release for all involuntary separations, to include orders for officers twice having failed of selection to the next higher grade who have not submitted a request for voluntary separation at least 30 days prior to the mandatory separation date. Local commanders will prepare and issue orders in the appropriate format as prescribed in figures 5-2 through 5-5.

3. The CMC (MMSR) will issue separation orders for officers who are separated for other than the foregoing reasons.
4. In all cases, the CMC will issue officer discharge certificates and, when officers accept a commission in the U.S. Marine Corps Reserve, an Appointment Acceptance and Record (NAVMC 763) and a Reserve commission. Discharge certificates will not be locally prepared.

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 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 selectively continued on active duty, retired, or, if a permanent limited duty officer captain, reverted to a warrant officer status. Guidance on actions taken in regard to officers incurring a second failure of promotion is contained in SECNAVINST 1920.6. General guidance is contained in table 5-1 of this Manual.
2. Within 30 days after publication of the board 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 which 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.
 - 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.
 - 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 require hospitalization or medical observation that cannot be completed before the date of involuntary separation.
 - c. When any action is started against an officer with a view to trying the officer by court-martial and the officer is to be separated or retired under this chapter, 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.

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 retained on active duty for a minimum of 6 months after the date of promotion would have occurred. If found qualified for promotion during or at the completion of the 6-month period, the officer shall be promoted. If again found not qualified for promotion, the officer shall be discharged.

5. Continuation Boards. 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 Readjustment Pay and Separation Pay. Officers involuntarily discharged as a result of a second failure of selection may be entitled to either readjustment or separation pay, but not both. Separation pay will only be authorized if the officer signs a written agreement to serve in the Ready Reserve for 3 years. The formula yielding the more favorable amount to the officer will be paid to entitled officers. The DODPM 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, however, the following is a general guide:

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

b. Separation Pay. See chapter 1, section 3.

5007. SEPARATION OF RESERVE OFFICERS ON THE ACTIVE DUTY LIST. The CMC (MMAA) 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 1000.7.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(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 P1900.16 (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

2. 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.)
3. 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(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 P1900.16 (MARCORSEPMAN)
(b) MANMED, Chap 15
(c) IRAM, par 3003
(d) PRIM, par 5306
(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 above 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.

b. Ensure you obtain a physical examination before separation for the purposes of determining 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).

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 prior to the leave 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 3003.3f(2) 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 F 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 South Airport, Kansas City, Missouri 64147-5000.

(2) State the point you elect for mileage allowance per reference (e).

i. Transmit the following documents directly to the CMC, as indicated below, within 3 working days after effective date of discharge.

(1) Original and copy 2 of the NAVMC 763 to the CG, MCRC (MRO).

(2) HQMC copy of Report of Separation from Active Duty (DD Form 214) with a copy of these orders to the CMC (MMSB).

j. Forward the Officer Qualification Record to the Commanding General, Marine Corps Reserve Support Command.

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- k. Provide your disbursing officer with the following information:
- (1) Separation authority: MARCORSEPMAN, par (AUTH).
 - (2) Character of separation: (PLANNED CHAR).
 - (3) SPD code: (PLANNED SPD). Narrative reason: (Per Appendix A of reference (a)).
5. You are directed to accomplish the following:
- 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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(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 P1900.16 (MARCORSEPMAN)
(b) MANMED, Chap 15
(c) IRAM, par 3003
(d) PRIM, par 5306
(e) JFTR par U5125-A

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 above 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 and return the NAVMC 763 and Reserve commission to the CG, MCRC (MRO). These orders will be immediately cancelled and new discharge orders issued.

b. Ensure you obtain a physical examination before separation for the purposes of determining 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).

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

- 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 prior to the leave 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 3003.3f(2) 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 enclosed NAVMC 763.
- f. Deliver copy 3 of the NAVMC 763 to you.
- g. Report discharge per reference (d) and Appendix F 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 South Airport, Kansas City, Missouri 64147-5000.
 - (2) State the point you elect for mileage allowance per reference (e).
- i. Transmit the following documents directly to the CMC, as indicated below, within 3 working days after effective date of discharge.
- (1) Original and copy 2 of the NAVMC 763 to the CG, MCRC (MRO).
 - (2) HQMC copy of Report of Separation from Active Duty (DD Form 214) with a copy of these orders to the CMC (MMSB).
- j. Forward the Officer Qualification Record to the Commanding General, Marine Corps Reserve Support Command.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

k. Provide your disbursing officer with the following information:

(1) Separation authority: MARCORSEPMAN, par (AUTH).

(2) Character of separation: (PLANNED CHAR).

(3) SPD code: (PLANNED SPD). Narrative reason: (Per MCO P1080.20 (MCTFS CODESMAN)).

5. You are directed to accomplish the following:

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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.

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

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

Subj: ACCEPTANCE OF RESIGNATION OF REGULAR COMMISSION IN THE U.S.
MARINE CORPS

Ref: (a) MCO P1900.16 (MARCORSEPMAN)
(b) MANMED, Chap 15
(c) PRIM, par 5306
(d) JFTR par U5125
(e) IRAM, table 4-1
(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 above is effected.

b. Ensure you obtain a physical examination before separation for the purposes of determining 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 F of reference (a).

e. By endorsement state the point you elect for mileage allowance per reference (d).

Figure 5-4. Acceptance of Resignation of Regular Commission
in the U.S. Marine Corps Without a Reserve
Commission

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

- 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).
- h. Provide your disbursing officer with the following information:
 - (1) Separation authority: MARCORSEPMAN, par (AUTH).
 - (2) Character of separation: (PLANNED CHAR).
 - (3) SPD code: (PLANNED SPD). Narrative reason: (Per MCO P1080.20 (MCTFS CODESMAN)).
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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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.

Figure 5-4. Acceptance of Resignation of Regular Commission
in the U.S. Marine Corps Without a Reserve
Commission -- Continued

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

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

Subj: DISCHARGE FROM THE U.S. MARINE CORPS

Ref: (a) MCO P1900.16 (MARCORSEPMAN)
(b) MANMED, Chap 15
(c) PRIM, par 5306
(d) JFTR par (U5125 or 5130)
(e) IRAM, table 4-1
(f) MCO P7301.104

Encl: (1) Honorable Discharge Certificate

1. Your request for discharge from the U.S. Marine Corps 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 above is effected.

b. Ensure you obtain a physical examination before separation for the purposes of determining 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 F of reference (a).

e. By endorsement, state the point you elect for mileage allowance per reference (d).

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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).

h. Provide your disbursing officer with the following information:

(1) Separation authority: MARCORSEPMAN, par (AUTH).

(2) Character of separation: (PLANNED CHAR).

(3) SPD code: (PLANNED SPD). Narrative reason: (Per MCO P1086-20 MCTFS CODESMAN).

(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 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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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. 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 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 5-1. Separation and Service Options Available After a Second Failure of Selection for Promotion

Component	Grade	Status	Note						
			1	2	3	4	5	6	7
Regular & Reserve	1STLT & CAPT	Unrestricted	X				X	X	
Regular	MAJ	Unrestricted		X			X		X
Reserve	MAJ	Unrestricted					X		X
Regular	1STLT & CAPT	LDO					X	X	
Regular & Reserve	WO-1 & CWO-2	Permanent	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 1st day of the 7th month following the month the board results were approved.
2. Under current policies, a major and a CWO-3 will normally be selected for continuation to retirement eligibility if the officer will qualify for retirement under 10 U.S.C. 6323 within 6 years of the date of continuation.
3. A warrant officer with at least 18 years, but less than 20 years of creditable active service on the date on which they are to be separated, shall be retained until retirement eligible and retired on a date specified by the Secretary of the Navy, but not later than the 1st day of the 7th month beginning after the warrant officer completes 20 years of active service, except as provided by 5 U.S.C. 8301.
4. 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.
5. In lieu of discharge, an officer may request reenlistment in an enlisted status; or, if a permanent LDO captain, revert to a warrant officer status.
6. An officer may be selected for continuation until eligible for retirement.
7. Unless serving on active duty in the Career Reserve or Extended Duty Reservist Program on 15 September 1981, an officer will be released from active duty upon expiration of active service as specified in their current contract and may serve in the Ready Reserve until eligible for retirement.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 4

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

GENERAL

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 1920.6 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 1920.6 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. In the event of any conflict between the provisions of this manual and the SECNAVINST 1920.6, the SECNAVINST 1920.6 is controlling.

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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, Inspector General, etc.) involving any officer whose performance or conduct is such that processing for separation may be appropriate, consistent with this chapter.

4102. PROCESSING FOR SEPARATION. The 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 1920.6. 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 5300.28. Evidence obtained from an involuntary urinalysis administered pursuant to an inspection under Military Rules of Evidence 313, MCM 1984, or from a search and seizure under Military Rules of Evidence 311-317, MCM 1984, 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 subparagraph 4103.3b below. 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 below.

(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 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.

(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 conditions 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. Inquiries 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 Manual for Courts-Martial, United States, 1984, 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 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/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 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/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.

(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 R.C.M. 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.

(3) The request shall also include:

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

(b) A summary of the evidence or list of documents (or copies) 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:

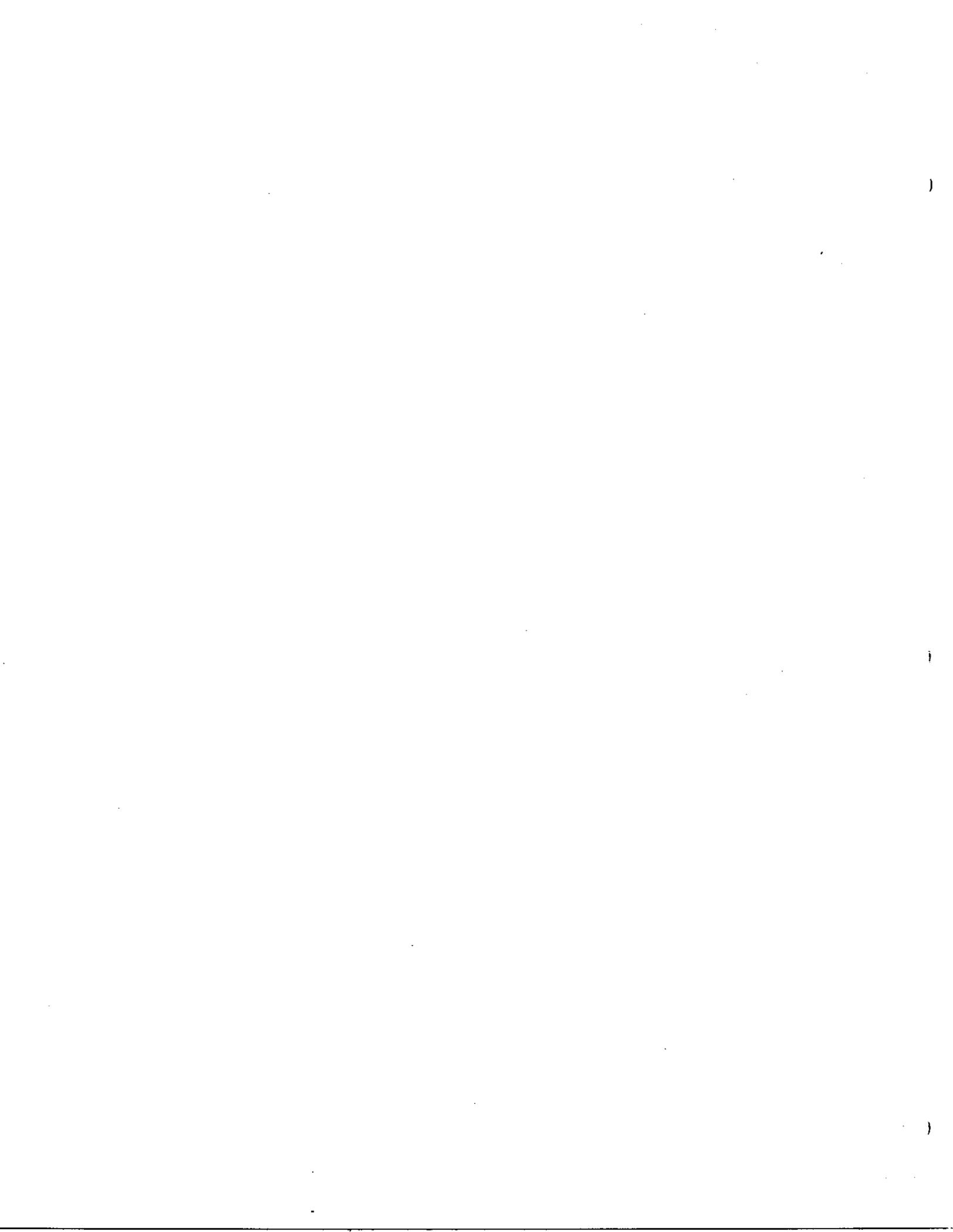
a. Carrying on of trade or business by fiscal officers in funds, debts, or public property of Federal or State Governments.

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 1900.7 governs entitlement to separation pay for officers who are administratively separated under the provisions of this chapter.



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

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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

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 active status list (ASL) 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 365/366 day period is served during the Marine's anniversary year. See paragraph 3012.

b. Use of the terms "satisfactory Federal service" and "satisfactory service" is undesirable; 10 U.S.C. 12732 is based on "qualifying 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 days or 366 days during a leap year) 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, intercomponent 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 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.

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. Paragraph 4104 applies.

2. Submit letters of resignation to the Secretary of the Navy via the CMC (MMSR-5) and the COMMARFORRES. Resignations from officers of the Selected Marine Corps Reserve (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 ASL 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. An officer tendering a resignation from the Marine Corps Reserve under circumstances which might reasonably be susceptible to later characterization as "under conditions other than honorable", must include one of the following statements:

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

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

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 1920.6; 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 1920.6 using the notification procedures contained therein.
3. 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 1920.6.
4. Reserve officers with more than 3 years of commissioned service and Reserve warrant officers with more than 3 years of service as a warrant officer, respectively, may be separated per paragraph 4103 (Separation for Cause) and SECNAVINST 1920.6 only upon recommendation of a Board of Inquiry.
5. Reserve officers and Reserve warrant officers, regardless of length of commissioned service or service as a warrant officer, who are being considered for separation for Misconduct, or for Moral or Professional Dereliction, or because Retention is Not Consistent with the Interests of National Security, may be separated only upon recommendation of a Board of Inquiry, per SECNAVINST 1920.6.
6. 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. They are not entitled to a hearing before the PEB.
 - d. Who do not undergo a physical examination as required by regulation.
 - e. Who do not keep their parent unit informed of a current mailing address.
 - f. Who do not respond to, or comply with, official correspondence within 30 days.

2. Submit letters of resignation to the Secretary of the Navy via the CMC (MMSR-5) and the COMMARFORRES. Resignations from officers of the Selected Marine Corps Reserve (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.

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

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

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

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3. 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 1920.6.
4. Reserve officers with more than 3 years of commissioned service and Reserve warrant officers with more than 3 years of service as a warrant officer, respectively, may be separated per paragraph 4103 (Separation for Cause) and SECNAVINST 1920.6 only upon recommendation of a Board of Inquiry.
5. Reserve officers and Reserve warrant officers, regardless of length of commissioned service or service as a warrant officer, who are being considered for separation for Misconduct, or for Moral or Professional Dereliction, or because Retention is Not Consistent with the Interests of National Security, may be separated only upon recommendation of a Board of Inquiry, per SECNAVINST 1920.6.
6. 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. They are not entitled to a hearing before the PEB.
 - d. Who do not undergo a physical examination as required by regulation.
 - e. Who do not keep their parent unit informed of a current mailing address.
 - f. Who do not respond to, or comply with, official correspondence within 30 days.

g. Who 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, who earn 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 result in nonavailability of training; or

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

7. Prior to convening a board per paragraph 3003.6, each officer considered will be notified per SECNAVINST 1920.6. Boards will be 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.

8. 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.

9. 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.

10. 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 conditions other than honorable 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 conditions other than honorable in lieu of trial by court-martial or appearing before board proceedings.

11. 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, at their request or with their consent, transfer between Reserve components as follows (see MCO 1001R.1 paragraph 2204 for officers and 2404 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. Intercomponent 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 intercomponent 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. 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 in the transfer 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 in the transfer 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 nonconcurrency.

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 nonconcurrency.

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 nonconcurrency.

7. Request by Authorities of the Gaining Reserve Component. The DD Form 368 will not be signed prior to receipt of interservice transfer authority from proper authority as indicated below. Until then, the Marine will continue to perform all duties.

a. Approval Authority

(1) COMMARFORRES for enlisted personnel.

(2) The CMC (MMSR-5) for officers.

b. The gaining Reserve component will initiate requests for transfer.

c. 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 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 follows:

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 have not completed 20 years of qualifying service, will be retired or discharged on the earliest of the following dates:

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

(2) If commissioned prior to 1 January 1953, the 1st day of the month following the officer's 62nd birthday, if the officer cannot qualify for retired pay on or before the officer's 64th birthday. An officer in this category may be retired without the officer's consent (10 U.S.C. 14512(b)).

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 are subject to the 60-year age policy in MCO P1040R.35. Enlisted members who have not completed 20 years of qualifying service will be transferred to the Retired Reserve or 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 and become eligible for retirement; or

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

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;

<u>Grade</u>	<u>Age</u>
Second and First Lieutenants -----	40 years
Captains -----	46 years
Majors -----	52 years
Lieutenant Colonels and Above ----	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.

3006. RETIREMENT OR SEPARATION OF OFFICERS TWICE FAILED OF SELECTION FOR PROMOTION

1. Warrant Officers. Except for those Reserve officers who meet the provisions of paragraph 3008, Reserve officers in an active status in the permanent grade of:

a. Warrant officer (WO-1) or CWO-2 through CWO-3 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.

b. CWO-4 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. A CWO-4 with at least 30 years of qualifying service will be removed from an active status on the 1st day of the seventh month following the second failure of selection, 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 Secretary. 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. Colonels/Lieutenant Colonels/Majors. Per paragraph 3008, a Reserve officer in an active status in the permanent grade of major or above considered as having twice failed of selection for promotion to the next higher grade, if qualified, will be given an opportunity to request transfer to the Retired Reserve. If not so transferred, the officer will be discharged from the Marine Corps Reserve, based on the completion of the following period of total commissioned service (TCS):

<u>Grade</u>	<u>TCS</u>
Colonels -----	30 years
Lieutenant Colonels -----	26 years
Majors -----	20 years

4. Total Commissioned Service

a. Per 10 U.S.C. 14706, total commissioned service, for an officer who served continuously in the Marine Corps Reserve following appointment in the permanent grade of second lieutenant or above, is computed from 30 June of the fiscal year in which the Marine accepted appointment. For example, an officer commissioned after 30 September of a particular year will have a Commission Control Date of 30 June of the following year. Each other officer (initially appointed in a permanent grade above second lieutenant) is considered to have as much total commissioned service as any Regular unrestricted officer, who served continuously since original appointment as a second lieutenant in the Regular Marine Corps and who:

(1) Has not lost numbers or precedence; and

(2) Is or has been after 6 September 1947 junior to such other officer.

(3) The total commissioned service of such other officer may not be less than the actual number of years the Marine has served in a commissioned officer status above the grade of chief warrant officer 5 (CWO-5).

b. The Secretary of the Navy may defer the retirement or discharge under this paragraph of an officer serving in the permanent grade of major or above for a period of time which does not exceed the amount of constructive service in an active status which was credited to the officer at the time of original appointment or thereafter under any provision of law, if the officer can complete at least 20 years of satisfactory Federal service during the period of such deferment.

c. CWO's who complete at least 30 years of qualifying service shall be retired not later than six months after completion of such service.

3007. RETIREMENT OR SEPARATION FOR UNSATISFACTORY PARTICIPATION

1. Per 10 U.S.C. 12642 and SECNAVINST 1920.6, Reserve officers who complete their obligated service 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 are subject to the following:

a. Transfer to the Retired Reserve, if the Reservist is qualified and requests retirement; or

b. Transfer to the ISL of the Standby Reserve, if the Reservist is not qualified or does not apply for transfer to the Retired 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. The COMMARFORRES or the CG, MCRSC will inform by letter (certified mail, return receipt requested) each nonobligor Reserve officer who has not met prescribed satisfactory Reserve participation requirements of the options provided under existing law regarding their status in the Marine Corps Reserve.

4. An officer who is not qualified for, or does not request, transfer to the Retired Reserve and is not exempted by the criteria in paragraph 3007.2 will be transferred to the ISL. Upon completion of a 3 year period, each officer on the ISL will be referred to the Reserve Officers Mobilization Potential Screening Board described in paragraph 3003.6. The board is convened by the CG, MCRSC per MCO P1001R.1. It will review the records of each eligible Reservist and recommend 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 1920.6.

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.

6. 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. A one-time waiver of this requirement may be granted, in exceptional circumstances, by the Secretary of the Navy. Submit requests for waiver to the Secretary of the Navy via the CMC (MMSR-5) and the chain of command.

a. If a Reserve officer fails to earn the minimum points required under this paragraph, the COMMARFORRES or the CG, MCRSC will inform the officer by letter (certified mail, return receipt requested) of failure to meet prescribed satisfactory Reserve participation requirements and advise the officer of the options provided under law as follows:

(1) The Reserve member may, under exceptional circumstances, request a one-time waiver from the Secretary of the Navy per paragraph 3007.6.

(2) If a one-time waiver is not requested or approved, the Reserve member will be transferred to the Retired Reserve, if qualified and application is made.

(3) If the Reservist is not qualified or does not apply for transfer to the Retired Reserve, the Marine will be transferred to the ISL.

3008. EXCEPTIONS TO MANDATORY RETIREMENT OR SEPARATION

1. Safety 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. Paragraph 3008.1 does not apply to an officer not able to complete 20 years of qualifying service prior to reaching the age at which retirement is mandatory under paragraph 3005.

3. 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 only be discharged because of personal hardship under regulations prescribed by the Secretary of Defense.

4. 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.

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 service as a commissioned officer, may request retirement under the provisions of chapter 2 of this Manual.

2. Enlisted Reservists on active duty who have completed 20 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.

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 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. While this Marine has completed 20 years of qualifying service, only 2 of the last 8 years of service was as a member of a Reserve component.

b. An individual who served 13 years in the Regular Marine Corps, then 7 years as a Reservist, followed by 4 years in the Regular Marine Corps must serve an additional year in a Reserve status to qualify for retired pay. In this example, even though this Marine has completed over 20 years of qualifying service, the Marine must serve 1 more year as a member of 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).

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 or instruction or period of equivalent instruction (including completion of approved correspondence course) that was prescribed for that year by the Secretary of the military department concerned and conformed to the requirements prescribed by law, including attendance at National Guard training.

(3) Points (gratuitous) 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 and Air National Guards. 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.1 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 may not exceed 60 in any anniversary year.

(c) Retirement points earned during one anniversary year may not be credited to another anniversary year.

(6) Partial Anniversary Year. 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 3-3 shows minimum points required to establish a partial year of qualifying service.

(c) 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.

(d) To pro rate, the member must be removed from an active status at the end of the period to be pro rated by discharge, transfer to the ISL, or transfer to the Retired Reserve.

(e) For example, if a Reservist earned 180 days in an active status in order to make the period qualifying, the Marine would have to earn 26 points. 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 prorated period, the member must earn the minimum number of points to qualify for the prorated period. If a member continues in an active status longer than the prorated period and fails to earn additional points, then the period may become nonqualifying.

(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 or in the Retired Reserve and are not entitled to gratuitous credits for membership during these periods (10 U.S.C. 12734).

c. The DODPM 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 service-in-grade requirements:

<u>Grade</u>	<u>Component</u>	<u>Service-in-Grade</u>
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

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 on active duty, as determined by the CMC for the Secretary of the Navy, for a period of more than 30 days per 10 U.S.C. 12731.

4. Retired Grade Determination (Enlisted Personnel). Per 10 U.S.C., 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. The CMC shall make determinations of satisfactory service. Factors used in making this determination are:

- a. Time served in the current or higher grade per MCO P1400.32.
- b. Any report of misconduct, moral or professional dereliction, conduct not in the 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.
- 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. To compute the retired pay of a Marine entitled to such pay under paragraph 3011 add the following, then divide the sum by 360:

- a. Days of active service.
- b. Days of full-time service while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary of the military department.
- c. One day for each inactive duty point credited under subparagraphs 3012.1a(2) and 3012.1a(3), but not more than 60 days in any 1 year.
- d. Before 1 July 1949, contact the CMC (MMSR-5).

2. The monthly retired pay of a person entitled under paragraph 3011 is computed by the following formula:

$$(P \text{ divided by } 360) \times .025 \times B = \$/\text{month}$$

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: Subtract excess over 75 percent of pay on which computation is based per 10 U.S.C. 12733 and 12739.)

3014. TRANSFER TO THE RETIRED RESERVE WITHOUT PAY (HONORARY RETIREMENT)

1. A Reservist may request transfer to the Retired Reserve provided the member:
 - a. Has completed a total of 20 full years of honorable service in the Armed Forces;
 - b. Has been found physically disqualified for active duty as a result of a service-connected disability; or
 - c. Has been found physically disqualified for active duty, not as a result of the member's own misconduct.
2. A Reservist, who is at least 37 years of age, may request transfer to the Retired Reserve provided the member has:
 - a. Completed a minimum of 8 years qualifying service by having been credited with at least 50 retirement points each year;
 - b. Completed a minimum of 8 years service, including at least 6 months of honorable service on active duty in time of war or national emergency; or
 - c. Consistently supported the Armed Forces in an outstanding manner as determined by the Secretary of the Navy.
3. A Reservist may request transfer to the Retired Reserve provided the member has completed 10 or more years of active commissioned service in the Armed Forces.
4. Members will be transferred to the Retired Reserve in the grade in which serving at the time of transfer except that:
 - a. Officers in the grade of second lieutenant or above who served satisfactorily in the Navy or Marine Corps in a higher grade will be transferred to the Retired Reserve in the higher grade.
 - b. Warrant officers will be transferred to the Retired Reserve in the permanent Reserve warrant officer grade, if any, held on the day before the date of transfer or in any higher warrant officer grade in which served on

active duty satisfactorily under orders which did not specify a period of 30 days or less.

c. A member of the Retired Reserve who is transferred to the Reserve Retired List will be placed on it in the highest grade in which the Marine satisfactorily served unless otherwise prohibited by law.

5. Reservists transferred to the Retired Reserve under this paragraph do not become entitled to pay and allowances at age 60. Application procedures for transfer to the "honorary" Retired Reserve are the same as those in paragraph 3016.

6. Requests for honorary retirement will be submitted by the reporting command via the unit diary system in MCTFS per MCO P1080.35 (PRIM). Approval or disapproval of the request will be issued by the CMC (MMSR-5) via unit diary. See paragraph 3020 and Appendix F for additional instructions.

3015. PHYSICAL DISABILITY RETIREMENT

1. See chapter 8 for eligibility of Reservists to 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 under 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 in MCTFS per MCO P1080.35 (PRIM) and paragraph 2004. Requests outside the 4 to 14 month submission timeframe 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. (Per 5 U.S.C. 8301, the effective date of retirement must be the first day of the month. It cannot be later than the first day of the month following mandatory separation dates, if applicable.)

2. Forward the application via the chain of command holding the service record 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 prorated 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 and the current copy of the member's automated Career Retirement Credit 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 and provide inclusive dates of the 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 F 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 soon enough 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 the 60th birthday of the individual. It 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. Members of the Retired Reserve without 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.

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 awaiting pay at age 60 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 12 visits per year.

c. Space available transportation within 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 with pay 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). Such former members may receive retired pay but are not carried on the retired list and are ineligible for any privileges or rights of the Retired Reserve. They retain their civilian status. However, such former members who are in receipt of retired pay are entitled to certain benefits (commissary, exchange privileges and health care benefits) per 10 U.S.C. 55 and as otherwise provided by law.
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 vice be discharged.
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 approval/disapproval authority via the unit diary. Any actions taken by 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 P1080.20.
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 retirement of a reservist with the exception that, CMC (MMSR-2) is the retirement authority for those Reservists who qualify for an active duty retirement.

3021. DELIVERY OF RETIREMENT DOCUMENTS AT APPROPRIATE CEREMONY. In no case should retirement documents be held beyond 30 days without contacting the Marine. The delivering unit will ensure that an endorsement to the retirement orders is prepared and mailed to the CMC (MMSR-5) in compliance with SECNAVINST 5216.5, chap. IV (DON Correspondence Manual). If the retirement documents cannot be delivered, due to the unit's inability to locate or contact the Marine, endorse them with the reason for nondelivery and return them to the CMC (MMSR-5) within 30 days of receipt at the unit. See paragraph 1012.

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). To report retirement data see MCO P1080R.38.

a. The unit commander must certify the unit diary entries and maintain records of credits earned to support reported entries.

b. 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 AR personnel are carried.

2. The ARCR is automatically generated the month following the anniversary month. Copies are provided to the CMC (MMSB-20).

3. Commander's Responsibilities

a. 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.

b. Ensure each member signs a copy of the ARCR and CRCR and file them 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.)

c. The commander must have the Marine sign 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.

4. The Reserve Retirement Credit Report (NAVMC 798) was originally designed to record credits earned towards retirement eligibility per 10 U.S.C. 12731 through 12737. The NAVMC 798 is now the secondary method of reporting retirement points. Only use the NAVMC 798 when:

a. Reporting Retirement Credit for AR Personnel. The commander must report retirement credits earned by AR personnel by preparing a NAVMC 798 (Code 1) report no later than 30 days after the member's anniversary date. Forward a copy of the report to the CMC (MISSO-17) for entry into MCTFS.

b. Retirement Request Submission. Prepare and attach a NAVMC 798 (Code 2) to all requests for retirement. See paragraph 3023.

c. Making corrections to historical retirement information loaded to the ARRCR from a previously prepared NAVMC 798.

d. By direction of the CMC.

3023. PREPARATION AND DISTRIBUTION OF THE RESERVE RETIREMENT CREDIT REPORT (RRCR) (NAVMC 798)

1. Preparation. The RRCR may be prepared by the commander as listed in paragraph 3022.3. There are three types of RRCR. The code used identifies the action taking place.

a. A NAVMC 798 (Code 1) report must show a summary of all points earned by the member during the member's anniversary year and broken down by the type of duty performed. The summary blocks will show the recapitulation total of the individual column on the report.

b. A NAVMC 798 (Code 2) report is prepared upon acceptance or resignation, discharge, transfer to the ISL or retirement. No report is required upon discharge for immediate reenlistment or appointment in the same Reserve component. On reports submitted because of resignation, discharge, retirement or transfer to the ISL, an entry indicating "Resigned", "Discharged", "Transferred to the Retired Reserve", or "Transferred to the Inactive Status List" will be made on the CMC copy immediately following the last entry.

c. A NAVMC 798 (Code 3) report is prepared upon:

(1) Detachment or transfer (including assignments to and from EAD). On a report submitted because of reassignment or transfer to another unit or command, an entry will be on the CMC copy immediately following the last entry indicating "Transferred to MCRSC" or "Transferred to RUC _____."

(2) Upon unit mobilization.

(3) As directed by the CMC.

2. Distribution. All reports will be prepared in triplicate.

a. The original NAVMC 798 is placed in the member's service record. If an enlisted member is appointed to an officer grade, the original report will be transferred to the officer's qualification record. No entry to reflect discharge and reenlistment or appointment is required. No NAVMC 798 is prepared for members carried on the ISL. However, such periods will be covered in the next report submitted as noted in subparagraph 3023.1b.

b. Provide copy 2 of the NAVMC 798 to the CMC (MMSR-5), if member has 18 or more years based on the PEBD; otherwise, forward it to the CMC (MMSB-20).

c. Provide copy 3 of the NAVMC 798 to the member.

d. For AP members on active duty, the commander will send a certified copy of the member's NAVMC report to the CMC (MISSO-17).

3024. CURRENT ADDRESS OF RETIRED RESERVISTS. See paragraph 1404.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(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 P1900.16, 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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

From: Individual or Appropriate Authority
To: Commandant of the Marine Corps (MMSR-5), Headquarters,
U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380-1775
Via: (1) CG of current unit
(2) COMMARFORRES or CG, MCRSC, as appropriate

Subj: REQUEST FOR INTERSERVICE TRANSFER

Ref: (a) MCO P1900.16, 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.
 1. 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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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

FOR LESS THAN A FULL ANNIVERSARY YEAR IN AN ACTIVE STATUS							
Number of Days in an Active Status		Membership Points be credited	Number of Days in an Active Status		Membership Points to be 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)

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

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

Subj: TRANSFER TO THE HONORARY RETIRED RESERVE

Ref: (a) MCO P1900.16 par 3014 (MARCORSEPMAN)
(b) Title 10, U.S.C. Section 10154 and 12774(a)

Encl: (1) Honorary Certificate of Retirement

1. The Secretary of the Navy has approved your request for transfer to the Retired Reserve, per reference (a). Effective (PRR minus 1 day), you are transferred to the Honorary Retired List of the Marine Corps Reserve, without pay and allowance, per the provisions of the references.
2. On (PRR), you are transferred to the Retired Reserve (Honorary) and you are entitled to the following privileges.
 - a. To retain your rank as a member of the Marine Corps Reserve.
 - b. To wear the prescribed uniform upon appropriate occasion or ceremony.
3. The enclosure recognizes your honorary retirement from the Marine Corps Reserve.
4. The Commandant appreciates your many contributions to the Marine Corps Reserve and wishes you every success in the future.

By direction

Copy to:
Officer Concerned
Service Record

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(LETTER HEAD)

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

Subj: TRANSFER TO THE RETIRED RESERVE

Ref: (a) MCO P1900.16 (MARCORSEPMAN), par 3011
(b) Title 10, U.S.C, Sections 10154 and 12774(a)
(c) Title 10, U.S.C, Section 12731
(d) MCO P5512.11A

Encl: (1) Certificate of Retirement
(2) CMC ltr 1821 over MMSR-5 of (date) w/encls

1. The Secretary of the Navy approved your request, per reference (a). You will transfer to the Retired List of the Marine Corps Reserve, without pay and allowances, under references (a) and (b), on (PRR date minus 1 day). Enclosure (1) reflects your change of status in the Marine Corps Reserve.
2. Your eligibility for retired pay, per reference (c), is on your 60th birthday. Please send the CMC (MMSR-5) your application for retired pay no later than 3 months before that date.
3. On (PRE), the effective date of your retirement, our records show:
 - a. Your grade for retired pay is (RET GRADE).
 - b. You have a total of (TOTAL RET POINTS) points creditable for computing retired pay.
 - c. You have completed (TOTAL SAT YRS) of qualifying service.
 - d. On (RCSBP DATE), under the Reserve Component Survivor Benefit Plan (RCSBP), you elected Option (RCSBP OPTION) or you made no RCSBP election.
4. To obtain an Armed Forces Identification Card 2MC (RES), take this letter and other valid identification (i.e., driver's license with photograph, current military ID card, etc.) to the nearest Realtime Automated Personnel Identification System (RAPIDS) site listed in enclosure (2). Should you have trouble obtaining the identification card, contact the Commandant of the Marine Corps (MMSR-6) for assistance.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

5. You are directed to keep the Commandant of the Marine Corps (MMSR-7) informed of your current address.

6. The Commandant appreciates your many contributions to the Marine Corps Reserve and wishes you every success in the future.

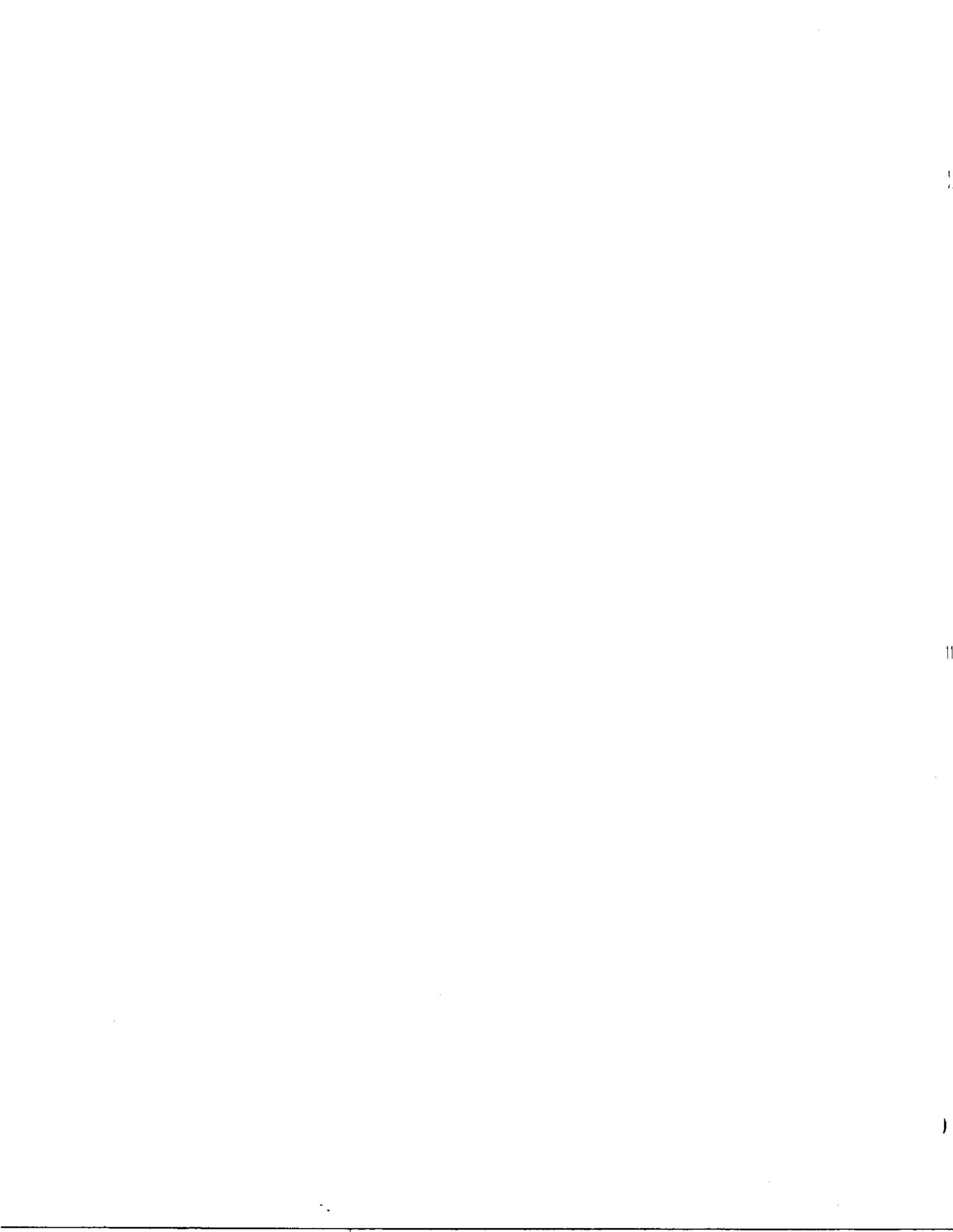
By direction

Copy to:
Officer Concerned
Service Record

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 3-1. Reference Table for Inactive/Active Duty Points

TYPE DUTY	MINIMUM TIME REQUIRED	AUTHORITY REQUIRED	INACTIVE DUTY POINTS	ACTIVE DUTY POINTS	MAXIMUM # PTS
TEMACDU, EAD or ADT	1 day	Orders		1	365,366 /yr
Associate	4 hrs	Orders	1		2/day
Appropriate	4 hrs	Orders	1		2/day
Seminars	2 hrs	Orders	1		1/day
Attendance at MCROA Convention	2 hrs military subjects only	Orders	Max 1/day		1/Conference
Acquire 1 Enl/ Reenl or Ext of Enl in USMC/USMCR acceptable to HQMC	8 hrs equivalent	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 equivalent	-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
EIO/EIN	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



MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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;

d. Suitability of any Marine for reappointment, reenlistment, or reentry into active duty.

3. Medical board processing is not an 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.

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 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 determined to be 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. The fact that a Marine is accepted as being physically qualified for active duty at the time of enlistment, appointment or induction is not conclusive that the disease or injury, subsequently determined a disability, making the Marine unfit for further active duty was incurred or aggravated after entry on active duty. It is one piece of evidence to be considered with all of the medical evidence. An increase in the severity of a preexisting disease or injury may be considered evidence of service aggravation; it is only one of the pieces of evidence that is considered. Oftentimes, however, accepted medical principles require a determination that the disease or injury was a condition that existed prior to enlistment (EPTE) even though the symptoms may not have revealed themselves prior to the Marine's entry on active duty. Also, accepted medical principles may force the conclusion 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. In other words, the Marine's current condition is the same as it would have been had the Marine never come on active duty.

6. Presumption of Fitness. All Marines are entitled to the same consideration under disability laws regardless of length of service or other retirement eligibility. However, when a Marine continues to perform the normal duties of grade and military occupational specialty (MOS) until commencing processing for nondisability retirement or separation, it will be presumed that the member is fit for duty. This is called presumption of fitness. Application of the presumption of fitness rule may preclude disability retirement for those who have an established retirement date at the time the Marine's case is referred by a medical board report to the Physical Evaluation Board (PEB). Presumption of fitness can only be overcome if:

a. A Marine, in fact, was physically unable to adequately perform assigned duties and was improperly retained in that position for a period of time; or,

b. An acute, grave illness or injury, or other deterioration of physical condition occurs immediately prior to, or coincidentally with, nondisability retirement or separation processing and renders the member unfit for further duty.

7. Whenever a Marine is admitted to a naval hospital with a condition such as severe injury to the nervous system, including quadriplegics, hemiplegics, and paraplegics; blindness and deafness requiring definitive rehabilitation; or major amputees and such other diseases or injuries which make it obvious that the Marine will not return to duty, preparation for termination of active duty status because of physical disability will begin immediately. The Marine will

be processed for determination of fitness for duty by the PEB and will normally be placed on the Temporary Disability Retired List (TDRL) or Permanent Disability Retired List (PDRL) prior to attaining maximum hospital improvement. The DVA makes every effort to provide servicemembers with prompt service, including awards of disability compensation which often exceed Armed Forces monetary benefits.

8. 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 Disability Evaluation System Counselor (DESC) of the inclusive dates and the leave address and phone number. Commands will recall the Marine, if required by the hospital or the PEB.

9. Promotion

a. Enlisted Marines being processed for separation because of physical disability, who are otherwise eligible, may be promoted per MCO P1400.32, Marine Corps Promotion Manual, Volume 2, Enlisted Promotions.

b. Officers undergoing disability separation processing and selected to the next higher grade may request a waiver of the criteria to be physically qualified for promotion, allowing them to be promoted with their peers. Submit requests for waiver of the criteria in MCO P1400.31, Marine Corps Promotion Manual, Volume 1, Officer Promotions, to the CMC (MMPR-1).

10. 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 prior to the Marine's retirement date, the notification of the determination will be forwarded to the Marine's retirement address by the CMC (MMSR-4).

11. The delegated authority conferred by provisions of this chapter is permissive and does not preclude referral of any case to the CMC (MMSR-4) for final disposition.

8003. DEFINITIONS. The definitions set forth below apply to this chapter.

1. Accepted Medical Principles. Accepted medical principles are fundamental deductions consistent with medical facts which are so reasonable and logical as to create a virtual certainty that they are correct.

2. Aggravation by Service. Disease or injury noted prior to service or shown by a preponderance of the evidence, including accepted medical principles, to have had its inception prior to service, will be conceded to have been

aggravated when such disease or injury increased in severity during the active duty service unless such increase in severity is shown by clear and convincing evidence including medical facts and principles, to have been due to the natural progression of the pre-existing disease or injury.

3. Disability Separation includes the following:

- a. Transfer to the TDRL;
- b. Transfer to the PDRL; and,
- c. Discharge by reason of physical disability with or without entitlement to severance pay.

4. Disposition. Action taken affecting a member's status within the Marine Corps, specifically:

- a. Continuation on or return to full duty;
- b. Retention on active duty in a limited duty status (temporary or permanent);
- c. Discharge with or without severance pay; or,
- d. Transfer to or removal from a disability retired list (temporary or permanent).

5. Duty Limitation Codes. Used in MCTFS. As defined in par 8042.6 of MCO P1080.35 (PRIM): Restrictions to combat or other types of duty. This definition signifies restrictions based on medical fitness for duty. Both the "Q" and "S" codes, defined below, make a Marine nondeployable and ineligible for combat duty.

a. Code "Q", "Not Phys Qual". Marine not eligible for combat due to a physical restriction (TLD). This code is entered in/removed from the MMS by the Marine's command.

b. Code "S", "Retn Ld Stat". Personnel retained in a LIMDU status as a result of SecNav action (PLD). This code, though previously a local unit entry, will now be entered in/removed from MCTFS by the CMC (MMSR-4) only.

6. Fit for Duty (FFD). Able to perform all duties of the member's office, grade, and MOS. A Marine may have a medical impairment but be found fit for duty because the impairment does not constitute a physical disability because it does not interfere with the Marine's ability to reasonably perform the duties of office, grade or MOS.

7. Light Duty Status. Status wherein a member is placed after determining that a medical condition exists which interferes with the performance of duty as determined by competent medical authority (physician), and the member is expected to be returned to a full duty status within 30 days. (Not authorized for Reservists on inactive duty.)

8. Limited Duty (LIMDU). Either temporary or permanent limited duty. (Not authorized for Reservists on inactive duty.)
9. 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.
10. Medical Hold. A temporary status, not to exceed 30 days, used to allow the MTF to prepare a medical board or to treat a disease or injury.
11. Optimum Hospital Improvement (for Disposition Purpose). The point during hospitalization when the patient's medical fitness for further active service can be determined and it is considered probable that further treatment for a reasonable period in a military hospital will not result in material change in the patient's condition which would alter the ultimate disposition or the amount of benefits in the case.
12. Permanent Limited Duty (PLD). A specified period of limited duty authorized by the PEB with CMC (MMSR-4) approval for active duty members found unfit for duty by the PEB, but whose physical condition is stabilized to the extent that the interests of the Marine Corps and the Marine are served by retention on active duty in a PLD status. See paragraph 8506.
13. Physical Disability. Any manifest or latent impairment of function, regardless of the degree, due to disease or injury, which reduces or precludes a Marine's actual or presumed ability to engage in gainful or normal activity. It includes mental disease but not inherent defects such as behavior disorders, personality disorders, and primary mental deficiency. A physical disability is not necessarily the same as "unfit for duty because of physical disability" but may be referred to as a physical defect or condition.
14. Physical Evaluation Board (PEB). Established to act on behalf of the Secretary of the Navy (SecNav) in making determinations of fitness for duty, entitlement to benefits, and disposition of service members.
15. Temporary Limited Duty (TLD). A specified period of limited duty recommended at a medical treatment facility (MTF) by a medical board report

for cases in which the prognosis is that the member can be restored to full duty within the specified period. TLD may not exceed 24 months total. (Not authorized for Reservists on inactive duty.)

a. A medical board at an MTF which assigns a single period of TLD greater than 6 months for Marines must be forwarded to CMC (MMSR-4) for review.

b. CMC (MMSR-4) review is also required for a second period of TLD. When the member is reevaluated 60 days prior to the termination of the TLD, if competent medical authority (physician) determines that an additional period of TLD is required to return the member to a FFD status, forward the original medical board with supporting documentation and SF-600 to CMC (MMSR-4) for review. (This action must be completed prior to expiration of the first period of TLD.)

16. Unfit Because of Physical Disability. (Also, "unfit for duty".) A Marine is unfit because of physical disability when the Marine is unable because of disease or injury to perform the duties of office, grade, or MOS in such a manner as to reasonably fulfill the purpose of employment on active duty or inactive duty for training. Only the Secretary of the Navy may make a determination of fitness for duty.

8004. COUNSELING

1. Each Marine will be counseled throughout the course of disability evaluation processing by a DESC. The objective of counseling is to ensure that the Marine fully understands the significance of all findings and recommendations made by the medical board or PEB, and the benefits to which the Marine may become entitled as a result of physical disability.

2. The DESC is an experienced senior enlisted member of the naval service (GySgt or above), or civilian employee at the hospital level, trained to counsel Marines undergoing physical disability evaluation. The DESC provides authoritative and timely answers to questions and assists Marines in understanding their rights and entitlements.

3. Counseling is initially the responsibility of the DESC who is assigned to a medical treatment facility (MTF) which conducts the medical board on the Marine. The DESC 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 and the Marine's election of options, the DESC notifies the PEB. The PEB takes action consistent with the election of options. If the Marine demands and is entitled to a formal hearing, the PEB will arrange for the Marine's appearance at a formal hearing. A judge advocate will be 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 medical board;
- b. When it appears that a Marine may be eligible for discharge for a disability which existed prior to service;
- c. Upon notification of the preliminary findings of the Record Review Panel of the PEB (see paragraph 8103);
- 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 a medical board report pending before the PEB for action is discharged, retired, or sent home awaiting orders until the Marine unconditionally accepts the preliminary findings of the Record Review Panel 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, VA Form 21-526.
- c. An appropriate entry has been entered in their service record concerning receipt of counseling and desires to submit or not submit an application for benefits from the DVA. See the current edition of MCO P1760.8B par 1000.
- d. Survivor Benefit Plan (SBP). Counsel the Marine and spouse concerning options under the SBP.

(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 the:

Defense Finance and Accounting Service
Cleveland Center (Code ROCAC)
P.O. Box 99191
Cleveland, Ohio 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 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 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. See MCO 1741.11, Survivor Benefit Plan.

e. DEERS Information. Ensure that the dependent information in DEERS is current and accurate.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

SECTION 1: DISABILITY EVALUATION SYSTEM (DES)

8101. GENERAL

1. The DES is composed of the MTF's, the PEB and the CMC. The PEB is one of three boards within the Naval Council of Personnel Boards (NCPB) which is 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 a Records Review Panel and two Hearing Panels. 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 board which initiates a medical board report that 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 for disposition by a medical board to the PEB. 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-Day 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-Day Involuntary Active Duty for Training.

8102. MEDICAL BOARDS

1. General. The Manual of the Medical Department (MANMED), chapter 18 and SECNAVINST 1850.4C, Disability Evaluation Manual (DEM), parts B and C of enclosure (2) contain instructions on medical boards. The following paragraphs contain specific information on medical boards as they apply to the DES.

a. Issuing a Marine orders home for the purpose of awaiting final disposition of a medical board is not authorized except per paragraph 8504.

b. Only commanding generals at the recruit depots, provided the medical board recommends discharge and the convening authority of the medical board report 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 entry (EPTE) into active service. This authority only applies to Marines in their first 180 days of duty. See paragraph 8404.

c. Provided the medical board recommends discharge and the convening authority of the medical board concurs, GCMCA's of Marine Corps activities within the United States are 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 paragraph 1007 of SECNAVINST 1850.4C. See paragraph 8405.

2. Purpose. A medical board is convened to report on a Marine when doubt exists concerning the Marine's state of health. A medical board reports a diagnostic summary of the Marine's physical condition and will recommend one of the following dispositions to the convening authority:

a. Return to full duty;

b. Assignment to limited duty pending further examination at a later date;

c. Discharge by reason of physical disability upon determination that such disability existed prior to entry (EPTE) and was not service aggravated (Note: These medical boards must, nevertheless, be referred to the PEB except as specified in subparagraph 8102.1c and paragraph 8404.);

d. Discharge by reason of unsuitability, erroneous enlistment, or convenience of the Government; or,

e. Referral of the case to the PEB when the Marine's ability to meet the requirements of active service is questionable.

3. Convening Authority. A medical board 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. A medical board, whenever practicable, consists of medical officers of the Navy. However, the board may consist, in whole or in part, of medical officers of the Army, Navy, Air Force, or 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 a medical board are prescribed by the MANMED and SECNAVINST 1850.4C.

6. Rebuttals. Unless it is determined that the information, findings, opinions, and recommendations in the medical board report might have an adverse effect on the Marine's physical or mental health, the Marine will be:

- a. Allowed to read the medical board report or be furnished a copy;
- b. Afforded an opportunity to submit a statement in rebuttal to any portion of the medical board report; 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 medical board report to the PEB and the convening authority concurs, the medical board report will be 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 medical board report and referral to the PEB is the indicated disposition, the medical board report 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 medical board report does not concur, the Marine concerned will be advised and afforded an opportunity to submit a statement in rebuttal. The convening authority will then forward the medical board 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 of disposition. The CMC will refer these cases to the PEB without the benefit of a medical board report. Any information obtained from the civil authorities which is pertinent to the Marine's present state of health will be 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. RECORDS REVIEW PANEL

1. General. The DEM, part B of enclosure (5), contains the policies and procedures on the Records Review Panel. It is an informal board located at Headquarters, NCPB, Arlington, Virginia, and functions as the initial level of evaluation within the DES.

2. Purpose. The Records Review Panel 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 Records Review Panel is composed of senior commissioned officers of the Navy and Marine Corps as appointed by the Secretary of the Navy.

4. Procedures. The Records Review Panel is conducted as an informal documentary review, without the personal appearance of the Marine. The Panel's evaluations and determinations are based on medical records, medical board reports, line of duty/misconduct investigations and any other records which may have a bearing on the case.

5. Preliminary Findings. The preliminary findings are forwarded to the DESC at the MTF that referred the Marine's medical board report to the PEB for review. The DESC will then counsel the Marine about the preliminary findings and the options available. The preliminary findings may be:

- a. Fit for Duty;
- b. Unfit for Duty, with the unfitting conditions constituting the physical disability identified and appropriate VA Codes and disability percentage ratings assigned;
- c. Unfit for Duty, but not ratable because the physical disability was not incurred or aggravated while the Marine was entitled to basic pay (generally involves EPTE determinations);
- d. Unfit for Duty, 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 for Duty (for Reserve Marines), because the physical disability is the proximate result 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 for Duty 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 TDRL or the 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 DESC, 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). 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.

c. Submit a Request for Reconsideration in Fit for Duty Findings. If the preliminary findings involve a fit for duty determination, the Marine is entitled to submit a statement requesting reconsideration. The Marine may also request that if, upon reconsideration the findings are not changed, a formal hearing be granted.

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 hearing panels on a specified date.

(Note: No Marine shall be separated or retired for physical disability without a formal hearing, if such is requested per 10 U.S.C. 1214.)

8104. HEARING PANELS

1. General. The DEM, part C of enclosure (5), contains instructions on hearing panels. Commanding officer responsibilities for Marines appearing before formal hearings follow.

2. Purpose. Hearing panels afford a full and fair hearing (formal hearing) incident to evaluation of 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 hearing panels:

- a. National Naval Medical Center, Bethesda, Maryland 20014; and,
 - b. U.S. Naval Hospital, San Diego, California 92134.
4. Composition. A hearing panel is composed of 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 will be 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 subparagraphs 8103.5a and 8103.5b.
 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. 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) whenever such is the case. 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 at the call of 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 with respect to the DES pursuant to the statutory authority have no legal effect until approved by the Secretary of the Navy. The Director, NCPB or 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 will normally be within 20 days after the issuance of the Notification of Decision by the President, PEB.

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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. Prior to retirement, a Marine may be authorized hospitalization at a VA hospital, provided the Marine is on active duty at time of admission. To prevent premature retirement which may preclude VA hospitalization, hold the voluntary retirement in abeyance and immediately notify the CMC (MMSR-4) in such cases. Only the Secretary of the Navy may defer a statutory retirement.

d. The CMC (MMSR-4) will authorize the parent command to effect disability separation. The approval authority will be transmitted electronically via the unit diary system in MCTFS to the parent and command reporting unit. Upon receipt, the responsible order writing unit may issue orders. Written authority will no longer be provided. The authority to release will contain all necessary data to generate orders per figure 8-3.

e. Within 2 weeks of issuing authority to release, the CMC (MMSR-4) will prepare and forward 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 immediately.

(1) If transfer to a VA hospital is authorized and the effective date of transfer is prior to the date of retirement, immediately notify CMC (MMSR-4). A list of administrative activities responsible for hospitalized Marines is contained in MCO 6320.2, Administration and Processing of Hospitalized Marines.

(2) If transfer to a VA 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 VA hospital.

b. Upon completion of separation processing, but not later than the date of retirement, forward the Defense Finance and Accounting Service, Cleveland Center, Code ROCAC, P.O. Box 99191, Cleveland, Ohio 44199-1126 with the Marine's completed DD Form 2656, Retired Pay Data Form. Ensure that an appropriate unit diary entry is made reflecting the release of the Marine.

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 by the most expedient means available those Marines ordered home awaiting final disposition of physical evaluation proceedings of the effective date of their retirement. 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 P1741.11. No Marine shall be sent home awaiting orders without first being counselled on SBP.

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. See paragraph 1404. In addition to the requirements in paragraph 1404, Marines on the TDRL will keep the President, PEB, 801 N. Randolph Street, Ballston Tower #2, Arlington, VA 22003-1989, informed of current home address.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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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. The list consists of Marines found unfit for duty because of a physical disability which may be permanent but has not sufficiently stabilized to permit an accurate evaluation of the permanent degree of severity.

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.

8303. TDRL PAY PROCEDURES. See section 4 of chapter 1. A very basic computation of retired pay is presented in table 8-4.

8304. PERIODIC PHYSICAL EXAMINATIONS (PPE)

1. The law requires a Marine placed on the TDRL to undergo a periodic physical examination (PPE) at least once every 18 months to determine whether there has been a change in the physical disability for which the member was temporarily retired.
2. If a Marine on the TDRL fails to report as ordered for the required PPE, the Marine may be administratively removed from the TDRL and entitlement to disability retired pay will be terminated. Should just cause for failure to report be established, payments may be reinstated and may be made retroactive for a period not to exceed 1 year.
3. A Marine who waives retirement pay in order to receive compensation from the DVA is still a member of the Marine Corps and is required to undergo a PPE when ordered by the CMC (MMSR-4).
4. A Marine ordered to submit to a PPE is entitled to travel and transportation allowances. See JFTR paragraph U-7251.
5. The CMC notifies each member on the TDRL of a scheduled PPE in sufficient time to prevent undue hardship for the Marine. Voluntary selection of examination place may be permitted, however, reimbursement may not exceed the

amount authorized for travel and transportation to and from home of record and the nearest military activity at which the PPE's are conducted. To ensure an accurate and complete PPE, the Marine should take to the PPE copies of military health records and any civilian or DVA medical records documenting any treatment undergone during the period since the last PEB review.

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 the DEM, enclosure (7).

8306. CURRENT ADDRESS AND RESIDENCE. See paragraph 8205.

8307. REMOVAL FROM THE TDRL

1. After reevaluation as a result of any PPE, one of the following dispositions may be made:
 - a. Retention on the TDRL;
 - b. Transfer to the PDRL;
 - c. Discharge with or without entitlement to receive severance pay; or,
 - d. Fit for return to full duty. See paragraph 8307.3.
2. If the Marine is retained on the TDRL, PPE's at 18-month intervals will continue. However, final reevaluation must take place before the end of 5 years, when final disposition must be made.
3. A Marine whose condition has improved to a degree such that the PEB issues fit for duty findings, the Marine may, subject to the Marine's consent, be reappointed to the active list or reenlisted, if otherwise qualified per MCO P1040.31, Career Planning and Development Guide. If a Marine does not consent to reappointment/reenlistment, the Marine shall be removed from the TDRL and discharged.
4. A member of the Marine Corps Reserve found fit for duty 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.

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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. Eligibility requirements are contained in tables 8-2 and 8-3.

8402. DISABILITY DISCHARGE WITHOUT SEVERANCE PAY. A Marine who incurs a physical disability that, in the determination of the Secretary of the Navy, renders the 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 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 F), the commanding officer will issue orders per appropriate format contained in the figures at the end of this chapter. Ensure the Marine is separated on the date approved by the CMC.
2. If the Marine has been transferred, immediately notify the CMC (MMSR-4).

8404. DISCHARGE FOR DISABILITY EXISTING PRIOR TO SERVICE

1. General. The DEM provides information on medical boards convened to discharge enlisted Marines for physical disability not incurred in or aggravated by service.

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 entry (EPTE) into active service, provided:

- (1) The Marine is in the first 180 days of duty.

(2) The Marine has appeared before a medical board and the board has stated affirmatively and specifically the opinion that the Marine is unfit for further service because of physical disability and that the physical disability was neither incurred in nor aggravated by a period of active military service.

(3) The medical board recommends discharge.

(4) The convening authority of the medical board report concurs in the opinions of the board.

(5) The Marine has been fully advised, by the convening authority of the medical board, of the right to demand a full and fair hearing before the PEB prior to discharge.

(6) The Marine, after being advised of the right to a full and fair hearing prior to 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.

(9) There is no evidence that the Marine is under investigation or is being processed as a security risk.

b. 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 per the minimum standards set forth in enclosure (3) of the DEM. Marines who exceed the minimum standards are not separated for physical disability. Refer to the MANMED, article 15-77b(1), for instructions on members of the Marine Corps Reserve ordered to involuntary active duty for unsatisfactory participation.

c. All other cases, where it is determined by a medical board that the disability is EPTE, must be referred to the PEB for determination.

d. When a Marine has over 8 years of continuous active service, no EPTE factors will be applied to any disease or injury that accepted medical principles would otherwise find existed prior to service.

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 medical board report to the CMC (MMSR-4) for final action once all administrative/punitive proceedings are completed per chapter 6, and no unsuspended (convening authority has approved) punishment exists.

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 a Marine from serving on active duty by reason of erroneous enlistment on the basis of not meeting the physical standards for enlistment. If a medical board is convened, the convening authority must ensure the board report 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. 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 a physical disability by a medical officer, which existed prior to entry (EPTE) 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).

f. Only the Secretary of the Navy has authority to discharge a Marine on the basis of physical disability. Process medical board cases identifying a physical disability (EPTE) per the DEM, to include submitting the medical board's recommendations and findings to the PEB.

6. The MANMED requires that when a report of a medical board results in the local discharge of Marines, and it is determined that the conditions reported on existed prior to entry into the military service, and the pre-entry physical examination was performed at a Military Entrance and Processing Station (MEPS), a copy of the medical board report 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, Illinois 60064. Insert the terminated health record inside the service record and forwarded per the MANMED, article 16-9, and MCO P1070.12 (IRAM), paragraph 4001.5, table 4-1.

8405. DISCHARGE FOR PERSONALITY DISORDERS AS DETERMINED BY A MEDICAL BOARD.

Medical boards 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 medical board 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 Notice of Eligibility (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 a medical board, the Chief, BUMED, or the CMC (MMSR-4), will be 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 Records Review Panel and requests a formal hearing, the case will be referred by the PEB to a hearing panel 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 hearing panel located nearest the Marine's residence. See paragraph 8104.3.

2. The 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 Director, DFAS (FJV), Kansas City Center, Kansas City, Missouri 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 notice of eligibility; 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 and provide the following information, with an appropriate form letter for reply:

(1) Medical description of 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 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 fit or unfit for duty and will make 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 Records Review Panel and requests a formal hearing, the case will be referred by the PEB to a hearing panel 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 hearing panel 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 subparagraph 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 prior to 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.

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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, the term "retirement" will include transfers to the FMCR, when referring to nondisability retirements, unless otherwise specified.

8502. MARINES PENDING VOLUNTARY RETIREMENT. The commanding officer of a Marine who has a CMC approved date for voluntary retirement or who has a specified retirement date under other provisions of law, will immediately notify the CMC (MMSR-2) if a physical condition is discovered which may result in that Marine entering the DES. The voluntary retirement will be held in abeyance only if the PEB receives the medical board report referring the Marine's case to the PEB for review for determination of fitness for continued active service. If the Marine is subsequently found unfit for duty by reason of a physical disability, the Marine may be retired per the provisions of this chapter.

1. Officers. An officer whose retirement has been approved by the Secretary of the Navy, who enters the DES will have the retirement held in abeyance and if the officer is subsequently found fit for duty, will be retired on the first day of the month following the month in which the officer is found fit for duty.

2. Enlisted Marines. A request for voluntary retirement for an enlisted Marine will be held in abeyance until the disability evaluation is completed. If the Marine is found fit for duty and the original retirement date has passed, the Marine will be retired on the first day of the following month or transferred to the FMCR on the last day of the month in which found fit.

8503. PHYSICAL EXAMINATION FOR SEPARATION FROM ACTIVE DUTY. See paragraph 1011.

8504. DISPOSITION OF PERSONNEL AWAITING FINAL DETERMINATION OF PHYSICAL DISABILITY

1. A Marine on active duty found unfit for duty by the PEB and whose continued treatment is not warranted and who has unconditionally accepted the preliminary findings of the Record Review Panel of the PEB may, subject to the Marine's consent, 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 a medical board) has determined the Marine is unfit for duty and the Marine has signed the Election of Options accepting the preliminary findings of the Record Review Panel of the PEB waiving 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 and 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 Record Review Panel are fit for duty 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.

d. A Marine ordered home agrees to liquidation of accrued leave while awaiting final disposition. For further information see DODPM, table 1-3-1.

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 Record Review Panel of the PEB.

4. Enlisted Marines will be issued orders in the format in figure 8-2 and per the provisions of MCO P1000.6, Assignment, Classification, and Travel System Manual. 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 dependents will continue to be entitled to basic allowance for quarters as prescribed by current regulations to include the date of separation from active duty. The date of arrival home for the purpose of crediting subsistence and quarters allowances will be determined by the disbursing officer on the basis of the Marine's itinerary or constructive travel via the shortest usually traveled route, using the mode which requires the least travel time. For more comprehensive information, consult the Department of Defense Finance Management Regulations (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 dependents 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 dependents and household effects will not accrue unless and until the Marine is either permanently or temporarily retired or otherwise separated, transportation costs for dependents travel and shipment of household effects 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 P4650.37.

8. A claim for reimbursement for travel performed by dependents incident to change of station orders issued under this authority will be submitted to the disbursing officer maintaining the Marine's pay record at the time of separation. A claim for reimbursement for travel performed by dependents incident to the Marine's retirement (permanent or temporary) or separation will be submitted to the 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.

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 MC) and issue a temporary identification card (DD Form 2 MC) valid for no more than 180 days. If appropriate, a retired identification card (DD Form 2 (Retired)) will be issued per MCO 5512.11.

10. Request by message from the CMC (MMSR-4) 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 PRIOR TO 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. If a Marine requests separation prior to final action by the Secretary of the Navy, the Marine will be instructed that separation prior to 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 request discharge (release from active duty) prior to 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 for compensation, pension or hospitalization. I (do) (do not) desire to file a claim with the VA for compensation, pension, or hospitalization.

(Signature of Marine) (Date)

(Signature of Officer) (Date) "
effecting separation)

a. This entry must be dated and signed by the Marine and witnessed by an officer prior to actual separation. When a Marine executes the above waiver, notify the CMC (MMSR-4) by message.

b. Any Marine contemplating a waiver of rights pursuant to this paragraph should be counseled by a judge advocate.

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 pending 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 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 for compensation, pension or hospitalization. I (do) (do not) desire to file a claim with the VA for compensation, pension or hospitalization.

(Signature of Marine) (Date)

(Signature of officer) (Date) "
effecting separation)

a. This entry must be dated and signed by the Marine and witnessed by an officer. When a Marine executes the above waiver, notify the CMC (MMSR-4) by message with an information copy to the Naval Council of Personnel Boards.

b. Any Marine contemplating a waiver of rights pursuant to this paragraph should be counseled by a judge advocate.

8506. ACTIVE DUTY FOR PHYSICALLY RESTRICTED PERSONNEL

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 duty by the PEB due to a physical disability; the Marine's disabling condition is determined to have stabilized, or 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. Additionally, the Marine must request retention in writing. Approval of retention in a limited duty status constitutes permanent limited duty (PLD) and calls into effect the procedures set forth in enclosure (8) of the DEM. Assignment is made based on the needs of the service, to meet shortages against authorized strength (billet, grade, mos), provided they can perform required professional and technical duties of office in an authorized billet for a specific skill. Each case will be individually considered.

2. Per the DEM, only the Secretary of the Navy may approve the retention and placement on PLD of Marines 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 where the proposed action of the PEB would result in the Marine being discharged with severance pay, may be considered for retention on active duty in a limited duty status to complete 20 years active service. However, the CMC (MMSR-4) will not normally grant PLD to obtain eligibility for retirement benefits for members with less than 18 years active service.

3. Marines, particularly those with over 20 years of active service, will not be continued on active duty solely to increase their monetary benefits, nor will they be continued except when the needs of the service dictate otherwise.

4. The CMC (MMSR-4) will normally retain members unfit for duty 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.
5. 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.
6. Marines retained on PLD are expected to maintain proper military appearance and weight control per MCO 6100.10. 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 and each Marine assigned to limited duty is expected to contribute to the effectiveness of the Marine Corps.
7. 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 in a PLD status, the availability and capability of medical facilities will be considered.
8. Marines retained on active duty in a PLD status retain eligibility for consideration and selection for promotion. If selected, an officer who is otherwise eligible, but is determined to be not physically qualified for promotion, may be promoted when it is determined by the Commander, Naval Medical Command that the officer's physical disqualification was by reason of wounds received in the line of duty and that such wounds do not incapacitate the officer for the performance of useful service in the higher grade. In the case of enlisted personnel, see paragraph 1203.3 of MCO P1400.32.
9. Marines assigned to PLD will be reevaluated not later than 3 months prior to expiration of PLD. A medical board report will be forwarded to the PEB. A copy will be provided to the CMC (MMSR-4). When a Marine assigned to PLD becomes retirement/transfer FMCR eligible, do not submit request for retirement/transfer FMCR unless the PEB determines that the Marine has been found fit for full duty. Those not found fit for full duty, will be retired by reason of physical disability.
10. If retained in PLD status, the member will be granted disability benefits upon retirement or separation, if eligible and if the disability is still present to a disabling degree, as determined by the PEB in final adjudication of the member's case.

8507. CERTIFICATE IN LIEU OF ORDERS. A certificate-in-lieu of orders will not be issued for a disability retirement prior to the Marine's acceptance of the preliminary findings of the Record Review Panel of the PEB or waiver of the right to submit a Petition for Relief from Final Action subsequent to the adjournment of the hearing panel proceedings with recommended findings.

Requests for a certificate-in-lieu of orders should be addressed to the CMC (MMSR-4). See subparagraph 1009.2e.

8508. CONCURRENT DISCIPLINARY/ADMINISTRATIVE ACTION FOR MISCONDUCT AND PHYSICAL DISABILITY PROCEEDINGS

1. Administrative separation does not supersede a disability separation; only disciplinary separation is not precluded by the disability statutes and such separations supersede disability separation or retirement.
2. When a Marine is being processed simultaneously for disability evaluation and:
 - a. Administrative involuntary separation for misconduct; or
 - b. Disciplinary proceedings which could result in a punitive discharge; or,
 - c. An unsuspended punitive discharge is pending;

Immediately notify the CMC (MMSR-4). Disability evaluation will be suspended and the nondisability action monitored.

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 do result in either an unsuspended punitive or administrative discharge for misconduct, file the medical board report in the Marine's terminated 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 Article 18-13 of the MAMMED.

8509. LEAVE. A Marine whose medical board report 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 DESC at the hospital where the Marine's medical board report 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 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 to be 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 direction contains a definitive statement on the combat-related question, that statement will be conclusive and further action will not be necessary.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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. Pregnancy, because it is not normally a precursor to medical board processing, is not addressed herein. Pregnancy does make a Marine temporarily nondeployable and must be reported as such in SORTS per paragraph 3506.1 of MCO 3000.13, Marine Corps SORTS SOP. Refer to MCO 5000.12C, 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 in the disability processing system, to streamline the system, and to ensure proper documentation of disability processing. Our goal is to maintain a worldwide assignable, fully deployable, physically fit and combat ready force by returning personnel who have a physical defect to full duty as quickly as possible, or to refer them to a medical board for limited duty or for PEB disposition. The key to success is enforcement of the policies and procedures set forth herein. A basic precept of this chapter and Marine Corps policy is that disability processing is not an alternative to proper administrative or punitive separation processing.

8603. SYSTEM OVERVIEW

1. When a Marine becomes sick, is injured, or develops a medical defect and reports to the local MTF for screening, the physician has three options:

- a. Find the Marine FFD upon initial examination;
- b. Recommend assignment to light duty if he expects that the Marine will be FFD within 30 days; or,
- c. Determine that the Marine will not be FFD within 30 days and initiate a medical board report (see paragraph 8603.3) for assignment of 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. Determine at any time while assigned light duty that the Marine is FFD; or,
- b. Determine that the situation has not improved, or has been aggravated, and that a medical board report is required for either TLD or referral to PEB for fitness for duty determination. See paragraph 8603.3.

3. Medical Board Report

- a. If at any time during the process it is determined that a medical board report is required, one will be initiated. A medical board report may:
 - (1) Assign a period of TLD (assignment of officers to TLD requires CMC (MMSR-4) approval). Assignment of enlisted personnel to TLD beyond 6 months requires CMC (MMSR-4) review.
 - (2) Determine that a fitness for duty determination is required and forward the medical board report to the PEB.
- b. Whenever a medical board report is initiated, the MTF must notify the CMC (MMSR-4) and the command via naval message.
- c. Under no circumstances will a Marine be removed from a full duty status in excess of 60 days without medical board action. The 60 days includes light duty for 30 days and 30 days of medical hold to complete a medical board.

4. Reevaluation. A Marine must be reevaluated 60 days prior to the termination of TLD at which time the MTF may:

- a. Determine that the Marine is FFD;
- b. Determine that a second period of TLD is required to return the Marine to full duty and forward the original medical board report with appropriate supporting documentation and SF-600 to CMC (MMSR-4) for review of additional TLD (must be completed before expiration of first period of TLD); or,
- c. Forward the report to the PEB for a fitness for duty determination.

5. CMC (MMSR-4) in its review process may:

- a. Approve/deny TLD, or
- b. Endorse and forward the medical board report to the PEB for a fitness for duty determination.

6. When a medical board is forwarded to the PEB, the PEB will either find that the Marine is:

- a. FFD, 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 severance pay. A disability rating of 30 percent or more rates a medical retirement (temporary or permanent).

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, was a condition that existed prior to entry (EPTE).

7. Once the disability process and any authorized hearing and petitions for relief are complete, the Marine will either be:

- a. Returned to full duty;
- b. Separated/retired; or,
- c. Authorized PLD -- provided the criteria are met.

8604. POLICY

1. For members facing statutory separation or retirement, the separation/retirement may only be deferred beyond the statutory date by the Secretary of the Navy based on the member being hospitalized or on a medical board being accepted by the PEB for disability evaluation processing.

2. For members in receipt of voluntary retirement orders who have a physical condition that disqualifies them for retirement and which will not be resolved in 30 days, the MTF will:

- a. Notify the member's command;
- b. Advise the command to retain the member (in a medical hold status, convenience of the government medical (COFGM), if necessary);
- c. Convene a medical board on the member; and,
- d. Refer the case to the CMC (MMSR-4).

Upon notification by the MTF, the command will immediately notify the CMC (MMSR-2) that the Marine is not qualified to retire.

3. For members found physically unqualified for voluntary separation at EAS/ECC, the MTF will notify the member's command to retain the member in a medical hold status, COFGM, if necessary. When the CMC is the separation authority, the command will immediately notify CMC (MMSR-3) for disposition. If the member's medical condition cannot be resolved within 30 days, the MTF will convene a medical board report and refer the case 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 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 personnel, the CMC (MMSR-4) is required to review any single period of TLD longer than 6 months and all second periods of TLD.

8. Members cannot be removed from full duty for more than 60 days without medical board processing. The 60 days includes light duty for 30 days and medical hold for 30 days to complete medical board action.

9. A Medical Treatment Facility (MTF) shall convene a medical board when:

a. A member has a condition which may permanently interfere with ability to fulfill active duty obligations/requirements.

b. A member 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 member's continued military service would probably result in extended hospitalization, close medical supervision, or an aggravation of existing condition.

d. A member refuses medical, dental, or surgical treatment for a condition or defect which interferes with performance of duty.

e. A command requests that the CMC (MMSR-4) direct a medical board and CMC (MMSR-4) concurs.

f. Other reasons set forth in Article 18-5 of the MANMED exist.

g. The CMC (MMSR-4) so directs.

8605. LIGHT DUTY

1. Light duty is a recommendation to the member's command.

2. Members may be placed on light duty based on a temporary medical condition which limits full duty only if the member is expected to return to full duty within 30 days.

3. Under no circumstances will light duty exceed 30 days.
4. A member placed on light duty for the same condition two consecutive times, or repeatedly over a period of time, will have his or her case evaluated to determine if a medical board is 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 member is in a bona fide light duty or LIMDU status. An SF-600 without appropriate documentation by a physician assigning light duty or directing medical board action does not in itself excuse a member from taking all or part of the PFT.

8607. RESPONSIBILITIES

1. Commanding officer

- a. Is ultimately responsible for the proper administration of all light duty and LIMDU personnel, and for identifying and tracking medical board processing through final disposition.
- b. 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 LIMDU status, as appropriate.
- c. Ensures that all nondeployable members are properly identified in SORTS per paragraph 3506.3 of MCO 3000.13 (SORTS SOP).
- d. Assigns duty limitation code "Q" in MCTFS for all members in a bona fide TLD status (requires medical board action and appropriate documentation), and removes the duty limitation code "Q" for members not in a bona fide TLD status.
- e. Conducts line of duty/misconduct (LODI) investigation.
- f. Notifies the CMC (MMSR-4) immediately via naval message (with the Convening Authority, Medical Boards Section of the MTF as an information addressee if the Marine is pending PEB action) when:
 - (1) A member undergoing disability processing is facing administrative (misconduct)/legal (punitive) separation proceedings.
 - (2) A member is on PLD without a duty limitation code of "S" in MCTFS. Effective immediately only CMC (MMSR-4) has the authority to enter or remove "S" codes from MCTFS.
 - (3) A member has a duty limitation code of "S" in MCTFS without CMC (MMSR-4)/PEB authorization and documentation.

(4) A member is in an expired PLD status. Ensure such member is reevaluated as stipulated in their letter of assignment to PLD, and forward results of the MTF medical evaluation to the PEB for disposition.

(5) A member in a PLD or expired PLD status becomes eligible to retire.

(6) A member is not on a bona fide period of LIMDU, and not otherwise in a full duty status in excess of 60 days and is without medical board action.

(7) A member is 60 days beyond an approved retirement or separation date without medical board action.

g. Separates the member upon completion of disability processing as directed by the CMC (MMSR-4) within required time frames.

h. Returns the member to full duty prior to completing assigned period of TLD upon MTF determination that the member is FFD.

i. Notifies the CMC (MMSR-2) if the member is pending retirement; or CMC (MMSR-3) if the member is pending separation and CMC is separation authority, or when the member is found FFD.

j. Enters/removes duty limitation code "Q" in/from MCTFS, as required. (See MCO P1080.35 (PRIM).)

k. Coordinates with the MTF to ensure the member is reevaluated 60 days prior to termination of TLD.

l. Ensures the member assigned PLD is reevaluated 90 days prior to the end of the PLD period and that the evaluation is forwarded to the PEB for disposition. Inform the CMC (MMSR-4) via naval message.

m. Ensures the member reports for all appointments and keeps the command informed of results.

n. Notifies the CMC (MMPR) when an officer whose case has been forwarded to the CMC (MMSR-4) or to the PEB enters or exits a promotion restriction status per paragraph 3102 of MCO 1400.31, Officer Promotion Manual.

o. Makes appropriate statement in the request for reenlistment or extension endorsement pertaining to the medical duty status of member; 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 will normally be denied if a member is on LIMDU. Instead the member should be medically retained COFGM until FFD or found unfit for duty by the PEB.

p. Will not reenlist a member who, after reenlistment authority has been granted by the CMC (MMEA-6), is assigned to a LIMDU status. Instead the member should be medically retained COFGM. Notify the CMC (MMEA-6) immediately via naval message.

q. Ensures that the member's failure to take semiannual PFT is reflected in section "A" of the fitness report and an appropriate comment is made in the section "C", i.e. TLD (start/stop date, first/second period) or PLD (start/stop date).

r. Ensures an appropriate comment is made in the section "C" on members who take a partial PFT. See preceding paragraph.

2. Medical Treatment Facility (MTF). The Marine liaison at the MTF is responsible for administratively assisting the MTF in performing the following functions.

a. Conducts medical boards.

b. Assigns the member to TLD.

c. Reevaluates member 60 days prior to the termination of TLD.

d. Notifies the CMC (MMSR-4) via naval message with an information copy to the Marine's command of all medical board action.

e. For a first period of TLD greater than 6 months, forwards a copy of the original medical board report with supporting documentation to the CMC (MMSR-4) for review.

f. For a second period of TLD, forwards a copy of the original medical board report with supporting documentation and SF-600 to the CMC (MMSR-4) for review.

g. Recommends to the command assignment to light duty as required (not to exceed 30 days).

h. Processes medical board referrals to the PEB for fitness for duty determinations by the PEB with the CMC (MMSR-4) as an information addressee.

i. Requests that the command conduct an LODI as required.

j. Notifies the command if medical board processing will exceed 30 days.

3. CMC (MMSR-4)

a. Directs medical boards for fitness for duty determination.

b. Authorizes any assignment of officers to TLD.

c. Conducts review of all medical board reports for officers, and review of assignment to TLD for a second period or for a single period greater than 6 months for enlisted Marines.

d. Approves assignment to PLD.

e. Monitors duty limitation codes and enters duty limitation code "S" into MCTFs.

- f. Processes medical board reports and forwards to the PEB, if required.
- g. Processes the member once a fitness for duty determination is finalized by the PEB and issues orders that:
 - (1) Return the Marine to full duty;
 - (2) Approve PLD;
 - (3) Discharge the Marine with or without severance pay; or,
 - (4) Place the Marine on either the TDRL or PDRL.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

NAVAL DISABILITY EVALUATION SYSTEM

HOSPITAL - TREATMENT - MEDICAL BOARD

CHIEF, BUMED/CMC - REVIEW #

PHYSICAL EVALUATION BOARD - DETERMINATION OF FITNESS
(FOR REVIEW BY THE RECORDS REVIEW PANEL)

QUALITY ASSURANCE AND LEGAL REVIEW #

MEMBER ACCEPTS, REQUESTS RECONSIDERATION OF,
OR DEMANDS FORMAL HEARING ON FINDINGS #

PHYSICAL EVALUATION BOARD - FULL AND FAIR HEARING *
(FOR REVIEW BY A HEARING PANEL)

LEGAL REVIEW

ACTION BY THE PRESIDENT, PEB

PETITION FOR RELIEF FROM FINAL ACTION (DIRECTOR, NCPB)

SECNAV (PEB) ENBLOC

CMC - 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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

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

Subj: ORDERS HOME PENDING FINAL DISPOSITION OF PHYSICAL EVALUATION
BOARD (PEB) PROCEEDINGS

Ref: (a) MCO P1900.16
(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 Record Review Panel of the 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 prior to 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.
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:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>	<u>Date Approved</u>
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Figure 8-2. Format for Orders Home Pending Final Disposition
of Physical Evaluation Board Proceedings

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

6. Per reference (b), expenditures under these orders are chargeable to:
(Cite pertinent appropriation data from reference (b)).

7. Your failure to comply with any portion of these orders will result in disciplinary action.

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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) 614-2651/2091 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 should I fail to execute the instructions contained herein.

(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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

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

Subj: RETIREMENT BY REASON OF PERMANENT PHYSICAL DISABILITY

Ref: (a) Title 10, U.S. Code
(b) MCO P1900.16 (MARCORSEPMAN)
(c) JFTR pars. U5120, U5230, and U5345-H
(d) MCO P5512.11
(e) MCO P1080.35 (PRIM), para 5303
(f) MCO P1070.12 (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) under the provisions of references (a) and (b). You are released from all active duty at 2400 on (PRR minus 1 day) and transferred to the Permanent Disability Retired List (PDRL) effective (PRR). 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.

[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 minus 1 day), 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, VA 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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 prior to your approved retirement date to the Defense Finance and Accounting Service (DFAS), Cleveland Center (Code ROC), P.O. Box 99191, Cleveland, Ohio 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 maximum SBP coverage and 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, (Code ROA) 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 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 PDRL. Complete the home of selection endorsement prior to 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, Kansas City Center, Travel Division (Code FJTG), 1500 East 95th Street, Kansas City, Missouri 64197-0001.
10. 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.
11. Enclosure (3) recognizes your retirement.

Figure 8-3. Format for Orders Transferring Marines to the Retired List and Home of Selection Endorsement -- Continued

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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.

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

14. You are advised to keep your Record of Emergency Data (NAVMC 10526) up to date. This can be accomplished by contacting the nearest Marine Corps activity in your area or by writing to the CMC (MHP-10).

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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.
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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

From: (Issuing 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 P1900.16 (MARCORSEPMAN)
(c) JFTR pars. U5120, U5230, and U5345-H
(d) MCO P5512.11
(e) MCO P1080.35 (PRIM), para 5303
(f) MCO P1070.12 (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) under the provisions of references (a) and (b). You are released from all active duty at 2400 on (PRR minus 1 day) and transferred to the Permanent Disability Retired List (PDRL) effective (PRR). 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.

[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 minus 1 day), 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, VA 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,

Figure 8-4. Format for Orders Transferring Marines to the
Temporary Disability Retired List

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 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 prior to your approved retirement date to the Defense Finance and Accounting Service (DFAS), Cleveland Center (Code ROC), P.O. Box 99191, Cleveland, Ohio 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 maximum SBP coverage and 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, 2 Navy Annex, Washington, DC 20380-1775, and the President, PEB, 801 N. Randolph Street, Arlington, VA 22203-1989, 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.

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 TDRL. Complete the home of selection endorsement prior to 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, Kansas City Center, Travel Division (Code FJTG), 1500 East 95th Street, Kansas City, Missouri 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.

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

15. You are advised to keep your Record of Emergency Data (NAVMC 10526) up to date. This can be accomplished by contacting the nearest Marine Corps activity in your area or by writing to the CMC (MHP-10).

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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.
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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 8-1. Eligibility Index Table

	<u>A</u>	<u>B</u>
R U L E	If the member is physically unfit by reason of physical disability and;	the action is;
1	The disability was the result of intentional misconduct or willful neglect, or was incurred during a period of unauthorized absence,	discharge without benefits. (10 U.S.C. 1207) (See paragraph 8402.)
2	Marine is a member of the Regular Marine Corps,	(See table 8-2 and paragraph 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 paragraph 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 paragraph 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 EPTE. (See paragraph 8404.)

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Table 8-2. Eligibility Index Table for Regular Marines and Reservists on Active Duty for More Than 30 Days (Not to Include 45-Day Involuntary Training for Active Duty)

	A	B	C	D	E
R U L E	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 the 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.)

* See paragraph 8002.6.

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Table 8-2. Eligibility Index Table for Regular Marines and Reservists on Active Duty for More Than 30 Days (Not to Include 45-Day Involuntary Training for Active Duty) -- Continued

	A	B	C	D	E
R U L E	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
5	YES	NO	30-100	may be perm	transfer to the TDRL. (10 U.S.C.) (See section 3.)
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 Military Pay and Entitlements Manual, paragraph 40433.)

NOTE 2: A reservist eligible under 10 U.S.C. 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.

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Table 8-3. Eligibility Index Table for Reservists on Active Duty for 30 Days or Less, Inactive Duty Training, or 45-Day Involuntary Training for Active Duty

	A	B	C	D	E	F
R U L E	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 disability is	and based upon accepted medical principles the disability is	the action is
1	NO					discharge other than for physical disability. (See par. 8407 or 8408.)
2	YES	NO				
3	YES	YES	YES	0-100	perm	permanent retirement. (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 retirement. (10 U.S.C. 1204) (See sect. 2.)

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Table 8-3. Eligibility Index Table for Reservists on Active Duty for 30 Days or Less, Inactive Duty Training, or 45-Day Involuntary Training for Active Duty -- Continued

	A	B	C	D	E	F
R U L E	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 disability is	and based upon accepted medical principles the disability 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. 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 Military Pay and Entitlements Manual, paragraph 40433.)

NOTE 2: A member eligible under 10 U.S.C. 1029 (has more than 20 years qualifying Federal service), may elect to be transferred to the Retired Reserve to receive retired pay at age 60, instead of discharge with severance pay.

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Table 8-4. Computing Disability Retired Pay

A	B	C
R If the Marine U is being L E	take the higher monthly basic pay (note 1)	and multiply by
1 Permanently retired (10 U.S.C. 1201 or 1204)	(1) of the highest temporary or permanent grade satisfactorily held	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)	or (2) of the grade held on the day before retirement or transfer to the TDRL	
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. 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.

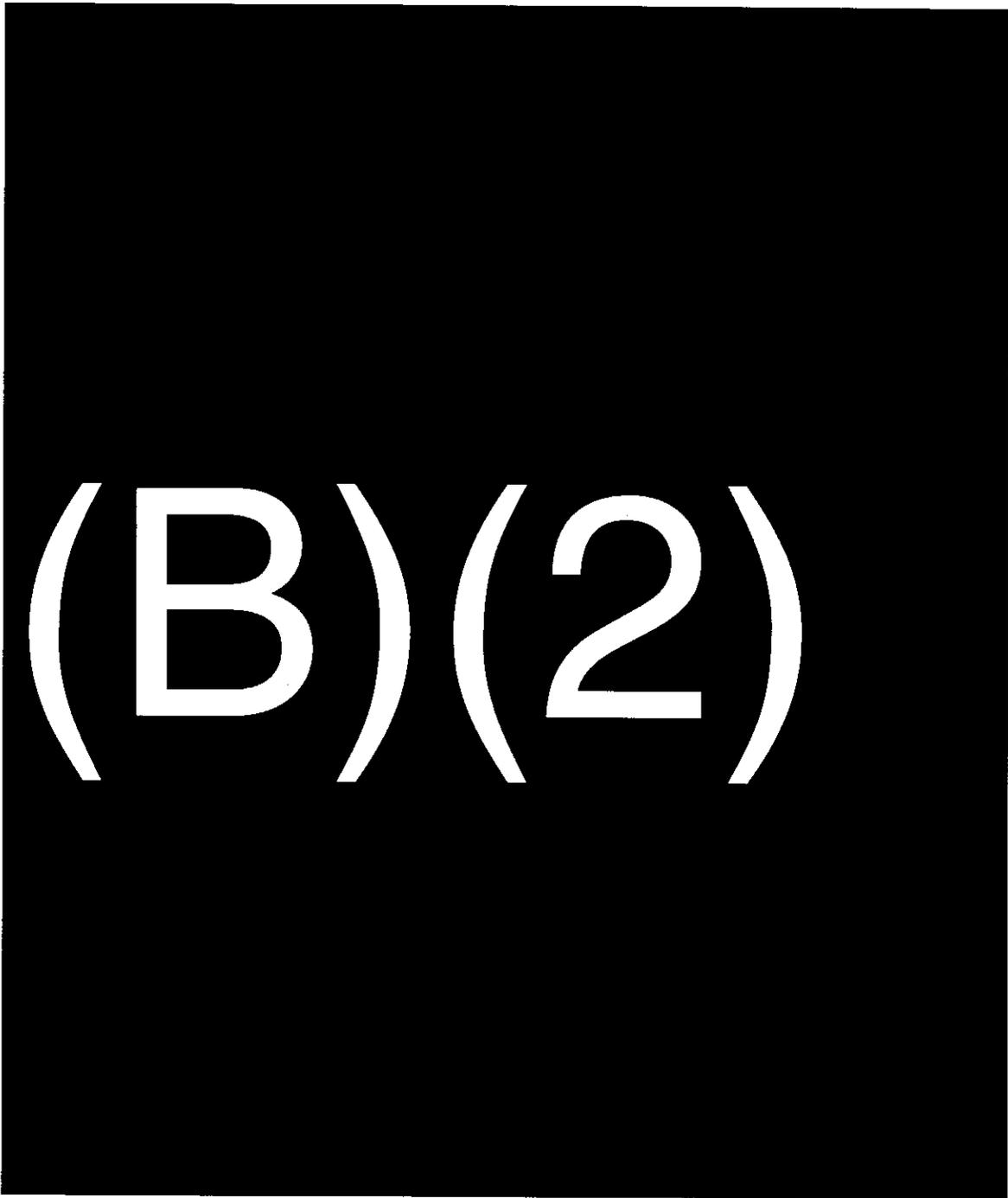
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APPENDIX A

Separation Program Designators (SPD)

<u>SEPARATION</u> <u>AUTHORITY*</u>	<u>NARRATIVE</u> <u>REASON</u>	<u>English</u> <u>Description</u>	<u>Code</u>
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1005



1104

1105

2003

2005

3003.9

6202

6203.1

6203.2

(B)(2)

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6203.2

6203.3

6203.4

6203.5

6203.6

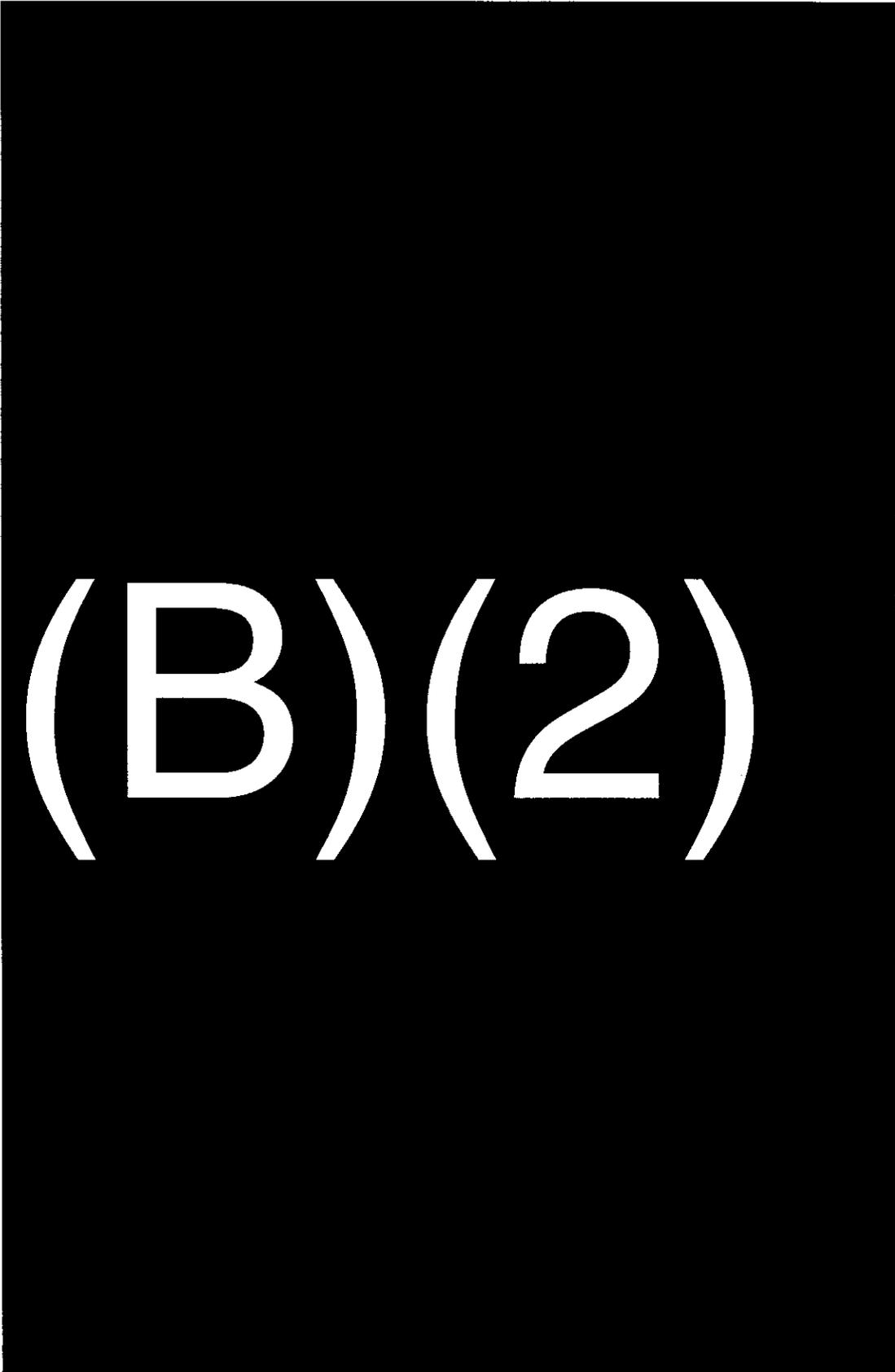
6204.1a

6204.1b

6204.2

(B)(2)

6204.2



6204.3

(B)(2)

6204.3

6205

6206

6207

(B)(2)

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6209

6210

6210.2

6210.3

6210.4

6210.5

6210.6

(B)(2)

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6210.7

6210.8

6211

6212

6213

6214

6215

6402

6403

6404

6404.1

(B)(2)

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6404.1

6404.2

6404.3

6405

6406

6407

6408

6409

6410

6411

(B)(2)

6412

6413

6414

6416

6417

6419

6420,
6404.5

(B)(2)

6421

7006

7009

8201

8301

8401

8402

(B)(2)

8404

8406

8407

8408

(B)(2)

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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 214WS.

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 (YYMMDD) sequence. Each element of the date will consist of two digits. Single digits will be prefixed by a zero. For example, enter "7 November 1952" as "521107". This procedure for citing dates shall be used as a guide for recording all dates required elsewhere on the DD Forms 214 and 215.
6. RESERVE OBLIGATION TERMINATION DATE. Enter the YYMMDD the Marine's Reserve obligation ends.
- 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

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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" (also applies to Marines who transfer FMCR). For Marines released from active duty with additional obligated service, enter the title and RUC of the Reserve organization transferred to; i.e., "Marine Corps Reserve Support Command (MCRSC), 15303 Andrews Road, Kansas City South Airport, Kansas City, Missouri 64147-5000 (RUC 36005)".

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 1 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. Use of a Julian Date Calendar for this purpose is not allowed.

a. DATE ENTERED ACTIVE DUTY THIS PERIOD. The date entered (YYMMDD) 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 (YYMMDD).

c. NET ACTIVE SERVICE THIS PERIOD. Enter the net active service (YYMMDD) 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 (YYMMDD) 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 (YYMMDD). If the Marine has no prior inactive service enter "00 00 00".

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f. FOREIGN SERVICE. Enter all time (YYMMDD) 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 (DoDPM). If the Marine has no foreign service, enter "00 00 00".

g. SEA SERVICE. Enter time (YYMMDD) 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 P1080.35. 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 of 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 (YYMMDD) 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, omitting authorities therefore. For campaign or expeditionary medals, 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:

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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".

b. If no LSL settlement is due, enter the word "None".

c. If an LSL settlement is due but has not yet been paid, enter the word "Due". A DD Form 215 will be issued by the separation activity 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.

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- (2) Accepted Regular commission/warrant.
- (3) Not available for signature.
- (4) Separating Marine refused to sign form.
- (5) Good Conduct Medal period commences (YMMDD).
- (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: YMMDD ____ 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, or if within the State of Kansas call commercial (913) 491-7500, DSN 465-3110) informed of any change of address, marital status, number of dependents, civilian employment, or physical standards."

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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-7, 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 Marine Corps Reserve.

c. Transferred to the FMCR.

d. Temporarily retired.

e. Retired.

f. Released from active duty.

g. Released from IADT (in the case of a Reservist assigned to a Reserve Special Enlistment Program).

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h. Entry level separation.

24. CHARACTER OF SERVICE. Enter in capital letters the appropriate entry which represents the character of service. For Marine officers and enlisted 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.

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 J provide information on eligibility for reenlistment in the Marine Corps. For Marine officers and IADT's, complete by entering "N/A". For all other enlisted Marines, enter the appropriate code as shown in Appendix J.

28. NARRATIVE REASON FOR SEPARATION. This is a brief statement describing the circumstances of the termination. Appendix A provides the narrative

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reason to be used with the separation authority in item 25 along with the separation code used in item 26. 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 within parentheses followed by the inclusive dates; e.g., "(12) 940329-940504". 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.

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 to arrive on the effective date of separation/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 P1070.12, 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, Texas 78772-0001

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(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 H 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
Capital Station
Baton Rouge, Louisiana 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 G.

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, Missouri 64197-0001

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(2) In all other cases, forward this copy to:

Commanding General, MCRSC (RSC-4F)
15303 Andrews Road
Kansas City South Airport
Kansas City, Missouri 64147-5000

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 other cases, this copy is not used and will be destroyed.

i. 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.

2. The distribution of the DD Form 215 will be identical to the distribution of the DD Form 214 in paragraph B002.1 above.

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.

2. Corrections. The separation date on the DD Form 214 being corrected is completed by entering the date (YYMMDD). 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.

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<u>ITEM</u>	<u>CORRECTED TO READ</u>
4B	E5
17	21

3. Date. Enter the date (YYMMDD).

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. General distribution instructions for the DD Form 215 are in paragraph B002.2. 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.



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APPENDIX C

CHECKLIST FOR SEPARATIONS

I. PRESEPARATION INTERVIEW

SUBJECT	REFERENCE	DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Career Planning Interview	MCO P1900.16 par. 1101.4a MCO P1040.31	YES*	YES	NO
Reenlistment Benefits	MCO P1040.31	YES*	YES	NO
Marine Corps Reserve Affiliation	MCO 1001.39	YES*	YES	NO
Inform Member of Address of Marine Corps District Commanding Officer	MCO P1900.16 par. 1101.4b	YES*	NO	NO
Selective Service Registration	MCO P1900.16 par. 1101.4h	YES	YES	YES
Separation Physical	MCO P1900.16 par. 1008.1a, 1011	YES*	YES	YES
VA Dental Treatment Eligibility	MCO P1900.16 par. 1101.4e	YES	YES	YES
Conversion of SGLI	MCO P1741.8 MCO P1760.8	YES	YES	YES
Maternity Care	MCO 5000.12	YES	YES	NO
Health Care Insurance	MCO P1760.8	YES	YES	NO
BCNR/NDRB Advice	MCO P1900.16 par. 1101.4f	YES	NO	NO
Unemployment Benefits	MCO P1900.16 par. 1101.4g	YES	YES	NO
Civil Readjustment/Veterans Rights and Benefits	MCO P1760.8	YES	YES	YES

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SUBJECT	REFERENCE	DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
VA Claim (VA Form 21-526e)	MCO P1760.8 chap. 1	YES	YES	YES
Audit Service Record	MCO P1070.12 chap. 5	YES	YES	YES
Wearing of Uniform after Separation	MCO P1900.16 par. 1101.5b MCO P1020.34 MCO P10120.28	YES	YES	YES
Travel	MCO P1900.16 par. 1009 JFTR, Vol I chaps. 4 and 7 MCO P4650.37 chap. 21	YES	YES	YES
Transportation in-kind (if applicable)	JFTR, par. 5300	YES	YES	YES
Separation/Severance and Contract Cancellation Payment (when applicable)	DODPM Part 4	YES	NO	NO
Shipment of Household Effects (if applicable)	JFTR, Vol I chap. 5, Part D	YES	YES	YES
Allotment Stoppage	MCO P7220.31	NO	NO	YES
Bonds in Safekeeping	Must request from DFAS within 60 days after separation**	YES	YES	YES
Recoupment	DODPM, Part 1, chap. 9, MCO P1900.16 par. 6108	YES/NO	NO	NO
Uniform Retention	MCO P10120.28	YES (3 Mos)	YES (for IRR)	YES (3 Mos)

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SUBJECT	REFERENCE	DISCHARGED	WHEN APPLICABLE	
			RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
New (Montgomery) G.I. Bill		YES	YES	YES
Permanent Mailing Address	MCO P1900.16 par. 1101.4j MCO P7220.45 par. 20505.2e	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 POE address by the Defense Finance and Accounting Service (CPM).

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II. FORMS, ORDERS AND ADMINISTRATIVE 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 P1900.16 par. 1101.4h	YES	YES	NO
Security Termination Statement	MCO 5521.3	YES	YES	YES
DD 214 (used only in terminating active duty status)	MCO P1900.16 par. 1101.2a	YES	YES	YES
DD Form 2 (Ret)	MCO P5512.11	NO	NO	YES
DD Form 2 MC (Res)	MCO P5512.11	NO	YES	NO
Notification to Immigration & Naturalization Service	MCO P1900.16 par. 1103	YES	NO	NO
One copy of "Federal Benefits for Veterans and Dependents" - VA Pamphlet 80-92-1	MCO P1900.16 par. 1101.2c(2)	YES	YES	YES
Discharge Certificate	MCO P1900.16 Par. 1101.2c	YES	NO	NO
Honorable Discharge Button/Pin	MCO P1900.16 par. 1101.2c(1)	YES	NO	NO
Fitness Report (sergeants and above)	MCO P1610.7	YES	YES	YES
Issue of Dependent ID Cards and Medical Care DD Form 1172 and 1173	MCO P5512.11	NO	NO	YES
Recover Dependent ID Card	MCO P5512.11	YES	YES	YES

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SUBJECT	REFERENCE	DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Dependent Medical Care and 1173 Statement (DD 1407)	SECNAVINST 6320.8 sect. II, par. 7	YES	YES	YES
Survivor Benefits Plan (SBP)	MCO P1741.11	NO	NO	YES
Release from Active Duty Orders (Reserve)	MCO P1001R.1	NO	YES	YES
Unit Diary Entry	MCO P1080.35	YES	YES	YES
Temporary Disability Retired List Orders	MCO P1900.16 par. 8302 fig. 8-4	NO	NO	YES (TDRL ONLY)
Retirement by Reason of Permanent Physical Disability Orders	MCO P1900.16 par. 8202 fig. 8-3	NO	NO	YES (PDRL ONLY)
Closing out Service Record and Transfer of SRB, Health and Dental Records	MCO P1900.16 par. 1101.7 MCO P1070.12 par. 4001	YES	YES	YES

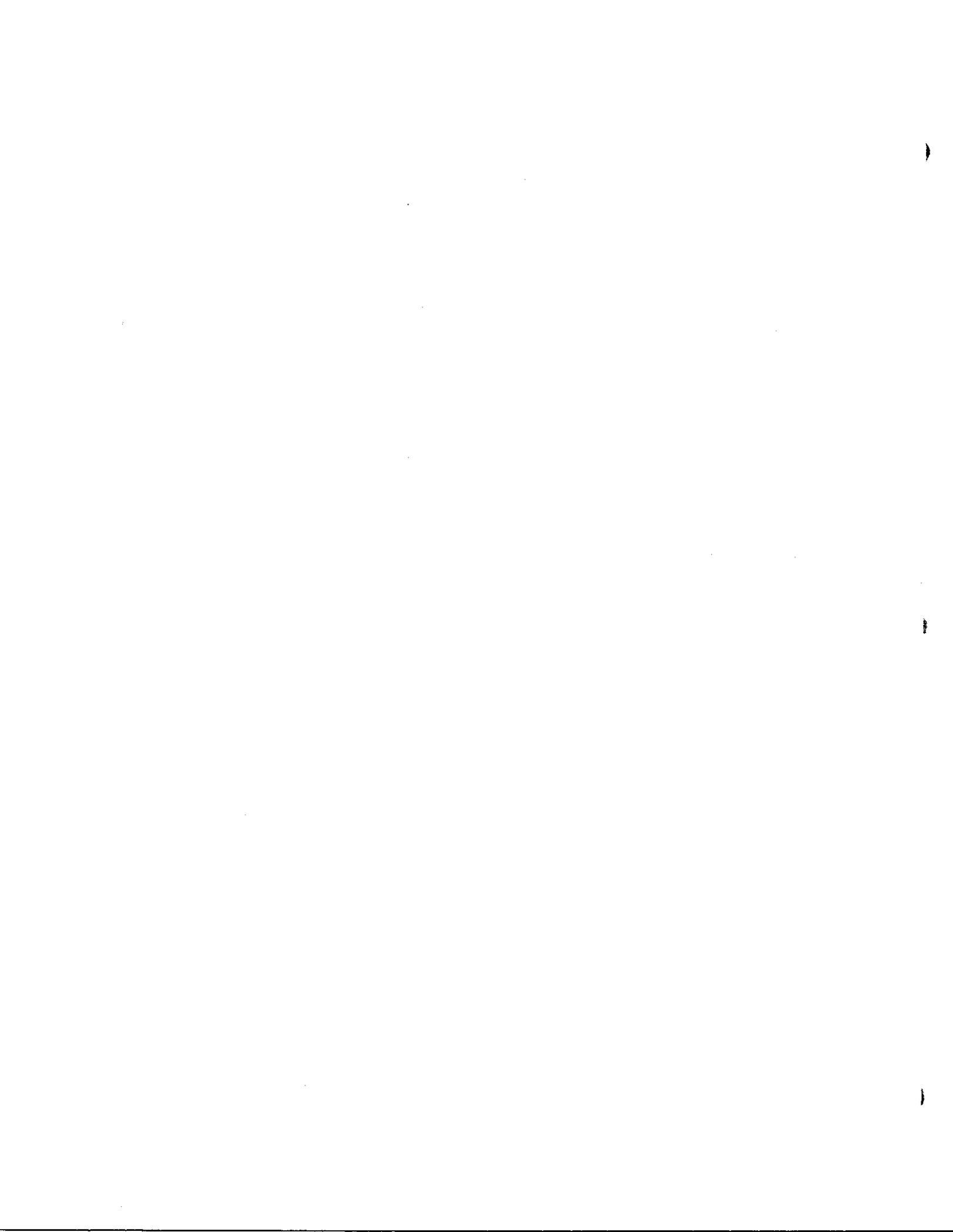
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III. FORMS, ORDERS, AND ADMINISTRATIVE MATTERS (OFFICERS).

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 P1900.16 par. 1101.4h	YES	YES	NO
Security Termination Statement	MCO 5521.3	YES	YES	YES
DD 2 (Ret)	MCO P1070.12	NO	NO	YES
DD 2 MC (Res)	MCO P1070.12	NO	YES	NO
DD 114	NAVSO P3050	YES	YES	YES
Recover Dependent ID Card	MCO P5512.11	YES	YES	NO
Issue Dependent ID Card and Medical Care DD Form 1172 and 1173	MCO P5512.11	NO	NO	YES
Survivor Benefit Plan (SBP)	MCO P1741.11	NO	NO	YES
Release from Active Duty Orders (Reserve Officers)	MCO P1900.1	NO	YES	NO
DD 214 (used only in terminating an active duty status)	MCO P1900.16 par. 1102.1a	YES	YES	YES
Temporary Disability Retired List Orders	MCO P1900.16 par. 8303 fig. 8-4	NO	NO	YES (TDRL ONLY)
Permanent Disability Retired List Orders	MCO P1900.16 par. 8202 fig. 8-3	NO	NO	YES (PDRL ONLY)
Fitness Report	MCO P1610.7	YES	YES	YES
Unit Diary Entry	MCO P1080.35	YES	YES	YES

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SUBJECT	REFERENCE	DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Closing out the Service Record, Transfer of OQR, Health and Dental Records	MCO P1070.12 par. 4001 MCO P1900.16 par. 1101.7	YES	YES	YES
DD 1787 (major and above)	SECNAVINST 5314.5	YES	YES	YES



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APPENDIX D

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

D001. 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. Application may be made by the member or former member, or such other persons as the board determines to be competent for such purpose. The Board for Correction of Naval Records, unlike the 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 application be filed with the Board for Correction of Naval Records within 3 years of the date of the discovery of the error or injustice. However, the board is authorized to excuse the fact that the application was filed at a later date, if it finds it to be in the interest of justice to consider the application. The board is empowered to deny an application without a hearing, if it determines that there is insufficient evidence to indicate the existence of probable material error or injustice to the 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.

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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

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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, 801 North Randolph Street, Arlington, VA 22203-1989.

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

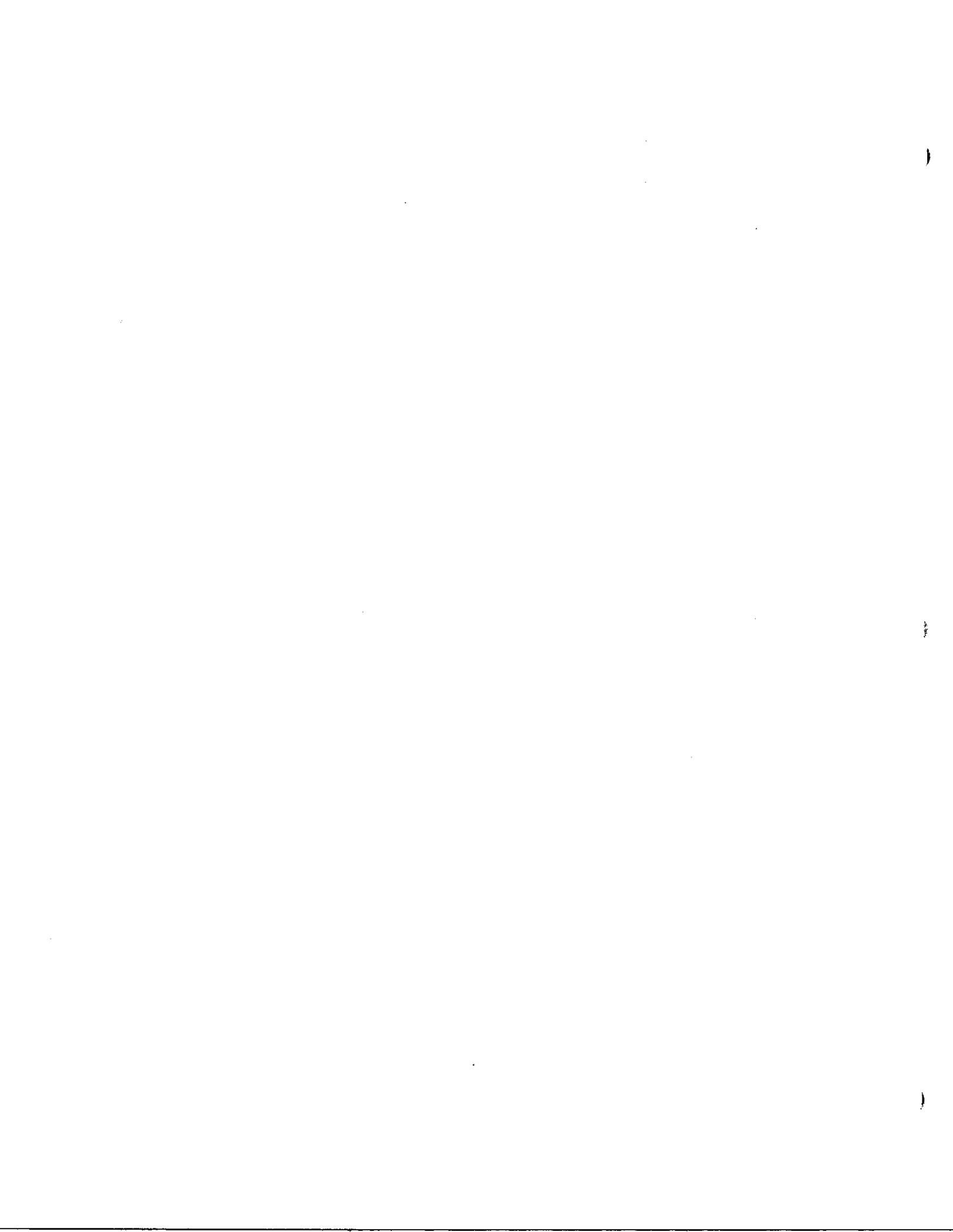
Signature



MARINE CORPS SEPARATION AND RETIREMENT MANUAL

APPENDIX E

CERTIFICATE IN LIEU OF ORDERS



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APPENDIX F

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

F001. 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.

F002. 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.

F003. BACKGROUND

1. On 18 Jun 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 Aug 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 immediately contact their local terminal area security officer (TASO).

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6. Changes to MCTFS in support of DRAS were disseminated via MCTFS Test Cycle Notice 1-94.

F004. 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 entertained 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 3 calendar days of the separation.

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(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) if the problem remains unresolved. (Note: It is the drop that triggers initiation of retired pay.)

(3) Command/parent RUC's for Marines approved for retirement and not properly "dropped" in MCTFS by the 5th of each month will receive a second advisory message in MCTFS. Additionally, naval message traffic will be forwarded to the respective major command's commanding general. If corrective action is not taken by the 10th of each month, the CMC will execute the drop.

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 could delay start of retired pay.

i. Marines should be advised that once retired, they should contact the CMC (MMSR-6), Retired Activities Section, at this Headquarters (1-800-336-4649) on any retiree matter of concern to them, or when they are unable to obtain necessary information/action from DFAS.

2. Submission of Requests for Separation or Retirement

a. Requests will continue to be submitted via the unit diary as the primary means. Requests must be submitted between the 4 to 14 month window currently established. Requests outside this window will be rejected by the MCTFS.

b. Requests requiring a waiver of the established criteria in this Manual must still be submitted via separate correspondence, i.e., naval message or Administrative Action Form with command endorsements and recommendations.

c. In keeping with the Total Force concept, primary means for submission of requests for the separation and retirement of members of the Marine Corps Reserve, not requiring a waiver of the established criteria in this Manual, will also be submitted via unit diary.

d. Disability separations and retirements are never requested and are always the result of Physical Evaluation Board (PEB) proceedings.

3. Withdrawal/Modification. Requests for withdrawal/modification of a resignation/retirement 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. They will be entertained on a case-by-case basis.

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4. Disapprovals. Disapprovals will be issued via the unit diary except when the request is endorsed by a general officer. A brief flow-through history statement will be provided when the disapproval is run on the diary. The disapproval will post an appropriate RER flag to the RER data field in the MCTFS.

5. Approval Authority. Approval authority will be issued by the CMC (MMSR) via the unit diary in the MCTFS.

a. The unit diary transaction will generate an appropriate RER flag to the RER data field.

b. Approval is not granted prior to the RER flag reflecting approval in MCTFS.

6. Separation Orders. Once approval authority is received on the parent reporting unit code (RUC) and command reporting unit code (CRUC) diary feedback report (DFR), the responsible order writing unit may issue separation/retirement orders per appropriate figures in this Manual. Use the unit diary approval transaction and the information contained in the RETM screens in MCTFS.

a. The parent unit need no longer wait for written "authority to release" from the CMC (MMSR).

b. Naval messages and written orders are no longer issued except on a "by exception" basis as prescribed within pertinent sections of this Manual.

c. The RETM screens contain all the necessary information.

F005. 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 F005.1b above.)

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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.

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 with 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.

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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 F005.7 above.
9. Screen 9 (Option RT09 - Annual Retirement Credit Report (Prior)). Same as paragraph F005.7 above.

F006. 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.

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. The unit diary type transaction code (TTC) numbers for requesting active duty separations, retirements and transfers FMCR have changed and are listed in MCTFS Test Cycle Notice 1-94 of 5 May 94. Unit diary requests which are properly run 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 run 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 run 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(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 current "authority to release" is issued via naval message or separate correspondence. It contains information used to issue orders per the appropriate figures in this Manual. That same data is contained in the RETM screens.

(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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 run 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 run 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

c. Approval Authority/Authority to Release. The current "authority to release" is issued via naval message or separate correspondence. It contains information used to issue orders per the appropriate figures in this Manual. That same data is now contained in the RETM screens.

(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 last day as a drilling Reservist (at midnight) on which all pay and allowances terminate.

(4) For all inactive Reserve resignations, the PRR date is the last day as a Reservist.

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 no longer normally issued via naval message or separate correspondence. It contains information used to produce orders per the appropriate figures in this Manual. That same data is contained in the RETM screens.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

- (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.

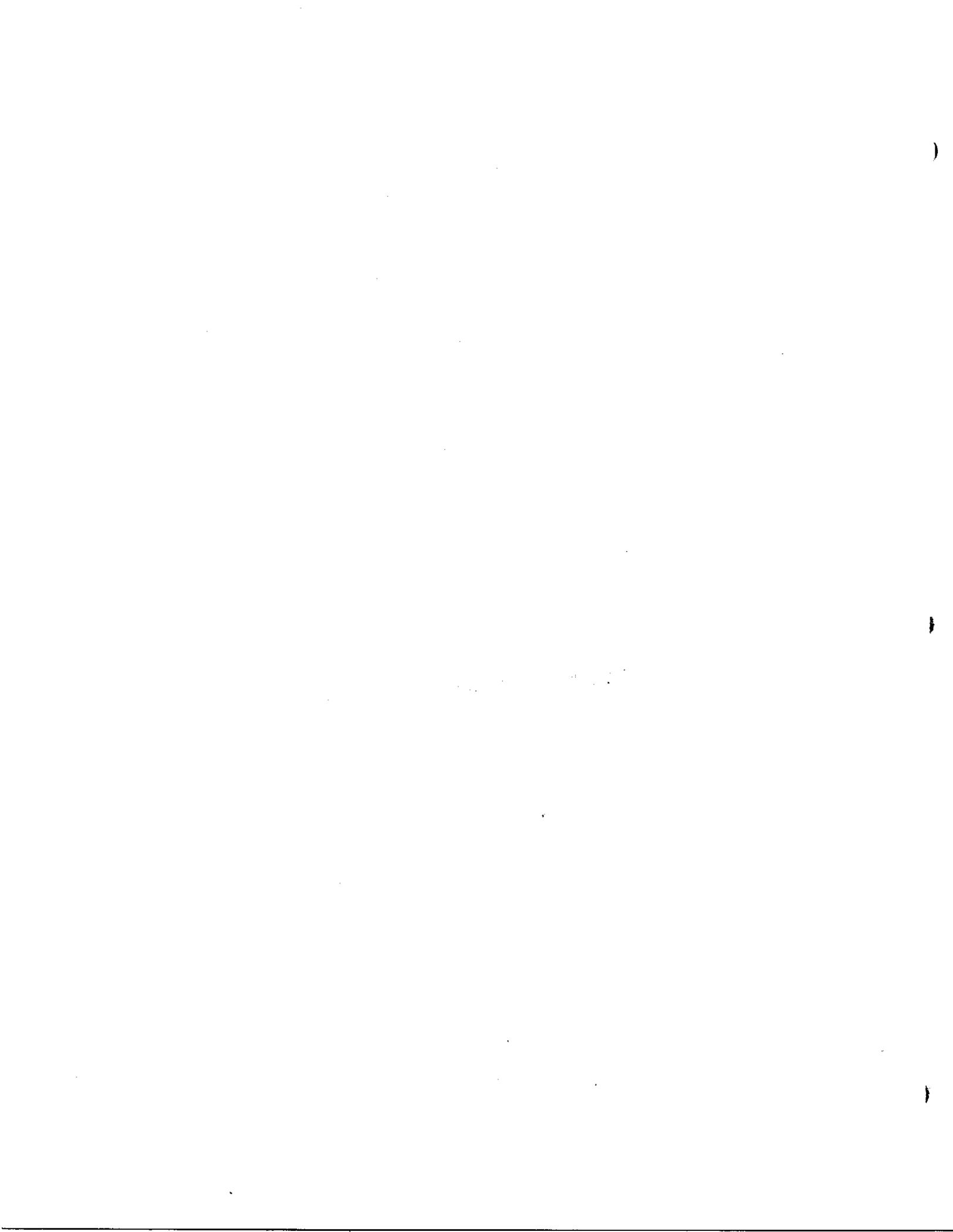
F007. COMMANDING OFFICER RESPONSIBILITIES

1. Run the proper unit diary drop transaction (TTC 378) within 3 calendar days of separation. Ensure the transaction processes without error by reviewing and taking action on your diary feedback reports. A chapter in the PRIM (Active and Reserve) and chapter 8 of the MCTFSPRIM address 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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 PRIM.



MARINE CORPS SEPARATION AND RETIREMENT MANUAL

APPENDIX G

STATE DIRECTORS OF VETERANS AFFAIRS

ALABAMA

Director
Department of Veterans Affairs
P.O. Box 1509
Montgomery, AL 36102-1509

ALASKA

Deputy Commissioner
Department of Military and
Veterans Affairs
P.O. Box 5800
Fort Richardson, AD 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 Affairs
Veterans Service Commission
3225 N. Central Avenue, Suite 9100
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

Director
Department of Veterans Affairs
12270 O Street, Room 3000
Sacramento, CA 95814

COLORADO

Director
Division of Veterans Affairs
789 Sherman Street, Suite 460
Denver, Colorado 80203

CONNECTICUT

Commissioner
Department of Veterans Affairs
287 West Street
Rocky Hill, CT 06067

DELAWARE

Executive Director
Veterans Affairs Commission
P.O. Box 1401
Old State House The Green
Dover, DE 19903

DISTRICT OF COLUMBIA

Chief, Office of Veterans Affairs
941 N. Capitol Street, N.E.
Room 1211-F
Washington, DC 20421

FLORIDA

Director
Department of Veterans Affairs
P.O. Box 31003
St. Petersburg, FL 33731

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
919 Ala Moana Boulevard
Suite 110
Honolulu, Hawaii 96814

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

IDAHO

Administrator
Division of Veterans Services
P.O. Box 7765
Boise, ID 83707

ILLINOIS

Director
Department of Veterans Affairs
833 S. Spring Street
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
Veterans Commission
Jayhawk Tower, Suite 701
700 S.W. Jackson Street
Topeka, KS 66603-3150

KENTUCKY

Center for Veterans Affairs
545 South 3rd Street, Room 123
Louisville, KY 40404

LOUISIANA

Executive Director
Department of Veterans Affairs
P.O. Box 94095, Capitol Station
Baton Rouge, LA 70804-9095

MAIN

Director of Operations
Division of Veterans Services
State House Station 3117
Augusta, ME 04333

MARYLAND

Director
Veterans Commission
Federal Building, Room 110
31 Hopkins Plaza
Baltimore, MD 21202

MASSACHUSETTS

Commissioner
Department of Veterans Services
100 Cambridge Street, Room 1002
Boston, MA 02202

MICHIGAN

Director
Veterans Trust Fund
611 West Ottawa
P.O. Box 30026
Lansing, MI 48909

MINNESOTA

Commissioner
Department of Veterans Affairs
Veterans Service Building
20 West 12th Street
St. Paul, MN 55155-2079

MISSISSIPPI

Executive Director
State Veterans Affairs Board
206 West Pearl Street, Suite 1100
Jackson, MS 39201

MISSOURI

Executive Director
Veterans Commission
P.O. Drawer 147
Jefferson City, MO 65102

MONTANA

Administrator
Veterans Affairs Division
P.O. Box 5715
Helena, MT 59604

NEBRASKA

Director
Department of Veterans Affairs
P.O. Box 95083
State Office Building
Lincoln, NE 68509-5083

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

NEVADA

Commissioner
Commission of Veterans Affairs
1201 Terminal Way, Room 108
Reno, NV 89520

NEW HAMPSHIRE

Director
State Veterans Council
359 Lincoln Street
Manchester, NH 03103-4901

NEW JERSEY

Deputy Commissioner
Department of Military and
Veterans Affairs
Eggert Crossing Road CN340
Trenton, NJ 08625-0340

NEW MEXICO

Director
Veterans Service Commission
Santa Fe, NM 87501

NEW YORK

Executive Deputy Director
State Division of Veterans Affairs
#5 Empire State Plaza, Suite 2836
Albany, NY 12223

NORTH CAROLINA

Assistant Secretary
Division of Veterans Affairs
325 N. Salisbury Street
Raleigh, NC 27603-1388

NORTH DAKOTA

Commissioner
Department of Veterans Affairs
P.O. Box 9003
Fargo, ND 58106-9003

NORTH MARIANA ISLANDS

Administrator
Commonwealth of the North
Mariana Islands
Office of the Governor
Division of Veterans Affairs-DC&IA
Saipan, MP 96950

OHIO

Director
Governor's Office on Veterans
Affairs
30 E. Broad Street, Room 1825
Columbus, OH 43266-0422

OKLAHOMA

Director
Department of Veterans Affairs
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 97310-1201

PENNSYLVANIA

Deputy Adjutant General
Department of Military Affairs
Fort Indiantown Gap
Building S-O-47
Annville, PA 17003-5002

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
Division of Veterans Affairs
Department of Human Services
480 Metacom Avenue
Bristol, RI 02809-0689

SOUTH CAROLINA

Director
Department of Veterans Affairs
226 Brown State Office Building
1205 Pendleton Street
Columbia, SC 29201

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

SOUTH DAKOTA

Director
Division of Veterans Affairs
Soldiers & Sailors Memorial Building
599 East Capitol Avenue
Pierre, SD 57501-5070

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
Department of Community & Economic
Development
324 S. State Street, Suite 103
Salt Lake City, UT 84111

VERMONT

Director
Department of Veterans Affairs
120 State Street
Montpelier, VT 05620-4401

VIRGINIA

Department of Veterans Affairs
210 Franklin Road, SW, Room 1012
P.O. Box 809
Roanoke, VA 24004

VIRGIN ISLANDS

Director
Office of Veterans Affairs
#13A Estate Richmond
Christiansted, St. Croix
Virgin Islands 00820

WASHINGTON

Director
Department of Veterans Affairs
505 E. Union
P.O. Box 41150 MS:1150
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

Chairperson
Council on Veterans Affairs
1819 Park Avenue
Cheyenne, WY 82007

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

APPENDIX H

JURISDICTION AND ADDRESSES OF VA REGIONAL OFFICES
(1800-827-1000 NEAREST VA REGIONAL OFFICE)

<u>TERRITORY ALLOTTED TO</u>	<u>MAILING ADDRESS</u>
ALABAMA All cities and counties:	VA Regional Office 474 South Court Street Montgomery, AL 36104
ALASKA All cities and counties:	VA Regional Office 2925 DeBarr Road Anchorage, AD 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:	VA Regional Office Federal Building 11000 Wilshire Boulevard Los Angeles, CA 90024
Inyo Kern Los Angeles Orange	San Bernardino San Luis Obispo Ventura Santa Barbara
Alpine Mono	Lassen Modoc
Imperial San Diego	Riverside
All other counties:	VA Regional Office 1301 Clay Street, Rm 1300 N Oakland, CA 94612
CANAL ZONE Entire zone:	Office of Veterans Affairs 941 N. Capitol Street, N.E. Washington, DC 20421-2825

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

<u>TERRITORY ALLOTTED TO</u>	<u>MAILING ADDRESS</u>
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 1601 Kirkwood Highway Wilmington, DE 19805
DISTRICT OF COLUMBIA Entire district:	VA Regional Office 941 N. Capitol Street, N.E. Washington, DC 20421
FLORIDA All cities and counties:	VA Regional Office 144 1st Avenue South St. Petersburg, FL 33701
GEORGIA All cities and counties:	VA Regional Office 730 Peachtree Street N.E. Atlanta, GA 30365
HAWAII All islands:	VA Regional Office P.O. Box 50188 Rm 1204 300 Ala Moana Blvd Honolulu, HI 96850
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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

TERRITORY ALLOTTED TO

MAILING ADDRESS

INDIANA

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

All cities and counties:

VA Regional Office
701 Loyola Avenue
New Orleans, LA 70113

MAINE

All cities and counties:

VA Medical & Regional Office
Route 17 East
Togus, ME 04330

MARYLAND

Counties:

Montgomery

Prince Georges

VA Regional Office
Federal Building
31 Hopkins Plaza
Baltimore, MD 21201

All other counties:

DC Regional Office
941 North Capitol St., 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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

TERRITORY ALLOTTED TO

MAILING ADDRESS

All other cities and counties:

VA Regional Office
John F. Kennedy Federal Building
Government Center
Boston, MA 02203

MICHIGAN

All 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 58102

All other cities and counties:

VA Regional Office and Insurance
Center
Federal Building
Fort Snelling
St. Paul, MN 55111

MISSISSIPPI

All cities and counties:

VA Regional Office
100 West Capital Street
Jackson, MS 39269

MISSOURI

All cities and counties:

VA Regional Office
Federal Bldg., 1520 Market St.
St Louis, MO 63103

MONTANA

All cities and counties:

VA Medical and Regional Office
Center
William Street, Highway 12 West
Fort Harrison, MT 59636

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

TERRITORY ALLOTTED TO

MAILING ADDRESS

NEBRASKA

All cities and counties:

VA Regional Office
5631 S. 48th Street
Lincoln, NE 68516

NEVADA

All cities and counties:

VA Regional Office
1201 Terminal Way
Reno, NV 89520

NEW HAMPSHIRE

All cities and counties:

VA Regional Office
Norris Cotton Federal Building
275 Chestnut 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 S.W.
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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

TERRITORY ALLOTTED TO

MAILING ADDRESS

OHIO

All cities and counties:

VA Regional Office
Anthony J. Celebrezze Federal
Building
1240 East 9th Street
Cleveland, OH 44199

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
Pittsburgh

Johnstown

VA Regional Office
1000 Liberty Avenue
Pittsburgh, PA 15222

All other cities and counties:

VA Regional Office and Insurance
Center
P.O. Box 8079
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 Westminister Mall
Providence, RI 02903

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

TERRITORY ALLOTTED TO

MAILING ADDRESS

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

TENNESSEE

All cities and counties:

VA Regional Office
110 9th Avenue, South
Nashville, TN 37203

TEXAS

Cities and counties of:

Abilene	Amarillo
Austin	Dallas
El Paso	Ft. Worth
Killeen	Lubbock
Midland	Odessa
Terminal	Waco
Witchita Falls	

VA Regional Office
1400 N. Valley Mills Drive
Waco, TX 76799

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
North Hartland Road
White River Junction, VT 05001

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

TERRITORY ALLOTTED TO

MAILING ADDRESS

VIRGINIA

Cities and counties of:

Arlington Fairfax
Alexandria Falls Church

Office of Veterans Affairs
941 N. Capitol Street, N.E.
Washington, DC 20421

All other cities and counties:

VA Regional Office
210 Franklin Road S.W.
Roanoke, VA 24011

WASHINGTON

All cities and counties:

VA Regional Office
Federal Building
915 2nd Avenue
Seattle, WA 98174

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

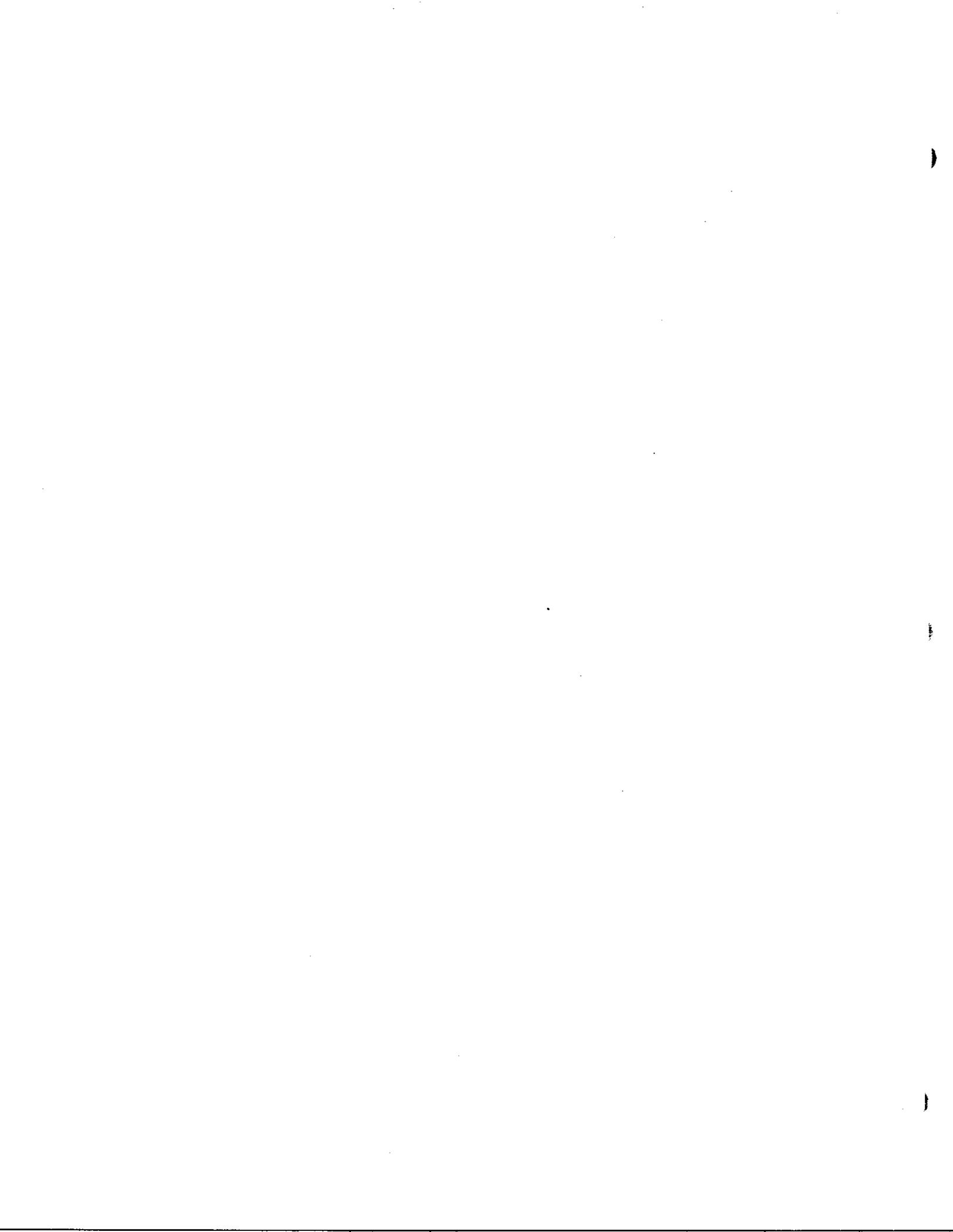
All cities and counties:

VA Medical and Regional Office
Center
2360 East Pershing Boulevard
Cheyenne, WY 82001

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

APPENDIX I

RETIRED PAY DATA FORM



MARINE CORPS SEPARATION AND RETIREMENT MANUAL

APPENDIX I

SECTION VII - SURVIVOR BENEFIT PLAN (SBP) ELECTION (See your Survivor Benefit Plan counselor before making an election.)

28. BENEFICIARY CATEGORY (IES) (Check only one item AND circle applicable word)

a. I elect coverage for spouse only. (I do/do not have dependent children.)

b. I elect coverage for spouse and child(ren).

c. I elect coverage for children only. (I do/do not have a spouse.)

d. I elect coverage for the person named in Item 30 who has an insurable interest in me. (See Forms Completion Instructions).

e. I elect coverage for the person named in Item 30 who is my former spouse. (See Forms Completion Instructions and complete Former Spouse Election Statement).

f. I elect coverage for the person named in Item 30 who is my former spouse and dependent child(ren) of that marriage. (See Forms Completion Instructions and complete Former Spouse Election Statement).

g. I elect not to participate in SBP. (I do/do not have eligible dependents under the plan.)

29. LEVEL OF COVERAGE: (Complete unless 28a or 28g was selected above. See Forms Completion Instructions)

a. I elect coverage to be based on full gross retired pay.

b. I elect coverage with a reduced base amount of \$ _____ (See Forms Completion Instructions).

c. I elect basic coverage based on full gross pay plus supplemental coverage of (Check one)

NONE	5%	10%	15%	20%
------	----	-----	-----	-----

By electing supplemental coverage, I understand that I waive my right to use the social security offset method of computing the Survivor Benefit at age 62 and older. (See Forms Completion Instructions).

30. NAME OF INSURABLE INTEREST OR FORMER SPOUSE BENEFICIARY (LAST, First, Middle Initial) **31. SOCIAL SECURITY NUMBER** **32. RELATIONSHIP** **33. DATE OF BIRTH**

34. ADDRESS (Street, City, State and ZIP Code)

SECTION VIII - SURVIVOR BENEFIT SPOUSAL CONSENT (Required when member is married and does not elect full coverage.)

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 have signed this statement of my own free will.

35. SIGNATURE OF SPOUSE **36. DATE**

37. NAME OF WITNESS (LAST, First, Middle Initial) **38. SIGNATURE OF WITNESS**

39. ADDRESS OF WITNESS (Street, City, State and ZIP Code) **40. DATE**

SECTION IX - CERTIFICATION

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 and reports 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).

41. SIGNATURE OF MEMBER **42. DATE**

43. NAME OF WITNESS (LAST, First, Middle Initial) **44. SIGNATURE OF WITNESS**

45. ADDRESS OF WITNESS (Street, City, State and ZIP Code) **46. DATE**

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

APPENDIX I

SECTION I - PAY IDENTIFICATION			
1. NAME (LAST, First, Middle initial)	2. SOCIAL SECURITY NUMBER	3. RETIREMENT/TRANSFER DATE (Actual date pay will start)	4. DATE OF BIRTH
5. RANK/RATE/BRANCH OF SERVICE	6. ROUTING NUMBER (See instructions)	7. TYPE OF ACCOUNT (Savings (S) or Checking (C))	8. ACCOUNT NUMBER (See instructions)
9. FINANCIAL INSTITUTION NAME AND ADDRESS (Street, City, State, and 9-digit ZIP Code)		10. CORRESPONDENCE ADDRESS (Street, Apartment No., City, State, 9-digit ZIP Code and Telephone Number)	
SECTION II - FEDERAL EMPLOYMENT AGREEMENT (See Forms Completion instructions)			
11. CERTIFICATION/SIGNATURE OF EMPLOYEE My signature signifies that I agree to notify the respective DFAS 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, and the amount of my salary.		12. COMPLETE ONLY IF YOU ARE A MEMBER OR FORMER MEMBER OF THE RESERVE COMPONENTS NOT ON ACTIVE DUTY RETIRING AT AGE 60.	
_____ SIGNATURE OF EMPLOYEE		a. Do you receive or were you receiving on the date of retirement any VA compensation or salary from another Federal Agency? <input type="checkbox"/> YES <input type="checkbox"/> NO	b. Effective Date of Payment or Salary
		c. NAME AND ADDRESS OF FEDERAL AGENCY (Include 9-digit ZIP Code)	
		d. TYPE OF PAYMENT	e. AMOUNT OF PAYMENT
SECTION III - DESIGNATION OF BENEFICIARIES FOR UNPAID RETIRED PAY			
13. a. NAME (LAST, First, Middle initial)	b. ADDRESS (Street, City, State and ZIP Code)	c. RELATIONSHIP	d. SHARE
			%
			%
			%
			%
SECTION IV - FEDERAL INCOME TAX WITHHOLDING INFORMATION (Submit information in items 14 - 17 in lieu of IRS Form W-4 for tax purposes.)			
14. MARITAL STATUS <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Married but withhold at higher single rate		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? <input type="checkbox"/> YES <input type="checkbox"/> NO (If "no," see Section IV instructions)	
SECTION V - VOLUNTARY STATE TAX WITHHOLDING			
19. STATE DESIGNATED TO RECEIVE TAX	20. REQUESTED MONTHLY AMOUNT (Not less than \$10.00)	21. RESIDENCE ADDRESS (If different than address listed in item 10, enter Street, Apartment No., City, State and 9-digit ZIP Code)	
SECTION VI - DEPENDENCY INFORMATION			
22. SPOUSE NAME (LAST, First, Middle initial)		23. SPOUSE SOCIAL SECURITY NUMBER	24. SPOUSE DATE OF BIRTH
25. DATE OF MARRIAGE		26. PLACE OF MARRIAGE (City and State)	
27. LIST YOUR DEPENDENT CHILDREN (Designate which children resulted from marriage to former spouse, if any. Indicate (FS) after the relationship on "RELATIONSHIP" item. Use separate sheet of paper to list additional children.)			
NAME a.	DATE OF BIRTH b.	SOCIAL SECURITY NUMBER c.	RELATIONSHIP (son, daughter, stepson, etc.) d.
			DISABLED (Yes or No) e.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

APPENDIX J

REENLISTMENT CODES

(B)(2)

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

REENLISTMENT CODES

Code

When Assigned

Remarks

(B)(2)

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

REENLISTMENT CODES

Code

When Assigned

Remarks

(B)(2)

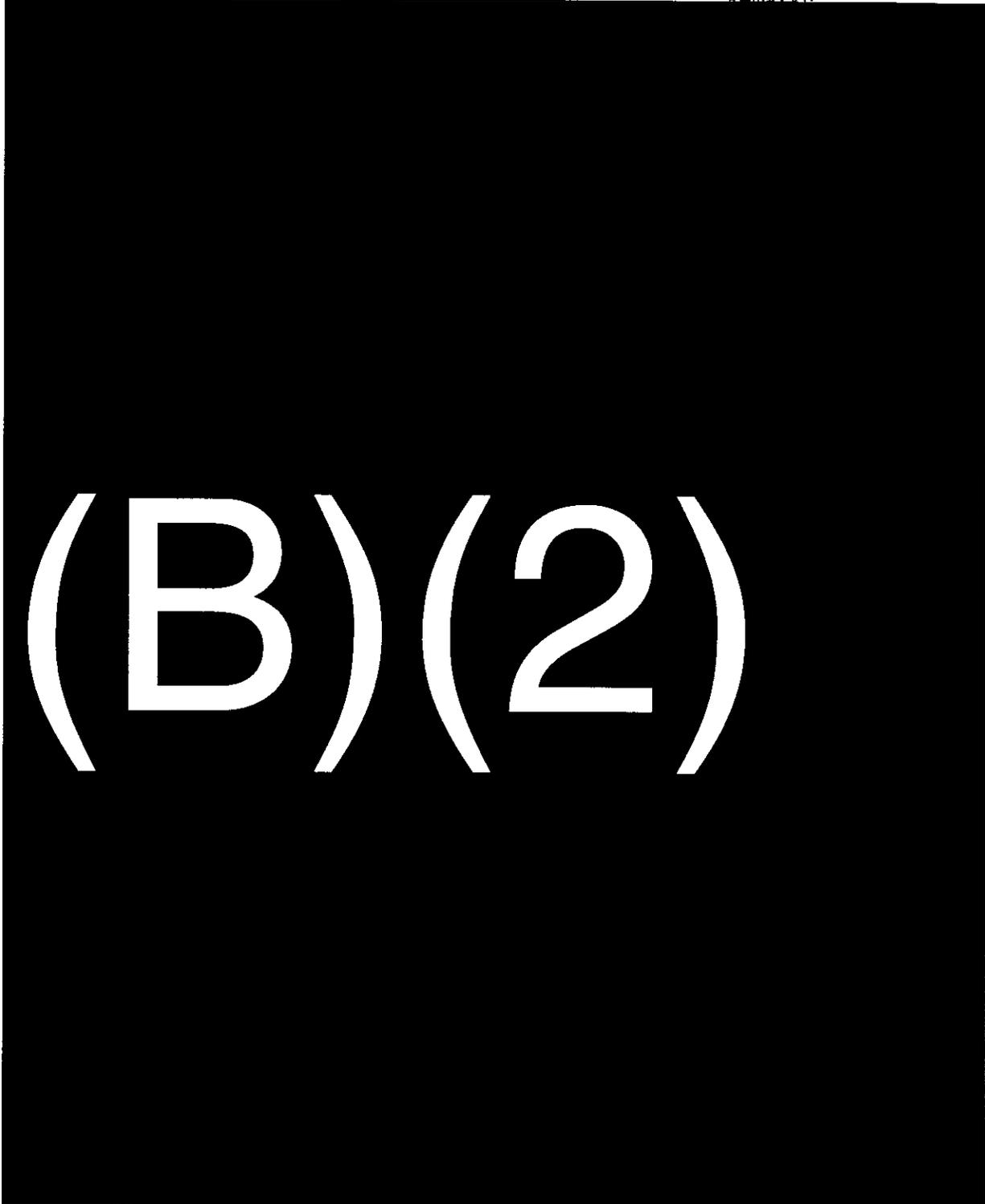
MARINE CORPS SEPARATION AND RETIREMENT MANUAL

REENLISTMENT CODES

Code

When Assigned

Remarks



(B)(2)

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

APPENDIX K

RETIREMENT PREAPPLICATION CHECKLIST

For the purposes of this checklist "retirement" includes transfer to the Fleet Marine Corps Reserve (FMCR).

To serve you and 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 should be completed with this in mind. 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, the appropriate page 11 entry may be made in the Marine's service record and the request will be forwarded 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; RETIREMENT APPLICATION:

1. I understand that by applying for retirement, I:

a. Remain liable for assignment or 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.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

RETIREMENT PREAPPLICATION CHECKLIST

EFFECTS OF RETIREMENT ON PROMOTION ELIGIBILITY:

2. I understand that my request to retire has the following effects on promotion eligibility:

a. If I am selected for promotion and do not desire to incur the obligated service which corresponds with the promotion, I must submit written correspondence to HQMC (MMPR) refusing the promotion, prior to requesting retirement.

b. For an enlisted Marine, my request for retirement will cause my deletion from promotion eligibility and counts as a failure of selection should I later successfully withdraw this request. (Exception: If I have twice failed selection and my EAS is after the adjournment date of the board, I may request via AA form to be considered for promotion while voluntarily processing for retirement. I understand that this request must be submitted to HQMC (MMSR-2) at the time I request retirement.)

c. 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. 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 withdrawal of my application for retirement or extend the effective date except for one of the following reasons:

- For a fully documented hardship that has occurred since my application was submitted.
- In the best interest of the Marine Corps
(I understand that this determination will ultimately be made by HQMC and not by my present command)
- To accept an active duty promotion that I was selected for and notified of after I applied for retirement.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

RETIREMENT PREAPPLICATION CHECKLIST

b. Requests for withdrawal or modification 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 PEB OR I AM REQUIRED TO BE HOSPITALIZED ON MY ACTUAL RETIREMENT DATE.

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, plus the desired number of days of leave/PTAD. (EXAMPLE: If my requested retirement date is 1 July and I want 30 days of terminal leave/PTAD, I must submit my application no later than 1 February.) This lead time is to afford Headquarters, U.S. Marine Corps 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. It is still the commander's prerogative to approve.

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.

e. Departure on terminal leave constitutes my acknowledgment that all required medical and administrative requirements, have been completed.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

RETIREMENT PREAPPLICATION CHECKLIST

UNDERSTANDING OF 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 and years of service.

b. I understand that military members are paid a specific amount of basic pay when they have served 1 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 1 day.

c. I understand how my retired pay multiplier will be credited. Constructive service for enlisted members, and credit for inactive reserve service as outlined in par. 1402 of MCO 1900.16E may be credited to my retired pay multiplier.

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 your 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. Headquarters, U.S. Marine Corps is committed to assisting in making your retirement processing and subsequent transition as smooth as possible.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

RETIREMENT PREAPPLICATION CHECKLIST

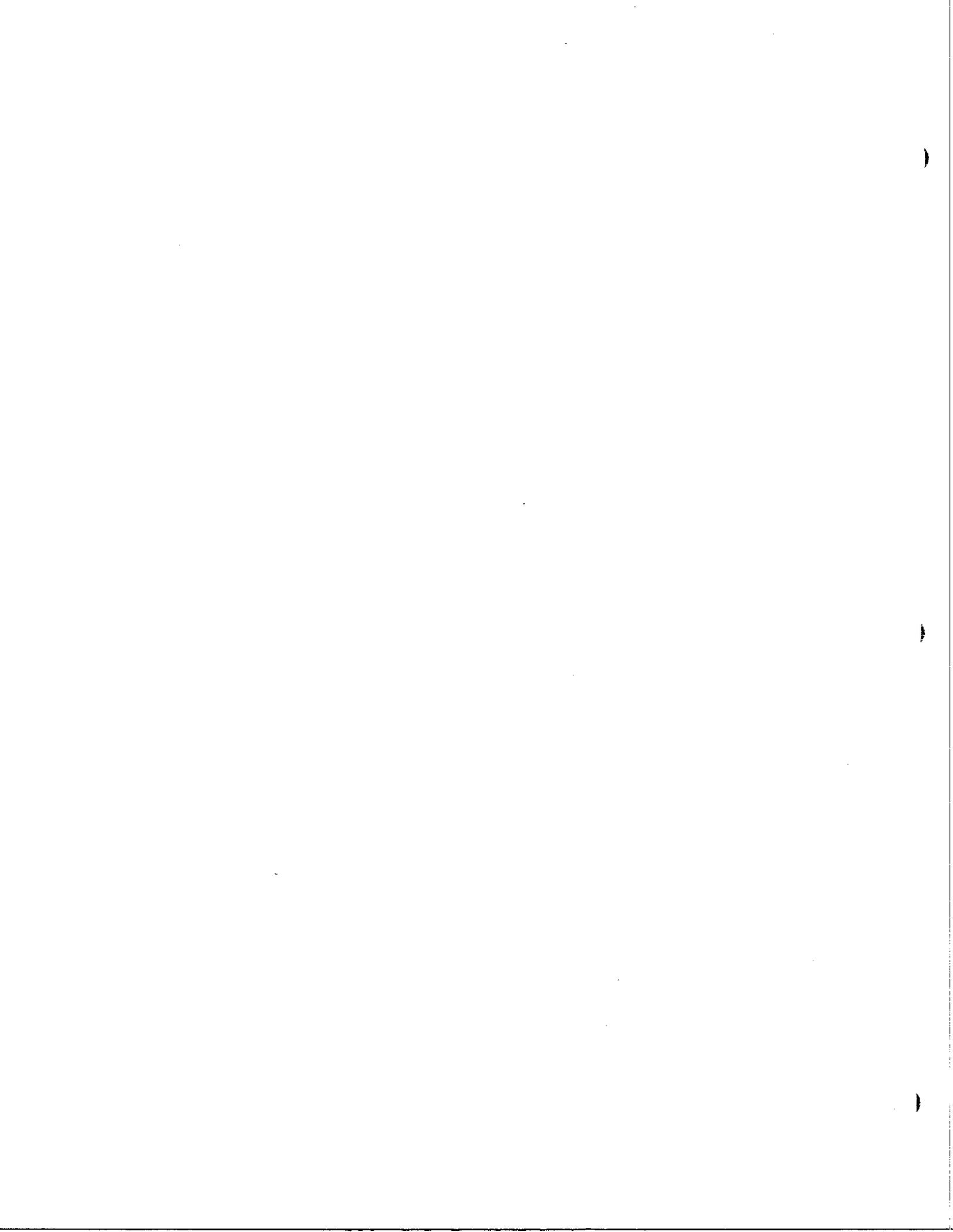
ACKNOWLEDGMENT OF UNDERSTANDING:

I acknowledge that I have been advised of the effects of my retirement application, the consequences of its official submission, and I am satisfied that all topics in this checklist have been adequately covered. I intend to request retirement 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 _____



MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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SUBJ/MCO 1900.16E CHANGE 3 MARINE CORPS SEPARATION AND RETIREMENT

/MANUAL//

REF/A/DOC/DODINST 1336.1//

RMKS/1. SUBPARAGRAPH 3012.4A, PAGE 3-20. DELETE "PER MCO P1400.32" AND REPLACE WITH "TIME SERVED IN THE CURRENT OR HIGHER GRADE OR TO SERVICE LIMITS, WHICHEVER OCCURS FIRST".

2. SUBPARAGRAPH 7004.3(2), PAGE 7-7. DELETE IN ITS ENTIRETY.

3. SUBPARAGRAPH 7004.5, PAGE 7-7. IN THE FIRST SENTENCE INSERT "OR TO SERVICE LIMITS, WHICHEVER OCCURS FIRST". "AFTER THE WORDS CURRENT GRADE".

4. SUBPARAGRAPH 7006.4A(1), PAGE 7-10. CHANGED TO READ "ENSURE THE REQUEST IS SUBMITTED 4 TO 14 MONTHS FROM THE EFFECTIVE DATE OF 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, PLUS THE DESIRED NUMBER OF DAYS OF LEAVE/PTAD. UNIT DIARY ENTRIES OUTSIDE THIS WINDOW WILL NOT PROCESS".

5. SUBPARAGRAPH 7006.6D PAGE, 7-11. DELETE "UNLESS THE PROMOTION IS DECLINED".

6. SUBPARAGRAPH 7006.7A, PAGE 7-12. DELETE IN THE FIRST SENTENCE, THE WORDS "OR CANCEL".

7. SUBPARAGRAPH 7006.7B, PAGE 7-12. DELETE THE WORDS "MODIFICATION/CANCELLATION" AND REPLACE WITH "MODIFICATION".

8. SUBPARAGRAPH 7006.7C, PAGE 7-12 DELETE THE WORDS, "IF SO, REQUEST CANCELLATION VICE MODIFICATION".

9. SUBPARAGRAPH 7006.7D, PAGE 7-12. DELETE IN IT'S ENTIRETY AND ADD "A MARINE WILL NOT BE AUTHORIZED SERVICE BEYOND ECFC SERVICE LIMITS TO MEET A REQUESTED MODIFICATION.

10. SUBPARAGRAPH 7006.7E, PAGE 7-12. DELETE THE WORD "CANCELLATIONS".

11. APPENDIX K, PAGE K-2, SUBPARAGRAPH 2A. DELETE IN ITS ENTIRETY.

12. APPENDIX K, PAGE K-2, SUBPARAGRAPH 2B, IN THE FIRST SENTENCE DELETE "AND COUNTS AS A FAILURE OF SELECTION SHOULD I LATER SUCCESSFULLY WITHDRAW THIS REQUEST".

13. APPENDIX K, PAGE K-2, SUBPARAGRAPH 3A, DELETE "TO ACCEPT AN ACTIVE DUTY PROMOTION THAT I WAS SELECTED FOR AND NOTIFIED OF AFTER I APPLIED FOR RETIREMENT".

14. APPENIDX K, PAGE K-3, SUBPARAGRAPH 3B, DELETE THE WORD "WITHDRAWAL".

15. APPENDIX K, PAGE K-3 SUBPARAGRAPH 4A. ~~DELETE IN ITS ENTIRETY.~~

ADD "(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 (MMSR/MMEA) 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.//
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FM CMC WASHINGTON DC//MM//
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MSGID/GENADMIN/CMC MMSR//

SUBJ/MCO 1900.16E CHANGE 2 MARINE CORPS SEPARATION AND RETIREMENT
/MANUEL//

REF/A/DODINST 1336.1//

AMPN/REF A IS CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY
(DD FORM 214/15 SERIES)//

RMKS/1. THIS CHANGE IS APPLICABLE TO ALL MARINE CORPS ACTIVITIES AND
IS EFFECTIVE IMMEDIATELY.

2. PARAGRAPH 1006.4, PAGE 1-21. DELETE "THE CMC (MMSR) WITH AN
INFORMATION COPY TO".

3. SUBPARAGRAPH 1202.2B(2), PAGE 1-48. AFTER THE WORDS "PERIOD OF",
INSERT THE WORDS "ACTIVE DUTY OR".

4. SUBPARAGRAPH 1202.3H, PAGE 1-49. REPLACE SUBPARAGRAPH H WITH "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 THE
REENLISTMENT CODES IN APPENDIX J FOR RECORD PURPOSES; E.G., PAGE 11
ENTRIES, DISCHARGE LETTERS, STATEMENTS OF SERVICE, AND MCTFS ENTRIES
IN ACCORDANCE WITH MCO P1080.40 (MCTFS PRIM)."

5. ADD SUBPARAGRAPH 1202.3I, PAGE 1-49, "I. RESERVE OFFICERS
RELEASED FROM A PERIOD OF LESS THAN 90 DAYS OF ACTIVE DUTY OR ACTIVE
DUTY FOR TRAINING."

6. ADD SUBPARAGRAPH 1202.4A(4), PAGE 1-50, "(4) FOR THOSE MARINES ON
TERMINAL LEAVE, A STATEMENT OF SERVICE (SOS) MAY BE USED AS AN
INTERIM WORKING DOCUMENT PRIOR TO THE ISSUANCE OF A DD FORM 214
WHICH, PER THE REF, CANNOT BE PRESENTED OR MAILED TO THE MARINE UNTIL
THE ACTUAL DATE OF SEPARATION. THE SOS WILL ALLOW 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)."

7. ADD PARAGRAPH 6210.9, PAGE 6-33, "9. PARTICIPATION IN
SUPREMACIST OR EXTREMIST ORGANIZATIONS OR ACTIVITIES.

A. PROCESSING FOR SEPARATION IS MANDATORY FOLLOWING THE FIRST
SUBSTANTIATED INCIDENT OF SERIOUS 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 PARAGRAPHS 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 PARAGRAPHS 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 PARAGRAPHS 6210.2, 6210.3, 6210.6, AND 6214 TO DETERMINE THE APPLICABILITY OF PARAGRAPHS 6303 AND 6304.
8. PARAGRAPH 6401.2, PAGE 6-87. REPLACE 6-2 WITH 6-3.
9. SECTION 6421, PAGE 6-106. CHANGE PARAGRAPH 5 TO PARAGRAPH 6 AND ADD NEW PARAGRAPH 5 TO READ AS FOLLOWS: "5. HIV-1. FOR VOLUNTARY SEPARATION FOR SERVICE MEMBERS WHO TEST POSITIVE FOR THE HIV-1 VIRUS REFER TO SECNAVINST 5300.30".
10. FIGURE 6-5, PAGE 6-108. REPLACE REF LINE WITH "REF: (A) MARCORSEPMAN, PAR 6405".
11. PARAGRAPH 8506.8, PAGE 8-38. CHANGE "MARINES" TO "OFFICERS".
12. APPENDIX B, PARAGRAPH 12, PAGE B-2, INSERT AFTER THE SECOND SENTENCE: "NOTE: WHEN ENTERING COMPUTED TIME, 30 DAYS CONVERTS TO 01 MONTH, 12 MONTHS CONVERTS TO 01 YEAR".
13. APPENDIX B, PARAGRAPHS 12C, 12D, AND 12E, PAGE B-2, WHERE EACH SUBPARAGRAPH SHOWS "YYMMDD" REPLACE WITH: "IN NUMBER OF YEARS, MONTHS, AND DAYS, E.G. 06 11 29"
14. APPENDIX B, PARAGRAPH 27, PAGE B-7. IN THE FIRST SENTENCE, AFTER THE WORDS "MARINE CORPS", ADD THE WORDS "OR MARINE CORPS RESERVE." IN THE SECOND SENTENCE, DELETE THE ACRONYM "IADT'S" AND INSERT THE WORDS "RESERVISTS RELEASED FROM IADT." IN THE THIRD SENTENCE, AFTER THE WORD "MARINES", INSERT THE WORDS "BOTH REGULAR AND RESERVE.
15. INDEX, PAGE INDEX-2. UNDER "COUNSELLING PRIOR TO SEPARTION:" DELETE "CONSOLIDATED LISTING OFFIGURE 1-3".//

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FM CMC WASHINGTON DC//MM//

TO MARADMIN

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UNCLAS //N01910//

MARADMIN 249/99

MSGID/GENADMIN/CMC WASHINGTON DC//

SUBJ/CH4 TO MCO P1900.16. MARINE CORPS SEPARATION AND

RETIREMENT MANUAL//

REF/A/DOC/18AUG95//

AMPN/REF A IS MARINE CORPS SEPARATION AND RETIREMENT MANUAL//

POC/L. HEEREN/HEAD, SEPS SECTION/MMSR-3/HQMC/TEL:DSN 278-9322

/TEL:(703) 784-9322//

RMKS/1. THIS MARADMIN CHANGES THE FIRST SENTENCE OF PARAGRAPH 6211.2, OF THE REFERENCE, (NEW ENTRANT DRUG AND ALCOHOL TESTING).

2. CHANGE THE FIRST SENTENCE TO READ "MEMBERS WHO TEST POSITIVE...SHALL BE PROCESSED FOR SEPARATION PER THE APPROPRIATE PROVISION OF PARAGRAPH 6204 (DEFECTIVE ENLISTMENT AND INDUCTION)." VICE THE CURRENT "MEMBERS WHO TEST POSITIVE...SHALL BE PROCESSED FOR SEPARATION PER PARAGRAPH 6204.2 (ERRONEOUS ENLISTMENT)."

3. THIS MARADMIN WILL BE INCLUDED IN FUTURE CHANGES TO THE REFERENCE.//

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