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CHAPTER 9

LEAVE AND LIBERTY

PART A: GENERAL

9000 SCOPE

1. This chapter contains detailed information and instructions for the administration of leave and liberty policies established by the Secretary of the Navy and paragraph 1050 Marine Corps Manual. Instructions for reporting and recording leave are set forth in paragraph 16090 and 15119.

9001 RESPONSIBILITY

1. Experience indicates that vacations and short periods of rest from duty provide benefits to health and welfare

which are necessary to the maintenance of maximum effectiveness. Therefore, persons authorized to grant leave and liberty as set forth in paragraph 9150 will establish and regulate quotas to provide for maximum utilization of leave and liberty consistent with workload and their responsibility for maintaining the degree of readiness required to accomplish the mission of their organization.

2. It is not intended that large leave balances be accrued for settlement upon separation or release from active duty. Taking of leave shall not be mandatory.

PART B: LEAVE ENTITLEMENT AND COMPUTATION

9050 ENTITLEMENT

1. Members of the Marine Corps and the Marine Corps Reserve on active duty earn leave at the rate of two and one-half calendar days for each month of active service, except that:

a. No leave can be earned for periods of less than 30 consecutive days of active duty or active duty for training with pay, or any period of active duty for training without pay.

b. No leave can be earned during periods of time lost. Although officers do not lose time for the types of absences set forth in paragraph 15111 they do not earn leave during such

a. This table will be used to determine leave earned from day of enlistment or entry on active duty to 30 June.

Date of month
entered active
duty during
current fis-
cal year

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
1-6 - - - - -	30	27½	25	22½	20	17½	15	12½	10	7½	5	2½
7-12 - - - - -	29½	27	24½	22	19½	17	14½	12	9½	7	4½	2
13-18 - - - - -	29	26½	24	21½	19	16½	14	11½	9	6½	4	1½
19-24 - - - - -	28½	26	23½	21	18½	16	13½	11	8½	6	3½	1
25-31 - - - - -	28	25½	23	20½	18	15½	13	10½	8	5½	3	½

b. This table will be used to compute leave earned from 1 July to date of separation.

Date of month
of separation

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
1-6 - - - - -	½	3	5½	8	10½	13	15½	18	20½	23	25½	28
7-12 - - - - -	1	3½	6	8½	11	13½	16	18½	21	23½	26	28½
13-18 - - - - -	1½	4	6½	9	11½	14	16½	19	21½	24	26½	29
19-24 - - - - -	2	4½	7	9½	12	14½	17	19½	22	24½	27	29½
25-31 - - - - -	2½	5	7½	10	12½	15	17½	20	22½	25	27½	30

c. To compute either leave accruals or deductions for periods which neither start on 1 July nor end on 30 June, the above tables will be used in the following manner:

(1) For periods that start and end in the same fiscal year (leave year), these three steps are necessary:

(a) Step One. Use the table in subparagraph b, above, to determine

absences. (See paragraph 15111 for instructions on computing time lost and paragraph 15119 for method of recording leave deductions due to absence.)

c. No leave can be earned while in an authorized leave status without pay.

9051 COMPUTATION

1. Leave is accounted for on a fiscal year basis (1 July to 30 June). The following tables will be used as an aid in computing leave provided that utilization of such tables does not result in any individual receiving more than two and one-half days' leave credit for each actual month of service.

the amount of leave that can be accrued from 1 July, the start of the fiscal year, through the last day of the period involved.

(b) Step Two. Use the table in subparagraph b, above, to determine the amount of leave that can be accrued from 1 July, the start of the fiscal year, through the day immediately preceding commencement of the period involved.

(c) Step Three. Subtract the amount obtained in step two from the amount obtained in step one; this will be the leave accrual or deduction for the period involved.

(d) Examples

1. Assume that we wish to determine leave accrual for the period 25 August to 16 November 1962, inclusive. Using the table in subparagraph b, we first determine that $11\frac{1}{2}$ days can be accrued for the period 1 July to 16 November, inclusive. Next, we find from the table that $4\frac{1}{2}$ days' leave can be accrued for the period 1 July through 24 August, the day immediately preceding commencement of the period involved. Then, subtracting $4\frac{1}{2}$ from $11\frac{1}{2}$ days we find that the proper accrual for the period 25 August through 16 November is 7 days.

2. Assume that we wish to determine the proper leave deduction for a period of nonaccrual, 1 February 1962 to 2 March 1962, inclusive. Using the table in subparagraph b, above, we first determine that $20\frac{1}{2}$ days can be accrued for the period 1 July to 2 March inclusive. Next, we find from the table that $17\frac{1}{2}$ days' leave can be accrued for the period 1 July through 31 January, the day immediately preceding commencement of the period involved. Then, subtracting $17\frac{1}{2}$ from $20\frac{1}{2}$ we find that 3 days is the proper leave deduction for the period 1 February through 2 March.

(2) For periods that start in one fiscal year (leave year) and end in the next fiscal year, these three steps are necessary:

(a) Step One. Use the table in subparagraph a, above, to determine the amount of leave that can be accrued from the first day of the period involved to the end of the first fiscal year involved in the computation.

(b) Step Two. Use the table shown in subparagraph b, above, to

determine the amount of leave that can be accrued from the start of the final fiscal year under consideration through the last day of the period involved.

(c) Step Three. Add the amounts obtained in steps one and two to determine the total accrual for the period involved.

(d) Example. Assume that we wish to determine the proper leave deduction or accrual for the period 22 February 1961 to 19 July 1961, inclusive. Using the table in subparagraph a, above, we find that 11 days' leave can be accrued for the period 22 February 1961 to 30 June 1961. Next, using the table in subparagraph b, above, we find that 2 days' leave can be accrued for the period 1 July to 19 July 1961, inclusive. Addition of the amounts obtained by the first two steps indicates that 13 days is the total amount of leave that can be earned or deducted for the period 22 February 1961 to 19 July 1961, inclusive.

d. The following table will be used to compute accruals and deductions of leave for periods within one specific calendar month. This table will not be used for computations involving more than one month.

Number of days' leave or time lost	Leave accrual or deduction
1-6	$\frac{1}{2}$ day
7-12	1 day
13-18	$1\frac{1}{2}$ days
19-24	2 days
25-31	$2\frac{1}{2}$ days

9052 LIMITATION

1. Accrued leave balances must be reduced to 60 days on the following occasions, as of the first day of the fiscal year or upon separation or release from active duty, whichever occurs first. Leave which has been lost at the beginning of the fiscal year or upon separation or release from active duty is irrevocably lost and may not be taken as leave or compensated for in cash.

9053 DAY OF DEPARTURE

1. The calendar day of departure from duty station is a day of duty.

9054 DAY OF RETURN

1. If return is after the beginning of working hours on shore station, or after the hour of 0900 aboard ship, the calendar day of return is a day of leave. If return is before the beginning of working hours, or before the hour of 0900 aboard ship, the calendar day of return is a day of duty.

9055 LEAVE INTERRUPTED BY HOSPITALIZATION

1. Personnel hospitalized while on leave will not be charged with leave for the period of hospitalization. Day of admission and day of discharge from hospital, as well as intervening dates, will be days of hospitalization regardless of hour of admission or release.

2. Any person who is hospitalized while in a leave status shall report his status and request instructions from his commander. Upon release from hospitalization, personnel shall revert to a leave status unless otherwise ordered. Reversion to leave status and leave address shall be reported to his commander, preferably by telegram, upon release from the hospital. The pertinent section of the leave form (NAVMC 3-PD Revised 4-51) must be completed by proper authority to verify hospitalization. If hospitalized while on leave in conjunction with change of station or temporary additional duty orders, an endorsement of such orders showing period of hospitalization is required.

9056 LEAVE INTERRUPTED BY TEMPORARY ADDITIONAL DUTY AND TEMPORARY DUTY

1. When personnel are ordered to temporary additional duty or temporary duty while on leave or delay counted as leave, the period of temporary duty

or temporary additional duty plus travel time, if required, will not be counted as leave.

2. Unless directed otherwise, personnel ordered to temporary additional duty while on leave or to temporary duty while on delay, revert to leave or delay status at their leave address upon the completion of such duty and travel, if any is involved.

3. Personnel ordered to temporary additional duty or temporary duty as set forth above will endorse their orders to indicate the date and hour of departure from and return to their leave address.

9057 EMERGENCY LEAVE INVOLVING TRAVEL OUTSIDE THE CONTINENTAL UNITED STATES

1. The following shall apply in computing leave in the case of personnel authorized emergency leave involving travel outside the continental United States:

a. Emergency leave to visit continental United States commences on the date of departure for leave destination from the port, or aerial port, of debarkation within the continental United States. Return to duty status commences when the individual reports to the port, or aerial port, of embarkation within the continental United States for return to duty outside the continental United States.

b. Emergency leave to visit an area other than the continental United States will commence upon the individual's departure from the port, or aerial port, of debarkation in the area of the emergency. Emergency leave will terminate upon return to such port, or aerial port, or other designated station. Leave will also be charged for all travel performed in the continental United States.

c. Ordinarily, the periods to be charged as leave in case of emergency

leave involving travel outside the United States will be determined by the endorsements on leave authorization forms or travel orders. However, when it is impossible or impracticable to obtain such endorsements, members will furnish a certificate showing complete itinerary, including dates, hours, and places of all departures and arrivals.

2. For the purpose of computing emergency leave in accordance with subparagraph 1, above, the continental United States is defined as the United States less Alaska and Hawaii.

9058 ABSENCE PENDING ACTION ON DISABILITY RETIREMENT

1. When personnel are ordered home pending action on disability retirement proceedings, the time awaiting orders will be charged against accrued leave. If the period awaiting orders is greater than the accrued leave, the difference will be dropped; it will not be charged as excess leave.

9059 ABSENCES EXCUSED AS UNAVOIDABLE

1. Absence Over Leave. A period of absence over leave, if excused as unavoidable, will be charged to leave.

2. Absence Without Leave. A period of absence without leave, if excused as unavoidable, will be charged to leave.

3. Absence Over Liberty. A period of absence over liberty, if excused as unavoidable, will be charged to leave. Moreover, if the excused period plus the period of the authorized liberty total more than 72 hours, the entire period will be converted to leave.

4. Exception. As an exception to above policies, commanders may waive any charge to leave for absences they excuse as unavoidable due to mental incapacity or detention by civil authorities.

PART C: DEFINITIONS

9100 LEAVE

1. Leave is the authorized absence of an individual from a place of duty, chargeable against the individual in accordance with regulations prescribed by the Secretary of the Navy.

9101 LIBERTY

1. Liberty is the authorized absence of an individual from a place of duty not chargeable as leave.

9102 ACCRUED LEAVE

1. Accrued leave is the term used to describe the amount of leave accumulated to the individual's credit.

9103 ADVANCE LEAVE

1. Advance leave is leave granted to a service member with pay and allowances prior to its accrual.

9104 EXCESS LEAVE

1. Excess leave is authorized leave over and beyond any accrued or advanced leave that can be granted. Personnel are not entitled to pay and allowances, including leave accrual, during periods of excess leave. In addition, the term "excess leave" is used to describe a minus balance of leave at the time of separation, reenlistment, or extension of enlistment.

9105 SICK LEAVE

1. Sick leave is the term used to describe a period of authorized absence granted personnel while under medical care and treatment. Such leave is considered to be a part of the period of medical care and treatment and therefore is not chargeable as leave.

9106 GRADUATION LEAVE

1. Graduation leave is the term used to describe a period of authorized absence granted as delay in reporting to the first duty station in the case of graduates of a service academy who are appointed commissioned officers in the Armed Forces. Graduation leave is not chargeable as leave.

9107 EMERGENCY LEAVE

1. Emergency leave is absence from duty granted for humanitarian reasons. That is, to enable a Marine to take care of an unusual or serious problem affecting him or a member of his immediate family. Emergency leave is chargeable as leave.

9108 REENLISTMENT LEAVE

1. Reenlistment leave is leave granted as an incentive to reenlistment. Such leave is chargeable.

PART D: GRANTING OF LEAVE AND LIBERTY

9150 AUTHORITY

1. Subject to any restrictions and instructions established by higher authority and this manual, liberty, leave, and extensions of leave may be granted or canceled by:

a. The Commandant of the Marine Corps

b. Commanding Generals

c. Commander, Marine Air Reserve Training

d. Commanding Officers

e. Directors, Marine Corps Districts

f. Officers in Charge of Recruiting Stations

g. Inspector-Instructors

h. Any officer or noncommissioned officer authorized by the Commandant of the Marine Corps.

2. Officers and noncommissioned officers authorized to grant leave and liberty, as designated in the above subparagraphs, may also grant leave and liberty to Navy personnel under their command or in their charge.

3. Commanding officers of ships, and commanding officers or officer in charge of naval shore stations having Marine detachments assigned thereto, may grant leave and liberty to the Marine personnel of the detachment or delegate the authority to do so to the detachment commander.

4. Any of the officers authorized to grant leave and liberty, as designated in the above subparagraphs, may authorize subordinates to grant leave and/or liberty to Marines or Navy personnel temporarily placed under their command or in their charge.

9151 GUIDES AND LIMITATIONS IN THE GRANTING OF LEAVE

1. General. No period of routine vacation from duty shall exceed 60 days.

Moreover, routine leave may not be granted to exceed a total of 60 days in any fiscal year.

2. Advance Leave. Advance leave may be granted in an amount not to exceed 45 days provided that the number of days granted does not exceed that which would normally be earned by the member during the remaining period of his obligated active duty. For this purpose, leave that may be earned due to extension of enlistment will not be advanced prior to the effective date of such extension. Requests for advance leave of greater duration will be forwarded to the Commandant of the Marine Corps.

3. Emergency Leave

a. Up to 105 days accrued and advance leave may be granted as emergency leave when the individual has already accrued 60 days leave. When the amount of accrued leave is less than 60 days, the period which may be authorized will be correspondingly less. Requests for leave or extensions thereof of greater duration granted under this subparagraph will be referred to the Commandant of the Marine Corps (Code DN).

b. Excess leave may be used for emergency leave provided that the aggregate leave granted (regular + advance + excess) does not total more than 60 days. Requests for excess leave of greater duration will be forwarded to the Commandant of the Marine Corps.

c. Emergency return to the United States on an individual basis will normally be authorized in the following circumstances which must be verified by appropriate means:

(1) Upon death of a member of the Marine's immediate family; i.e., father, mother, person standing in loco parentis, spouse, children, brother, sister, or any only living relative.

(2) When the return of the Marine will contribute to the welfare of a dying member of his immediate family (see subpar. c(1), above).

(3) When due to any serious illness or accident to a member of the immediate family (see subparagraph c(1), above), important responsibilities are placed upon the member which cannot be performed by anyone else or by other means and which cannot be accomplished from his duty station.

(4) When failure of the member to return home would create a serious and unusual hardship on either himself or his family.

d. The basis for granting emergency leave within the United States will be the same as the basis for granting emergency return to the United States as stated in subparagraph c, above.

e. When emergency leave is granted, instructions will be given personnel prior to departure that any application for extension must be made to their commander.

4. Reenlistment Leave. Personnel may be granted reenlistment leave within the following limitations:

a. Only one period of reenlistment leave may be granted during an enlistment.

b. Reenlistment leave should be granted immediately following reenlistment. When not granted immediately, reenlistment leave may be granted at any time during an enlistment subject to exigencies of the service.

c. For those who reenlist on the day following discharge, reenlistment leave may consist of accrued leave carried over from the previous enlistment plus 30 days advance leave. Such a combination of leave shall not exceed 90 days.

d. For those who reenlist two or more days, excluding Sundays and holidays, following the day of discharge 30 days leave may be granted as reenlistment leave.

5. Sick Leave

a. Only the Commandant of the Marine Corps may grant sick leave when recommended by the Bureau of Medicine and Surgery in action taken on report of a Board of Medical Survey, a Clinical Board, or on findings of a Physical Evaluation Board. When a Marine is released from the hospital and sick leave is recommended, a request will be submitted to the Commandant of the Marine Corps (Code DF) for authority to grant such leave.

b. Commanding officers of service hospitals within the United States inclusive of Hawaii and Alaska may grant up to 30 days sick leave to personnel while they are on the sick list in that hospital.

c. Managers of Veterans' Administration hospitals may grant sick leave to Marines while they are patients in such hospitals.

d. The Commandant of the Marine Corps may grant sick leave to repatriated prisoners of war upon their return to the United States with or without reference to a board, or a physical evaluation board.

6. Leave to Await Results of Appellate Review

a. Personnel who have been sentenced to a punitive discharge or dismissal by court-martial may be granted indefinite periods of leave pending completion of appellate review.

b. When such leave is granted, it may be terminated at any time by the authority granting the leave or superior authority by written notification to the member concerned.

c. Before leave to await result of appellate review can be granted, the following conditions must exist:

(1) The member is not sentenced to confinement or the member's confinement has been completed.

(2) The member has requested such leave in writing.

(3) If the individual is an enlisted member, the Court-Martial Progress Report (NAVPERS 3047) has been submitted and the member has either executed a Waiver of Restoration (NAVPERS 3049) or has requested and been denied suspension of his punitive discharge or restoration to duty.

d. Leave granted in accordance with subparagraph a, above, will be charged to accrued leave to the extent available. In addition, excess leave may be granted. The individual will not receive pay and allowances for the portion granted as excess leave.

e. Leave to await appellate review will be granted by means of individual orders containing explicit instructions. Two copies of the orders will be signed by the individual concerned acknowledging instructions and receipt thereof, and his signature will be witnessed immediately for retention on file.

f. Prior to departure, the commander will ensure that the Marine has been:

(1) Physically examined in accordance with the requirements of chapter 15 of the Manual for the Medical Department. Such physical examination is to be made in lieu of the examination required to be given enlisted personnel within 72 hours of discharge.

(2) Required to surrender all government property in his possession or on charge to him.

(3) Informed that while on such leave he remains subject to orders of competent military authority and that he shall keep his commander informed of a change of leave address. In addition, it should be made clear that in the event the punitive discharge or dismissal is not approved, he may be ordered to return to his organization for a rehearing or other disposition of the case.

(4) Informed in writing that upon completion of appellate review, copies of the decision of the appellate tribunals and any action taken thereon shall be forwarded to him at his leave address. It should be made clear that in the event punitive discharge or dismissal is affirmed and clemency action has been completed, separation processing may be completed without requiring his presence. Appropriate discharge papers, including a check for such amount as may be due him, if any, shall be forwarded to his leave address.

7. Leave as Delay upon Transfer

a. Leave may be granted to officers as delay en route upon permanent change of station. Such leave will be authorized by the Commandant of the Marine Corps. The commander will grant the maximum amount of delay to count as leave authorized by the Commandant unless exigencies of the service require that he reduce it.

(1) Officers, when requesting extension of leave granted as delay en route, will apply by telegram to the Commandant of the Marine Corps. The message will include the reason for request, and a statement as to whether or not the requested extension would result in excess leave.

(2) For officer personnel granted leave to count as delay en route, endorsements of detaching orders will contain the leave address of the officer being detached. This address should be one where the officer plans to spend his leave or the address of an individual who will know the location of the officer at all times while the officer is in a delay status. A copy of the officer's orders with the endorsement will be forwarded promptly by the detaching command to the Commandant of the Marine Corps (Code DF) and to the officer's new duty station.

(3) While on delay counting as leave, all officers are required to keep the Commandant of the Marine Corps (Code DF) and their new duty stations informed of any changes to their leave address.

b. Leave may be granted to enlisted personnel as delay en route upon permanent change of station. Authorization for such leave will be included in the orders or endorsements thereto by the commander and may be in any amount to which the individual is entitled.

(1) Commanders granting leave to enlisted personnel to count as delay en route will include, in the orders or in endorsements thereto, the leave address and the number of days accrued leave standing to the credit of the individual after he has taken the leave so authorized.

(2) For enlisted personnel granted leave to count as delay en route, a copy of orders will be forwarded promptly to the command to which they are to report, by the commander delivering the orders.

(3) Enlisted personnel, when requesting extension of leave granted as delay en route, will apply by telegram direct to the command to which they are ordered to report, stating the reason for the request and the number of days of leave remaining to their credit as stated in their orders.

(4) While on delay counting as leave, all enlisted personnel are required to keep the command to which they are to report informed of any change in leave address.

c. Commands delivering orders to enlisted personnel who are ordered overseas, will afford them the opportunity of taking all their accrued leave prior to transfer or as delay en route to a staging command or port of embarkation.

8. Leave in Conjunction with Temporary Additional Duty (TAD)

a. Leave in conjunction with temporary additional duty may be granted only when specifically authorized by the Commandant of the Marine Corps. Authorization will be granted only in exceptional or unusual circumstances that must be explained when request for leave is submitted.

b. As an exception to the foregoing, leave in conjunction with TAD under instruction will be granted by leave granting authorities in accordance with the following:

(1) When the course or period of instruction is in excess of 2 weeks, leave may be granted at the discretion of the leave granting authority for such periods as he is authorized to grant.

(2) When the course or period of instruction is of 2-week duration or less, leave may be granted at the discretion of the leave granting authority for a period not exceeding the length of the course.

(3) Such leave may be granted while en route to or returning from place of TAD, or if specifically included in orders, both en route to and returning from TAD.

d. As a further exception to the provisions of subparagraph a, above, leave granting authorities may grant leave in conjunction with TAD to escort deceased Marine Corps personnel.

9. Leave while Awaiting Separation

a. Leave may be granted while awaiting separation, providing the individuals accounts have not been closed for settlement.

b. Leave will not be granted to personnel awaiting separation under other than honorable conditions except as indicated in paragraph 6, above.

10. Visits to the United States

a. Commanders of organizations stationed outside the continental United States may grant leave to return to the United States as follows:

(1) Emergency leave may be granted in accordance with paragraph 3, above.

(2) Reenlistment leave may be granted when the Marine reenlists for the purpose of prolonging present overseas tour. If not taken immediately upon reenlistment, reenlistment leave

may not be authorized until completion of overseas tour of duty.

(3) When leave would be lost if not taken during current overseas tour.

(4) When the circumstances of the case are such that the commander deems the leave to be warranted and the service of the individual can be spared.

(5) Additional administrative requirements are contained in subparagraphs 9201.1, 9202.1, 9203.1 and 9204.1 and 2.

(6) Refer to subparagraph 9057.2 for definition of continental United States.

11. Visits Outside the United States

a. Written permission by the Commandant of the Marine Corps is required for visits on leave to areas outside the United States except as indicated below. Requests for such permission will list each country to be visited. Civilian clothing will be worn during the period while visiting or traveling in such areas.

b. Permission from the Commandant of the Marine Corps is not required for unofficial visits while on leave to Puerto Rico, the Virgin Islands, Bahamas, Bermuda, Jamaica, Canada, Mexico, the Canal Zone, and Guam. Civilian clothing will be worn while on leave in these areas unless such wear conflicts with area uniform regulations.

c. In the event passports are required for entry into the area to be visited while on leave, they will be obtained by the traveler.

d. Additional administrative requirements are contained in subparagraphs 9201.1, 9202.1 and 9204.1 and 2.

9152 GUIDES AND LIMITATIONS IN THE GRANTING OF LIBERTY

1. Limitation. Liberty may not be granted in conjunction with leave.

2. Overnight Liberty. Liberty may be granted from the end of normal working hours until the commencement of working hours on the following day.

3. Weekend Liberty. Liberty may be granted on Friday or Saturday from such time as the commander determines until the commencement of working hours on Monday morning.

4. Forty-eight Hour Liberty. Liberty may be granted at any time for 48 hours or less. Moreover, liberty granted for 48 hours which expires between the hours of 1600 and midnight may be extended to 0800 the next day.

5. Seventy-two Hour Liberty. A 48-hour period of liberty may be extended to 72 hours by the commander if the period will include a legal holiday, as prescribed in the U.S. Navy Regulations, article 2186, or a holiday which is authorized by the President or the Secretary of the Navy. When 72-hour liberty is granted, an extension similar to that permitted by paragraph 4, above, may also be applied.

6. Ninety-six Hour Liberty. When specifically authorized by the Commandant of the Marine Corps, commanders may grant liberty for periods up to 96 hours provided that the days of Saturday and Sunday are both included in such liberty. 96-hour liberty may not be extended in the manner provided by paragraph 4, above, since, in no event, may liberty exceed a total of 96 hours. Current Marine Corps directives will specify the commands authorized to grant 96-hour liberty.

7. Travel Limits for Liberty

a. Liberty includes permission to leave the duty station, but it does not include permission to leave the general vicinity of the post or station. The general vicinity of the duty station is defined as being any point at such distance from the duty station to which personnel may normally travel and return during the period of liberty granted by using the usual means of commercial transportation, excluding air.

b. In special circumstances, commands may authorize personnel to travel beyond normal liberty limits

by issuing a Liberty Request/Out of Bounds Pass (NAVMC 10471-PD (4-60)).

8. Liberty lists will be maintained through the use of NAVMC 10472-PD.

9153 COMMAND RESPONSIBILITY

1. When commanders grant leave to attached personnel, they must provide

the parent unit a timely and accurate report of leave taken.

9154 PERSONAL RESPONSIBILITY

1. It is the personal responsibility of all personnel to keep themselves informed as to the number of days leave they have earned. This must be done in order that they may keep requests for leave within amounts to which entitled.

PART E: MISCELLANEOUS ADMINISTRATIVE REQUIREMENTS

9200 REGULATION PUBLICATION

1. All commands will publish leave and liberty regulations in local orders.

9201 INSTRUCTIONS TO BE INCLUDED IN LOCAL LEAVE AND LIBERTY REGULATIONS

1. Commanders will include the following instructions in their leave and liberty regulations:

a. Military police, air police and shore patrols of the Armed Forces and all officers, warrant officers, petty officers, and noncommissioned officers are authorized to take preventive or corrective measures, including apprehension if necessary, in the case of any member of the Armed Forces who commits a breach of the peace, disorderly conduct, or any other offense which reflects discredit upon the services. Personnel so apprehended will be returned to the jurisdiction of their respective services as soon as possible.

b. Personnel on leave or liberty must understand that this authority has its foundation in law and that they are required to conduct themselves accordingly. Those exercising such authority are enjoined to do so with judgment and tact. Particularly, apprehension should not be resorted to where corrective measures will suffice.

9202 RESPONSIBILITY FOR RETURN FROM LEAVE

1. Leave is granted under the condition that the individual can return to duty upon termination of leave at the place and time specified in the authorization. Before authorizing leave, leave granting authorities must ascertain that personnel going on leave have sufficient funds to reach their leave address as well as for returning to their duty station. In addition, prior to leaving, personnel should be advised that they may, when circumstances require, request assistance in obtaining return transportation at any service

installation. Cost of such transportation will be checked against their accounts. It also should be made clear to personnel that such requests for assistance in returning from leave will be investigated, and that despite checkage of their account, they may still be liable to disciplinary action for failure to comply with such instructions as may be issued on the subject by the officer granting the leave. Thorough instructions in these responsibilities will be given to personnel granted authority to visit areas inside the United States or outside the United States in accordance with subparagraph 9151.10 and 11; to record the individual's acknowledgment of awareness of the extra costs involved, his responsibility to obtain transportation, and that his leave commences and expires at his duty station, the following certificate will be placed on the reverse of the leave authorization.

" CERTIFICATE:

I have sufficient funds for expenses and round trip commercial transportation, and will not rely on the availability of space available government transportation even though it may be made available to me.

I understand that this leave commences at my duty station and that it expires at my duty station. Also it is clear that I am required to report for duty at my duty station upon expiration of leave and that failure to do so may make me subject to disciplinary action under the Uniform Code of Military Justice, 10 U.S.C. 801-940.

(Signature)

9203 SPECIAL INSTRUCTIONS REGARDING HUMANITARIAN TRANSFER

1. Personnel returning to the United States on emergency leave will be given written instructions as to the proper procedure for submitting requests for humanitarian transfer. Such instructions shall indicate that requests

may be submitted direct to the Commandant of the Marine Corps should the circumstances warrant and that personnel should contact the nearest Marine Corps activity for assistance in preparing such requests. (See par. 4150.)

9204 LEAVE AUTHORIZATION

1. Leave Authorization (NAVMC 3-PD) is prescribed as standard for requesting leave as well as authorizing leave and will be used in all instances for officer and enlisted personnel, except:

a. For emergency leave granted for the purpose of visiting within the United States while on foreign duty, in which case travel orders including leave authorization will be used. These travel orders will include: The balance of leave accrued; instructions to report to the Marine Corps activity nearest the port of entry prior to commencing leave and at the expiration of such leave; a requirement that any request for extension shall be made to the leave granting authority.

b. For delay en route to count as leave upon transfer, in which case change of station travel orders including leave authorization will be used.

c. For leave in conjunction with temporary additional duty, in which case leave authorization will be included in the orders or endorsements thereto.

2. The instructions contained on the reverse of the Leave Authorization form, NAVMC 3-PD, constitute the conditions under which leave is granted. Prior to approval, commanders will ensure that personnel requesting leave have read the instructions and understand their requirements.

9205 LIBERTY PASSES

1. Officers and noncommissioned officers in pay grade E-5 and above will not be issued liberty passes except when under liberty regulations of another service that require passes. Identification Card (DD Form 2MC) will suffice.

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2. Enlisted Marines in pay grade E-4 and below will be provided with an Armed Forces Liberty Pass (DD Form 345) prior to departing on liberty. This liberty pass will not be issued for use in conjunction with leave or while absent from station on official duty.

3. It will be the responsibility of each individual issued a liberty pass to have his own pass in his possession during the period of his authorized absence from station on liberty. Except when in the execution of his duties, no enlisted Marine will at any time, have in his possession a liberty pass issued for another individual, or one which has been altered, or which is unsigned by the appropriate officer of his unit authorized to sign as issuing officer.

4. The liberty pass form will be completed as indicated except that:

a. The space titled "Card No." may be used at the option of the commander.

b. The space titled "Time Limits" will have inserted the word "None" unless the commander desires the insertion of a specific time limitation.

c. The reverse side of the pass may be used by local commands for the entry of any additional information required by local conditions.

9206 LIBERTY REQUESTS/OUT OF BOUNDS PASS

1. Liberty Requests/Out of Bounds Pass (NAVMC 10471-PD (4-60)) will be issued to personnel authorized to leave the general vicinity of post and stations during liberty hours and for special liberty.

9207 SPECIAL PASSES

1. When deemed appropriate, commanders granting liberty may require use of special passes for visits while on liberty in foreign countries listed in subparagraph 9151.11b which are contiguous to local liberty areas.

PART F: TRAVEL AND TRANSPORTATION IN CONJUNCTION WITH LEAVE

9250 TRAVEL TIME

1. No travel time will be granted in conjunction with leave. In the case of delay to count as leave, the travel time involved is related to the change of station and not the leave.

9251 TRANSPORTATION

1. General. Transportation costs and expenses for leave are not payable by the government, except as indicated below.

2. Emergency Leave

a. Transportation for emergency leave from overseas may be authorized at government expense via Military Air Transport Service or Military Sea Transportation Service.

b. When transportation is authorized in accordance with subparagraph a, above, it will be on a space requirement basis, cost of fares for which will be paid by appropriated funds. The appropriation chargeable will be that which supports the temporary additional duty travel of the command to which the member is attached.

c. The procurement of commercial transportation inside or outside the United States is not authorized at government expense for emergency travel. However, the use of other government transportation such as aircraft or fleet units, for which there are no applicable charges, are not precluded for emergency leave travel.

PART G: SETTLEMENTS FOR UNUSED LEAVE

9300 GENERAL

1. Settlements for unused leave for personnel will be made in accordance with this paragraph and instructions contained in the Navy Comptroller Manual, chapter 4, volume 4.

2. The term "separated" as used in this paragraph means:

a. Discharged, or discharged as a result of resignation.

b. Released from a period of active duty or active duty for training of 30 or more consecutive days.

c. Transferred or returned to inactive status in the Fleet Marine Corps Reserve.

d. Transferred or returned to inactive status on the retired list.

▶ e. First voluntary extension of enlistment.

3. Cash settlements for unused leave may be made to living members or living former members of the Marine Corps. Cash settlements may also be made to the survivors of a deceased member or former member if death occurs after separation without receipt of compensation due.

4. Members of the Marine Corps separated under conditions other than honorable forfeit all unused leave at the time of separation.

5. If the total accrued, advance, or excess leave upon separation includes a fraction of a day, settlement shall be made on a whole day basis. For example, one and one-half days excess leave will be checked as 2 days.

▶ 6. Advance leave will not result in a checkage for excess leave at the time of change in status where the carrying forward of the leave balance to the new leave record is required; provided that such advance does not exceed the maximum advance leave permitted by current regulations. In all other cases; i.e., where the member has an option as to cash settlement or carrying for-

ward, advance leave existing at the time of separation or on the date prior to the effective date of a first voluntary extension of enlistment, will result in a checkage for excess leave. The member may not, however, elect to carry forward an advance (excess) leave balance.

9301 GUIDES FOR SETTLEMENTS

1. When personnel are separated from active duty, leave records will be closed and balanced to include the date of separation. Unless the leave balance is to be carried into a new status, the disbursing officer concerned will be advised of the number of days' unused leave that is to be compensated for in cash.

2. Personnel entering upon an immediate reenlistment may elect cash settlement for unused leave or carry over the balance of leave due, not to exceed 60 days, into the new enlistment. This provision also applies to Regular and Reserve personnel entering upon a first extension of enlistment.

3. Leave balances of personnel who undergo the following types of status change while remaining on active duty in the Marine Corps will be carried forward to their new records, and no cash settlements may be made:

a. Discharge prior to expiration of enlistment for purposes of immediate reenlistment.

b. Discharge of enlisted personnel to accept permanent commission or warrant.

c. Reversion from temporary commissioned or warrant officer to enlisted status.

d. Enlisted personnel accepting appointment to temporary commission or warrant.

▶ e. Second and subsequent extensions of enlistment.

4. Enlisted personnel receiving appointments as midshipmen or cadets and for whom enlistment is not terminated by reason of the acceptance of such appointment will receive settlement for unused leave as of the day

preceding the date of acceptance of the appointment.

5. Temporary officers whose appointments are terminated, and who are separated from active duty on the same day from their enlisted status, are entitled to a lump-sum settlement computed as if separation were made from officer status.

6. Officers of the Marine Corps or Marine Corps Reserve are not entitled to a lump-sum settlement upon transfer to the Army, Air Force, or Navy, or the Reserve components thereof.

9302 SETTLEMENTS INVOLVING TRAVEL

1. Subject to the provisions of the Navy Comptroller Manual, chapter 4, volume 4, the time to perform

travel home over the shortest usually traveled route will be included in computation of unused leave for:

a. Fleet Marine Corps reservists returned to inactive status.

b. Marine Corps Reserve enlisted personnel released to inactive status.

c. Marine Corps Reserve officers released from active duty.

d. Retired enlisted personnel released from active duty.

e. Retired officers relieved from active duty.

2. The date of separation is the constructive date of arrival home based on the travel time authorized by the individual's orders.

PART H: OFF-DUTY EMPLOYMENT

9350 CIVILIAN EMPLOYMENT

1. Title 10, U. S. Code, section 6114, contains the following rule of law: "Except as provided in section 6223 of this title, no enlisted member of the naval service on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession." This provision of law is interpreted as prohibiting commanding officers, either directly or indirectly, from requiring enlisted men on active duty to engage in private employment in competition with civilian labor, or permitting them to leave their posts of duty during working hours for such purpose. It imposes no requirement that commanding officers restrict personnel from engaging in civilian employment on their own volition while on leave or liberty, nor is such employment prohibited. As an exception, however, section 6223(b) of Title 10, U. S. Code, provides, "No member of the United States Marine Corps Band, as an individual, may furnish music in competition with any civilian musician or receive remuneration for furnishing music except under special circumstances when authorized by the President."

2. Subject to the limitations set forth herein, it is, in general, considered that Marine Corps personnel, whether officer or enlisted, should not be restrained from engaging in legitimate and ethical enterprise or employment during their off-duty hours. However, personnel on active duty are in a 24-hour duty status, and therefore, their military duties shall at all times take precedence on their time, talents, and attention.

3. Personnel shall not engage in any civilian employment which, by reason of the hours or nature of the work,

interferes with the proper and efficient performance of their military duties.

a. Personnel shall not engage in any civilian employment or enterprise:

(1) Which reflects discredit on the service.

(2) Which is unethical in view of the possible exercise of influence attending one's military position or otherwise.

(3) When such employment provides income direct from the United States Government which, when combined with service pay, exceeds the sum of \$2000 per annum (5 U.S.C. 58). This limitation is not applicable to employment for which compensation is paid to enlisted personnel from non-appropriated funds as in the case of off-duty employment at Marine exchanges, officers' messes and enlisted men's clubs.

b. Personnel shall not engage in any civilian employment for an organization involved in a strike or lockout. Personnel employed by a firm which becomes involved in a strike or lockout shall immediately cease such employment until the strike or lockout has ended.

c. Military personnel on active duty are prohibited from representing any commercial company for the solicitation and sale of life and automobile insurance, mutual funds, and other investment plans, commodities, and services on any installation, with or without compensation.

d. Military personnel who are engaged in off-duty, part-time employment are prohibited from personal commercial solicitation and sale to military personnel who are junior in grade or rank. This prohibition is applicable to activities on or off an installation, in or out of uniform, while on or off duty, and includes, but is not limited to the personal solicitation and sale of life and automobile

insurance, stocks, mutual funds, real estate or other commodities, goods, or services. As used in this subparagraph, "personal commercial solicitation" refers to those situations where a military member is employed as a sales agent on commission or salary, and contacts prospective purchasers suggesting they buy the commodity, real or intangible, that he is offering for sale. This prohibition is not applicable to the one-time sale of personal property or a privately-owned dwelling, or such authorized off-duty employment as a salesman in a department store, attendant in a service station, employee in a restaurant, etc. It is not the intent of this subparagraph to discourage the off-duty employment of military personnel, but it is the intent to eliminate any and all instances where it would appear that coercion, intimidation or pressure was used based on rank, grade or position.

e. Members of Marine Corps bands, as individuals, shall not engage, for remuneration, in civilian employment as a musician outside a military reservation.

f. Personnel shall not engage in civilian employment as law enforcement officers for a public police force. Civilian employment of personnel as security guards for a private civilian employer is permissible, provided it does not place the individual in a position analogous to that of a police officer. An analogous position would be any in which he is armed, wears a uniform similar in appearance to a police officer, and performs some or all of his duties in crowded public areas. In contrast, employment as a uniformed, armed guard at a gate, entrance or other locality not normally trafficked by the general public is not considered analogous or apparently analogous to duty as a police officer.

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CHAPTER 9

LEAVE AND LIBERTY

PART A: GENERAL

9000 SCOPE

1. This chapter contains detailed information and instructions for the administration of leave and liberty policies established by the Secretary of the Navy and paragraph 1050 Marine Corps Manual. Instructions for reporting and recording leave are set forth in paragraph 16090 and 15119.

9001 RESPONSIBILITY

1. Experience indicates that vacations and short periods of rest from duty provide benefits to health and welfare

which are necessary to the maintenance of maximum effectiveness. Therefore, persons authorized to grant leave and liberty as set forth in paragraph 9150 will establish and regulate quotas to provide for maximum utilization of leave and liberty consistent with workload and their responsibility for maintaining the degree of readiness required to accomplish the mission of their organization.

2. It is not intended that large leave balances be accrued for settlement upon separation or release from active duty. Taking of leave shall not be mandatory.

PART B: LEAVE ENTITLEMENT AND COMPUTATION

9050 ENTITLEMENT

1. Members of the Marine Corps and the Marine Corps Reserve on active duty earn leave at the rate of two and one-half calendar days for each month of active service, except that:

a. No leave can be earned for periods of less than 30 consecutive days of active duty or active duty for training with pay, or any period of active duty for training without pay.

b. No leave can be earned during periods of time lost. Although officers do not lose time for the types of absences set forth in paragraph 15111 they do not earn leave during such

a. This table will be used to determine leave earned from day of enlistment or entry on active duty to 30 June.

Date of month
entered active
duty during
current fis-
cal year

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
1-6 - - - - -	30	27½	25	22½	20	17½	15	12½	10	7½	5	2½
7-12 - - - - -	29½	27	24½	22	19½	17	14½	12	9½	7	4½	2
13-18 - - - - -	29	26½	24	21½	19	16½	14	11½	9	6½	4	1½
19-24 - - - - -	28½	26	23½	21	18½	16	13½	11	8½	6	3½	1
25-31 - - - - -	28	25½	23	20½	18	15½	13	10½	8	5½	3	½

b. This table will be used to compute leave earned from 1 July to date of separation.

Date of month
of separation

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
1-6 - - - - -	½	3	5½	8	10½	13	15½	18	20½	23	25½	28
7-12 - - - - -	1	3½	6	8½	11	13½	16	18½	21	23½	26	28½
13-18 - - - - -	1½	4	6½	9	11½	14	16½	19	21½	24	26½	29
19-24 - - - - -	2	4½	7	9½	12	14½	17	19½	22	24½	27	29½
25-31 - - - - -	2½	5	7½	10	12½	15	17½	20	22½	25	27½	30

c. To compute either leave accruals or deductions for periods which neither start on 1 July nor end on 30 June, the above tables will be used in the following manner:

(1) For periods that start and end in the same fiscal year (leave year), these three steps are necessary:

(a) Step One. Use the table in subparagraph b, above, to determine

absences. (See paragraph 15111 for instructions on computing time lost and paragraph 15119 for method of recording leave deductions due to absence.)

c. No leave can be earned while in an authorized leave status without pay.

9051 COMPUTATION

1. Leave is accounted for on a fiscal year basis (1 July to 30 June). The following tables will be used as an aid in computing leave provided that utilization of such tables does not result in any individual receiving more than two and one-half days' leave credit for each actual month of service.

the amount of leave that can be accrued from 1 July, the start of the fiscal year, through the last day of the period involved.

(b) Step Two. Use the table in subparagraph b, above, to determine the amount of leave that can be accrued from 1 July, the start of the fiscal year, through the day immediately preceding commencement of the period involved.

(c) Step Three. Subtract the amount obtained in step two from the amount obtained in step one; this will be the leave accrual or deduction for the period involved.

(d) Examples

1. Assume that we wish to determine leave accrual for the period 25 August to 16 November 1962, inclusive. Using the table in subparagraph b, we first determine that $11\frac{1}{2}$ days can be accrued for the period 1 July to 16 November, inclusive. Next, we find from the table that $4\frac{1}{2}$ days' leave can be accrued for the period 1 July through 24 August, the day immediately preceding commencement of the period involved. Then, subtracting $4\frac{1}{2}$ from $11\frac{1}{2}$ days we find that the proper accrual for the period 25 August through 16 November is 7 days.

2. Assume that we wish to determine the proper leave deduction for a period of nonaccrual, 1 February 1962 to 2 March 1962, inclusive. Using the table in subparagraph b, above, we first determine that $20\frac{1}{2}$ days can be accrued for the period 1 July to 2 March inclusive. Next, we find from the table that $17\frac{1}{2}$ days' leave can be accrued for the period 1 July through 31 January, the day immediately preceding commencement of the period involved. Then, subtracting $17\frac{1}{2}$ from $20\frac{1}{2}$ we find that 3 days is the proper leave deduction for the period 1 February through 2 March.

(2) For periods that start in one fiscal year (leave year) and end in the next fiscal year, these three steps are necessary:

(a) Step One. Use the table in subparagraph a, above, to determine the amount of leave that can be accrued from the first day of the period involved to the end of the first fiscal year involved in the computation.

(b) Step Two. Use the table shown in subparagraph b, above, to

determine the amount of leave that can be accrued from the start of the final fiscal year under consideration through the last day of the period involved.

(c) Step Three. Add the amounts obtained in steps one and two to determine the total accrual for the period involved.

(d) Example. Assume that we wish to determine the proper leave deduction or accrual for the period 22 February 1961 to 19 July 1961, inclusive. Using the table in subparagraph a, above, we find that 11 days' leave can be accrued for the period 22 February 1961 to 30 June 1961. Next, using the table in subparagraph b, above, we find that 2 days' leave can be accrued for the period 1 July to 19 July 1961, inclusive. Addition of the amounts obtained by the first two steps indicates that 13 days is the total amount of leave that can be earned or deducted for the period 22 February 1961 to 19 July 1961, inclusive.

d. The following table will be used to compute accruals and deductions of leave for periods within one specific calendar month. This table will not be used for computations involving more than one month.

Number of days' leave or time lost	Leave accrual or deduction
1-6	$\frac{1}{2}$ day
7-12	1 day
13-18	$1\frac{1}{2}$ days
19-24	2 days
25-31	$2\frac{1}{2}$ days

9052 LIMITATION

1. Accrued leave balances must be reduced to 60 days on the following occasions, as of the first day of the fiscal year or upon separation or release from active duty, whichever occurs first. Leave which has been lost at the beginning of the fiscal year or upon separation or release from active duty is irrevocably lost and may not be taken as leave or compensated for in cash.

9053 DAY OF DEPARTURE

1. The calendar day of departure from duty station is a day of duty.

9054 DAY OF RETURN

1. If return is after the beginning of working hours on shore station, or after the hour of 0900 aboard ship, the calendar day of return is a day of leave. If return is before the beginning of working hours, or before the hour of 0900 aboard ship, the calendar day of return is a day of duty.

9055 LEAVE INTERRUPTED BY HOSPITALIZATION

1. Personnel hospitalized while on leave will not be charged with leave for the period of hospitalization. Day of admission and day of discharge from hospital, as well as intervening dates, will be days of hospitalization regardless of hour of admission or release.

2. Any person who is hospitalized while in a leave status shall report his status and request instructions from his commander. Upon release from hospitalization, personnel shall revert to a leave status unless otherwise ordered. Reversion to leave status and leave address shall be reported to his commander, preferably by telegram, upon release from the hospital. The pertinent section of the leave form (NAVMC 3-PD Revised 4-51) must be completed by proper authority to verify hospitalization. If hospitalized while on leave in conjunction with change of station or temporary additional duty orders, an endorsement of such orders showing period of hospitalization is required.

9056 LEAVE INTERRUPTED BY TEMPORARY ADDITIONAL DUTY AND TEMPORARY DUTY

1. When personnel are ordered to temporary additional duty or temporary duty while on leave or delay counted as leave, the period of temporary duty

or temporary additional duty plus travel time, if required, will not be counted as leave.

2. Unless directed otherwise, personnel ordered to temporary additional duty while on leave or to temporary duty while on delay, revert to leave or delay status at their leave address upon the completion of such duty and travel, if any is involved.

3. Personnel ordered to temporary additional duty or temporary duty as set forth above will endorse their orders to indicate the date and hour of departure from and return to their leave address.

9057 EMERGENCY LEAVE INVOLVING TRAVEL OUTSIDE THE CONTINENTAL UNITED STATES

1. The following shall apply in computing leave in the case of personnel authorized emergency leave involving travel outside the continental United States:

a. Emergency leave to visit continental United States commences on the date of departure for leave destination from the port, or aerial port, of debarkation within the continental United States. Return to duty status commences when the individual reports to the port, or aerial port, of embarkation within the continental United States for return to duty outside the continental United States.

b. Emergency leave to visit an area other than the continental United States will commence upon the individual's departure from the port, or aerial port, of debarkation in the area of the emergency. Emergency leave will terminate upon return to such port, or aerial port, or other designated station. Leave will also be charged for all travel performed in the continental United States.

c. Ordinarily, the periods to be charged as leave in case of emergency

leave involving travel outside the United States will be determined by the endorsements on leave authorization forms or travel orders. However, when it is impossible or impracticable to obtain such endorsements, members will furnish a certificate showing complete itinerary, including dates, hours, and places of all departures and arrivals.

2. For the purpose of computing emergency leave in accordance with subparagraph 1, above, the continental United States is defined as the United States less Alaska and Hawaii.

9058 ABSENCE PENDING ACTION ON DISABILITY RETIREMENT

1. When personnel are ordered home pending action on disability retirement proceedings, the time awaiting orders will be charged against accrued leave. If the period awaiting orders is greater than the accrued leave, the difference will be dropped; it will not be charged as excess leave.

9059 ABSENCES EXCUSED AS UNAVOIDABLE

1. Absence Over Leave. A period of absence over leave, if excused as unavoidable, will be charged to leave.

2. Absence Without Leave. A period of absence without leave, if excused as unavoidable, will be charged to leave.

3. Absence Over Liberty. A period of absence over liberty, if excused as unavoidable, will be charged to leave. Moreover, if the excused period plus the period of the authorized liberty total more than 72 hours, the entire period will be converted to leave.

4. Exception. As an exception to above policies, commanders may waive any charge to leave for absences they excuse as unavoidable due to mental incapacity or detention by civil authorities.

PART C: DEFINITIONS

9100 LEAVE

1. Leave is the authorized absence of an individual from a place of duty, chargeable against the individual in accordance with regulations prescribed by the Secretary of the Navy.

9101 LIBERTY

1. Liberty is the authorized absence of an individual from a place of duty not chargeable as leave.

9102 ACCRUED LEAVE

1. Accrued leave is the term used to describe the amount of leave accumulated to the individual's credit.

9103 ADVANCE LEAVE

1. Advance leave is leave granted to a service member with pay and allowances prior to its accrual.

9104 EXCESS LEAVE

1. Excess leave is authorized leave over and beyond any accrued or advanced leave that can be granted. Personnel are not entitled to pay and allowances, including leave accrual, during periods of excess leave. In addition, the term "excess leave" is used to describe a minus balance of leave at the time of separation, reenlistment, or extension of enlistment.

9105 SICK LEAVE

1. Sick leave is the term used to describe a period of authorized absence granted personnel while under medical care and treatment. Such leave is considered to be a part of the period of medical care and treatment and therefore is not chargeable as leave.

9106 GRADUATION LEAVE

1. Graduation leave is the term used to describe a period of authorized absence granted as delay in reporting to the first duty station in the case of graduates of a service academy who are appointed commissioned officers in the Armed Forces. Graduation leave is not chargeable as leave.

9107 EMERGENCY LEAVE

1. Emergency leave is absence from duty granted for humanitarian reasons. That is, to enable a Marine to take care of an unusual or serious problem affecting him or a member of his immediate family. Emergency leave is chargeable as leave.

9108 REENLISTMENT LEAVE

1. Reenlistment leave is leave granted as an incentive to reenlistment. Such leave is chargeable.

PART D: GRANTING OF LEAVE AND LIBERTY

9150 AUTHORITY

1. Subject to any restrictions and instructions established by higher authority and this manual, liberty, leave, and extensions of leave may be granted or canceled by:

a. The Commandant of the Marine Corps

b. Commanding Generals

c. Commander, Marine Air Reserve Training

d. Commanding Officers

e. Directors, Marine Corps Districts

f. Officers in Charge of Recruiting Stations

g. Inspector-Instructors

h. Any officer or noncommissioned officer authorized by the Commandant of the Marine Corps.

2. Officers and noncommissioned officers authorized to grant leave and liberty, as designated in the above subparagraphs, may also grant leave and liberty to Navy personnel under their command or in their charge.

3. Commanding officers of ships, and commanding officers or officer in charge of naval shore stations having Marine detachments assigned thereto, may grant leave and liberty to the Marine personnel of the detachment or delegate the authority to do so to the detachment commander.

4. Any of the officers authorized to grant leave and liberty, as designated in the above subparagraphs, may authorize subordinates to grant leave and/or liberty to Marines or Navy personnel temporarily placed under their command or in their charge.

9151 GUIDES AND LIMITATIONS IN THE GRANTING OF LEAVE

1. General. No period of routine vacation from duty shall exceed 60 days.

Moreover, routine leave may not be granted to exceed a total of 60 days in any fiscal year.

2. Advance Leave. Advance leave may be granted in an amount not to exceed 45 days provided that the number of days granted does not exceed that which would normally be earned by the member during the remaining period of his obligated active duty. For this purpose, leave that may be earned due to extension of enlistment will not be advanced prior to the effective date of such extension. Requests for advance leave of greater duration will be forwarded to the Commandant of the Marine Corps.

3. Emergency Leave

a. Up to 105 days accrued and advance leave may be granted as emergency leave when the individual has already accrued 60 days leave. When the amount of accrued leave is less than 60 days, the period which may be authorized will be correspondingly less. Requests for leave or extensions thereof of greater duration granted under this subparagraph will be referred to the Commandant of the Marine Corps (Code DN).

b. Excess leave may be used for emergency leave provided that the aggregate leave granted (regular + advance + excess) does not total more than 60 days. Requests for excess leave of greater duration will be forwarded to the Commandant of the Marine Corps.

c. Emergency return to the United States on an individual basis will normally be authorized in the following circumstances which must be verified by appropriate means:

(1) Upon death of a member of the Marine's immediate family; i.e., father, mother, person standing in loco parentis, spouse, children, brother, sister, or any only living relative.

(2) When the return of the Marine will contribute to the welfare of a dying member of his immediate family (see subpar. c(1), above).

(3) When due to any serious illness or accident to a member of the immediate family (see subparagraph c(1), above), important responsibilities are placed upon the member which cannot be performed by anyone else or by other means and which cannot be accomplished from his duty station.

(4) When failure of the member to return home would create a serious and unusual hardship on either himself or his family.

d. The basis for granting emergency leave within the United States will be the same as the basis for granting emergency return to the United States as stated in subparagraph c, above.

e. When emergency leave is granted, instructions will be given personnel prior to departure that any application for extension must be made to their commander.

4. Reenlistment Leave. Personnel may be granted reenlistment leave within the following limitations:

a. Only one period of reenlistment leave may be granted during an enlistment.

b. Reenlistment leave should be granted immediately following reenlistment. When not granted immediately, reenlistment leave may be granted at any time during an enlistment subject to exigencies of the service.

c. For those who reenlist on the day following discharge, reenlistment leave may consist of accrued leave carried over from the previous enlistment plus 30 days advance leave. Such a combination of leave shall not exceed 90 days.

d. For those who reenlist two or more days, excluding Sundays and holidays, following the day of discharge 30 days leave may be granted as reenlistment leave.

5. Sick Leave

a. Only the Commandant of the Marine Corps may grant sick leave when recommended by the Bureau of Medicine and Surgery in action taken on report of a Board of Medical Survey, a Clinical Board, or on findings of a Physical Evaluation Board. When a Marine is released from the hospital and sick leave is recommended, a request will be submitted to the Commandant of the Marine Corps (Code DF) for authority to grant such leave.

b. Commanding officers of service hospitals within the United States inclusive of Hawaii and Alaska may grant up to 30 days sick leave to personnel while they are on the sick list in that hospital.

c. Managers of Veterans' Administration hospitals may grant sick leave to Marines while they are patients in such hospitals.

d. The Commandant of the Marine Corps may grant sick leave to repatriated prisoners of war upon their return to the United States with or without reference to a board, or a physical evaluation board.

6. Leave to Await Results of Appellate Review

a. Personnel who have been sentenced to a punitive discharge or dismissal by court-martial may be granted indefinite periods of leave pending completion of appellate review.

b. When such leave is granted, it may be terminated at any time by the authority granting the leave or superior authority by written notification to the member concerned.

c. Before leave to await result of appellate review can be granted, the following conditions must exist:

(1) The member is not sentenced to confinement or the member's confinement has been completed.

(2) The member has requested such leave in writing.

(3) If the individual is an enlisted member, the Court-Martial Progress Report (NAVPERS 3047) has been submitted and the member has either executed a Waiver of Restoration (NAVPERS 3049) or has requested and been denied suspension of his punitive discharge or restoration to duty.

d. Leave granted in accordance with subparagraph a, above, will be charged to accrued leave to the extent available. In addition, excess leave may be granted. The individual will not receive pay and allowances for the portion granted as excess leave.

e. Leave to await appellate review will be granted by means of individual orders containing explicit instructions. Two copies of the orders will be signed by the individual concerned acknowledging instructions and receipt thereof, and his signature will be witnessed immediately for retention on file.

f. Prior to departure, the commander will ensure that the Marine has been:

(1) Physically examined in accordance with the requirements of chapter 15 of the Manual for the Medical Department. Such physical examination is to be made in lieu of the examination required to be given enlisted personnel within 72 hours of discharge.

(2) Required to surrender all government property in his possession or on charge to him.

(3) Informed that while on such leave he remains subject to orders of competent military authority and that he shall keep his commander informed of a change of leave address. In addition, it should be made clear that in the event the punitive discharge or dismissal is not approved, he may be ordered to return to his organization for a rehearing or other disposition of the case.

(4) Informed in writing that upon completion of appellate review, copies of the decision of the appellate tribunals and any action taken thereon shall be forwarded to him at his leave address. It should be made clear that in the event punitive discharge or dismissal is affirmed and clemency action has been completed, separation processing may be completed without requiring his presence. Appropriate discharge papers, including a check for such amount as may be due him, if any, shall be forwarded to his leave address.

7. Leave as Delay upon Transfer

a. Leave may be granted to officers as delay en route upon permanent change of station. Such leave will be authorized by the Commandant of the Marine Corps. The commander will grant the maximum amount of delay to count as leave authorized by the Commandant unless exigencies of the service require that he reduce it.

(1) Officers, when requesting extension of leave granted as delay en route, will apply by telegram to the Commandant of the Marine Corps. The message will include the reason for request, and a statement as to whether or not the requested extension would result in excess leave.

(2) For officer personnel granted leave to count as delay en route, endorsements of detaching orders will contain the leave address of the officer being detached. This address should be one where the officer plans to spend his leave or the address of an individual who will know the location of the officer at all times while the officer is in a delay status. A copy of the officer's orders with the endorsement will be forwarded promptly by the detaching command to the Commandant of the Marine Corps (Code DF) and to the officer's new duty station.

(3) While on delay counting as leave, all officers are required to keep the Commandant of the Marine Corps (Code DF) and their new duty stations informed of any changes to their leave address.

b. Leave may be granted to enlisted personnel as delay en route upon permanent change of station. Authorization for such leave will be included in the orders or endorsements thereto by the commander and may be in any amount to which the individual is entitled.

(1) Commanders granting leave to enlisted personnel to count as delay en route will include, in the orders or in endorsements thereto, the leave address and the number of days accrued leave standing to the credit of the individual after he has taken the leave so authorized.

(2) For enlisted personnel granted leave to count as delay en route, a copy of orders will be forwarded promptly to the command to which they are to report, by the commander delivering the orders.

(3) Enlisted personnel, when requesting extension of leave granted as delay en route, will apply by telegram direct to the command to which they are ordered to report, stating the reason for the request and the number of days of leave remaining to their credit as stated in their orders.

(4) While on delay counting as leave, all enlisted personnel are required to keep the command to which they are to report informed of any change in leave address.

c. Commands delivering orders to enlisted personnel who are ordered overseas, will afford them the opportunity of taking all their accrued leave prior to transfer or as delay en route to a staging command or port of embarkation.

8. Leave in Conjunction with Temporary Additional Duty (TAD)

a. Leave in conjunction with temporary additional duty may be granted only when specifically authorized by the Commandant of the Marine Corps. Authorization will be granted only in exceptional or unusual circumstances that must be explained when request for leave is submitted.

b. As an exception to the foregoing, leave in conjunction with TAD under instruction will be granted by leave granting authorities in accordance with the following:

(1) When the course or period of instruction is in excess of 2 weeks, leave may be granted at the discretion of the leave granting authority for such periods as he is authorized to grant.

(2) When the course or period of instruction is of 2-week duration or less, leave may be granted at the discretion of the leave granting authority for a period not exceeding the length of the course.

(3) Such leave may be granted while en route to or returning from place of TAD, or if specifically included in orders, both en route to and returning from TAD.

d. As a further exception to the provisions of subparagraph a, above, leave granting authorities may grant leave in conjunction with TAD to escort deceased Marine Corps personnel.

9. Leave while Awaiting Separation

a. Leave may be granted while awaiting separation, providing the individuals accounts have not been closed for settlement.

b. Leave will not be granted to personnel awaiting separation under other than honorable conditions except as indicated in paragraph 6, above.

10. Visits to the United States

a. Commanders of organizations stationed outside the continental United States may grant leave to return to the United States as follows:

(1) Emergency leave may be granted in accordance with paragraph 3, above.

(2) Reenlistment leave may be granted when the Marine reenlists for the purpose of prolonging present overseas tour. If not taken immediately upon reenlistment, reenlistment leave

may not be authorized until completion of overseas tour of duty.

(3) When leave would be lost if not taken during current overseas tour.

(4) When the circumstances of the case are such that the commander deems the leave to be warranted and the service of the individual can be spared.

(5) Additional administrative requirements are contained in subparagraphs 9201.1, 9202.1, 9203.1 and 9204.1 and 2.

(6) Refer to subparagraph 9057.2 for definition of continental United States.

11. Visits Outside the United States

a. Written permission by the Commandant of the Marine Corps is required for visits on leave to areas outside the United States except as indicated below. Requests for such permission will list each country to be visited. Civilian clothing will be worn during the period while visiting or traveling in such areas.

b. Permission from the Commandant of the Marine Corps is not required for unofficial visits while on leave to Puerto Rico, the Virgin Islands, Bahamas, Bermuda, Jamaica, Canada, Mexico, the Canal Zone, and Guam. Civilian clothing will be worn while on leave in these areas unless such wear conflicts with area uniform regulations.

c. In the event passports are required for entry into the area to be visited while on leave, they will be obtained by the traveler.

d. Additional administrative requirements are contained in subparagraphs 9201.1, 9202.1 and 9204.1 and 2.

9152 GUIDES AND LIMITATIONS IN THE GRANTING OF LIBERTY

1. Limitation. Liberty may not be granted in conjunction with leave.

2. Overnight Liberty. Liberty may be granted from the end of normal working hours until the commencement of working hours on the following day.

3. Weekend Liberty. Liberty may be granted on Friday or Saturday from such time as the commander determines until the commencement of working hours on Monday morning.

4. Forty-eight Hour Liberty. Liberty may be granted at any time for 48 hours or less. Moreover, liberty granted for 48 hours which expires between the hours of 1600 and midnight may be extended to 0800 the next day.

5. Seventy-two Hour Liberty. A 48-hour period of liberty may be extended to 72 hours by the commander if the period will include a legal holiday, as prescribed in the U.S. Navy Regulations, article 2186, or a holiday which is authorized by the President or the Secretary of the Navy. When 72-hour liberty is granted, an extension similar to that permitted by paragraph 4, above, may also be applied.

6. Ninety-six Hour Liberty. When specifically authorized by the Commandant of the Marine Corps, commanders may grant liberty for periods up to 96 hours provided that the days of Saturday and Sunday are both included in such liberty. 96-hour liberty may not be extended in the manner provided by paragraph 4, above, since, in no event, may liberty exceed a total of 96 hours. Current Marine Corps directives will specify the commands authorized to grant 96-hour liberty.

7. Travel Limits for Liberty

a. Liberty includes permission to leave the duty station, but it does not include permission to leave the general vicinity of the post or station. The general vicinity of the duty station is defined as being any point at such distance from the duty station to which personnel may normally travel and return during the period of liberty granted by using the usual means of commercial transportation, excluding air.

b. In special circumstances, commands may authorize personnel to travel beyond normal liberty limits

by issuing a Liberty Request/Out of Bounds Pass (NAVMC 10471-PD (4-60)).

8. Liberty lists will be maintained through the use of NAVMC 10472-PD.

9153 COMMAND RESPONSIBILITY

1. When commanders grant leave to attached personnel, they must provide

the parent unit a timely and accurate report of leave taken.

9154 PERSONAL RESPONSIBILITY

1. It is the personal responsibility of all personnel to keep themselves informed as to the number of days leave they have earned. This must be done in order that they may keep requests for leave within amounts to which entitled.

PART E: MISCELLANEOUS ADMINISTRATIVE REQUIREMENTS

9200 REGULATION PUBLICATION

1. All commands will publish leave and liberty regulations in local orders.

9201 INSTRUCTIONS TO BE INCLUDED IN LOCAL LEAVE AND LIBERTY REGULATIONS

1. Commanders will include the following instructions in their leave and liberty regulations:

a. Military police, air police and shore patrols of the Armed Forces and all officers, warrant officers, petty officers, and noncommissioned officers are authorized to take preventive or corrective measures, including apprehension if necessary, in the case of any member of the Armed Forces who commits a breach of the peace, disorderly conduct, or any other offense which reflects discredit upon the services. Personnel so apprehended will be returned to the jurisdiction of their respective services as soon as possible.

b. Personnel on leave or liberty must understand that this authority has its foundation in law and that they are required to conduct themselves accordingly. Those exercising such authority are enjoined to do so with judgment and tact. Particularly, apprehension should not be resorted to where corrective measures will suffice.

9202 RESPONSIBILITY FOR RETURN FROM LEAVE

1. Leave is granted under the condition that the individual can return to duty upon termination of leave at the place and time specified in the authorization. Before authorizing leave, leave granting authorities must ascertain that personnel going on leave have sufficient funds to reach their leave address as well as for returning to their duty station. In addition, prior to leaving, personnel should be advised that they may, when circumstances require, request assistance in obtaining return transportation at any service

installation. Cost of such transportation will be checked against their accounts. It also should be made clear to personnel that such requests for assistance in returning from leave will be investigated, and that despite checkage of their account, they may still be liable to disciplinary action for failure to comply with such instructions as may be issued on the subject by the officer granting the leave. Thorough instructions in these responsibilities will be given to personnel granted authority to visit areas inside the United States or outside the United States in accordance with subparagraph 9151.10 and 11; to record the individual's acknowledgment of awareness of the extra costs involved, his responsibility to obtain transportation, and that his leave commences and expires at his duty station, the following certificate will be placed on the reverse of the leave authorization.

" CERTIFICATE:

I have sufficient funds for expenses and round trip commercial transportation, and will not rely on the availability of space available government transportation even though it may be made available to me.

I understand that this leave commences at my duty station and that it expires at my duty station. Also it is clear that I am required to report for duty at my duty station upon expiration of leave and that failure to do so may make me subject to disciplinary action under the Uniform Code of Military Justice, 10 U.S.C. 801-940.

(Signature)

9203 SPECIAL INSTRUCTIONS REGARDING HUMANITARIAN TRANSFER

1. Personnel returning to the United States on emergency leave will be given written instructions as to the proper procedure for submitting requests for humanitarian transfer. Such instructions shall indicate that requests

may be submitted direct to the Commandant of the Marine Corps should the circumstances warrant and that personnel should contact the nearest Marine Corps activity for assistance in preparing such requests. (See par. 4150.)

9204 LEAVE AUTHORIZATION

1. Leave Authorization (NAVMC 3-PD) is prescribed as standard for requesting leave as well as authorizing leave and will be used in all instances for officer and enlisted personnel, except:

a. For emergency leave granted for the purpose of visiting within the United States while on foreign duty, in which case travel orders including leave authorization will be used. These travel orders will include: The balance of leave accrued; instructions to report to the Marine Corps activity nearest the port of entry prior to commencing leave and at the expiration of such leave; a requirement that any request for extension shall be made to the leave granting authority.

b. For delay en route to count as leave upon transfer, in which case change of station travel orders including leave authorization will be used.

c. For leave in conjunction with temporary additional duty, in which case leave authorization will be included in the orders or endorsements thereto.

2. The instructions contained on the reverse of the Leave Authorization form, NAVMC 3-PD, constitute the conditions under which leave is granted. Prior to approval, commanders will ensure that personnel requesting leave have read the instructions and understand their requirements.

9205 LIBERTY PASSES

1. Officers and noncommissioned officers in pay grade E-5 and above will not be issued liberty passes except when under liberty regulations of another service that require passes. Identification Card (DD Form 2MC) will suffice.

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2. Enlisted Marines in pay grade E-4 and below will be provided with an Armed Forces Liberty Pass (DD Form 345) prior to departing on liberty. This liberty pass will not be issued for use in conjunction with leave or while absent from station on official duty.

3. It will be the responsibility of each individual issued a liberty pass to have his own pass in his possession during the period of his authorized absence from station on liberty. Except when in the execution of his duties, no enlisted Marine will at any time, have in his possession a liberty pass issued for another individual, or one which has been altered, or which is unsigned by the appropriate officer of his unit authorized to sign as issuing officer.

4. The liberty pass form will be completed as indicated except that:

a. The space titled "Card No." may be used at the option of the commander.

b. The space titled "Time Limits" will have inserted the word "None" unless the commander desires the insertion of a specific time limitation.

c. The reverse side of the pass may be used by local commands for the entry of any additional information required by local conditions.

9206 LIBERTY REQUESTS/OUT OF BOUNDS PASS

1. Liberty Requests/Out of Bounds Pass (NAVMC 10471-PD (4-60)) will be issued to personnel authorized to leave the general vicinity of post and stations during liberty hours and for special liberty.

9207 SPECIAL PASSES

1. When deemed appropriate, commanders granting liberty may require use of special passes for visits while on liberty in foreign countries listed in subparagraph 9151.11b which are contiguous to local liberty areas.

PART F: TRAVEL AND TRANSPORTATION IN CONJUNCTION WITH LEAVE

9250 TRAVEL TIME

1. No travel time will be granted in conjunction with leave. In the case of delay to count as leave, the travel time involved is related to the change of station and not the leave.

9251 TRANSPORTATION

1. General. Transportation costs and expenses for leave are not payable by the government, except as indicated below.

2. Emergency Leave

a. Transportation for emergency leave from overseas may be authorized at government expense via Military Air Transport Service or Military Sea Transportation Service.

b. When transportation is authorized in accordance with subparagraph a, above, it will be on a space requirement basis, cost of fares for which will be paid by appropriated funds. The appropriation chargeable will be that which supports the temporary additional duty travel of the command to which the member is attached.

c. The procurement of commercial transportation inside or outside the United States is not authorized at government expense for emergency travel. However, the use of other government transportation such as aircraft or fleet units, for which there are no applicable charges, are not precluded for emergency leave travel.

PART G: SETTLEMENTS FOR UNUSED LEAVE

9300 GENERAL

1. Settlements for unused leave for personnel will be made in accordance with this paragraph and instructions contained in the Navy Comptroller Manual, chapter 4, volume 4.

2. The term "separated" as used in this paragraph means:

a. Discharged, or discharged as a result of resignation.

b. Released from a period of active duty or active duty for training of 30 or more consecutive days.

c. Transferred or returned to inactive status in the Fleet Marine Corps Reserve.

d. Transferred or returned to inactive status on the retired list.

► e. First voluntary extension of enlistment.

3. Cash settlements for unused leave may be made to living members or living former members of the Marine Corps. Cash settlements may also be made to the survivors of a deceased member or former member if death occurs after separation without receipt of compensation due.

4. Members of the Marine Corps separated under conditions other than honorable forfeit all unused leave at the time of separation.

5. If the total accrued, advance, or excess leave upon separation includes a fraction of a day, settlement shall be made on a whole day basis. For example, one and one-half days excess leave will be checked as 2 days.

► 6. Advance leave will not result in a checkage for excess leave at the time of change in status where the carrying forward of the leave balance to the new leave record is required; provided that such advance does not exceed the maximum advance leave permitted by current regulations. In all other cases; i.e., where the member has an option as to cash settlement or carrying for-

ward, advance leave existing at the time of separation or on the date prior to the effective date of a first voluntary extension of enlistment, will result in a checkage for excess leave. The member may not, however, elect to carry forward an advance (excess) leave balance.

9301 GUIDES FOR SETTLEMENTS

1. When personnel are separated from active duty, leave records will be closed and balanced to include the date of separation. Unless the leave balance is to be carried into a new status, the disbursing officer concerned will be advised of the number of days' unused leave that is to be compensated for in cash.

2. Personnel entering upon an immediate reenlistment may elect cash settlement for unused leave or carry over the balance of leave due, not to exceed 60 days, into the new enlistment. This provision also applies to Regular and Reserve personnel entering upon a first extension of enlistment.

3. Leave balances of personnel who undergo the following types of status change while remaining on active duty in the Marine Corps will be carried forward to their new records, and no cash settlements may be made:

a. Discharge prior to expiration of enlistment for purposes of immediate reenlistment.

b. Discharge of enlisted personnel to accept permanent commission or warrant.

c. Reversion from temporary commissioned or warrant officer to enlisted status.

d. Enlisted personnel accepting appointment to temporary commission or warrant.

► e. Second and subsequent extensions of enlistment.

4. Enlisted personnel receiving appointments as midshipmen or cadets and for whom enlistment is not terminated by reason of the acceptance of such appointment will receive settlement for unused leave as of the day

preceding the date of acceptance of the appointment.

5. Temporary officers whose appointments are terminated, and who are separated from active duty on the same day from their enlisted status, are entitled to a lump-sum settlement computed as if separation were made from officer status.

6. Officers of the Marine Corps or Marine Corps Reserve are not entitled to a lump-sum settlement upon transfer to the Army, Air Force, or Navy, or the Reserve components thereof.

9302 SETTLEMENTS INVOLVING TRAVEL

1. Subject to the provisions of the Navy Comptroller Manual, chapter 4, volume 4, the time to perform

travel home over the shortest usually traveled route will be included in computation of unused leave for:

a. Fleet Marine Corps reservists returned to inactive status.

b. Marine Corps Reserve enlisted personnel released to inactive status.

c. Marine Corps Reserve officers released from active duty.

d. Retired enlisted personnel released from active duty.

e. Retired officers relieved from active duty.

2. The date of separation is the constructive date of arrival home based on the travel time authorized by the individual's orders.

PART H: OFF-DUTY EMPLOYMENT

9350 CIVILIAN EMPLOYMENT

1. Title 10, U. S. Code, section 6114, contains the following rule of law: "Except as provided in section 6223 of this title, no enlisted member of the naval service on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession." This provision of law is interpreted as prohibiting commanding officers, either directly or indirectly, from requiring enlisted men on active duty to engage in private employment in competition with civilian labor, or permitting them to leave their posts of duty during working hours for such purpose. It imposes no requirement that commanding officers restrict personnel from engaging in civilian employment on their own volition while on leave or liberty, nor is such employment prohibited. As an exception, however, section 6223(b) of Title 10, U. S. Code, provides, "No member of the United States Marine Corps Band, as an individual, may furnish music in competition with any civilian musician or receive remuneration for furnishing music except under special circumstances when authorized by the President."

2. Subject to the limitations set forth herein, it is, in general, considered that Marine Corps personnel, whether officer or enlisted, should not be restrained from engaging in legitimate and ethical enterprise or employment during their off-duty hours. However, personnel on active duty are in a 24-hour duty status, and therefore, their military duties shall at all times take precedence on their time, talents, and attention.

3. Personnel shall not engage in any civilian employment which, by reason of the hours or nature of the work,

interferes with the proper and efficient performance of their military duties.

a. Personnel shall not engage in any civilian employment or enterprise:

(1) Which reflects discredit on the service.

(2) Which is unethical in view of the possible exercise of influence attending one's military position or otherwise.

(3) When such employment provides income direct from the United States Government which, when combined with service pay, exceeds the sum of \$2000 per annum (5 U.S.C. 58). This limitation is not applicable to employment for which compensation is paid to enlisted personnel from non-appropriated funds as in the case of off-duty employment at Marine exchanges, officers' messes and enlisted men's clubs.

b. Personnel shall not engage in any civilian employment for an organization involved in a strike or lockout. Personnel employed by a firm which becomes involved in a strike or lockout shall immediately cease such employment until the strike or lockout has ended.

c. Military personnel on active duty are prohibited from representing any commercial company for the solicitation and sale of life and automobile insurance, mutual funds, and other investment plans, commodities, and services on any installation, with or without compensation.

d. Military personnel who are engaged in off-duty, part-time employment are prohibited from personal commercial solicitation and sale to military personnel who are junior in grade or rank. This prohibition is applicable to activities on or off an installation, in or out of uniform, while on or off duty, and includes, but is not limited to the personal solicitation and sale of life and automobile

insurance, stocks, mutual funds, real estate or other commodities, goods, or services. As used in this subparagraph, "personal commercial solicitation" refers to those situations where a military member is employed as a sales agent on commission or salary, and contacts prospective purchasers suggesting they buy the commodity, real or intangible, that he is offering for sale. This prohibition is not applicable to the one-time sale of personal property or a privately-owned dwelling, or such authorized off-duty employment as a salesman in a department store, attendant in a service station, employee in a restaurant, etc. It is not the intent of this subparagraph to discourage the off-duty employment of military personnel, but it is the intent to eliminate any and all instances where it would appear that coercion, intimidation or pressure was used based on rank, grade or position.

e. Members of Marine Corps bands, as individuals, shall not engage, for remuneration, in civilian employment as a musician outside a military reservation.

f. Personnel shall not engage in civilian employment as law enforcement officers for a public police force. Civilian employment of personnel as security guards for a private civilian employer is permissible, provided it does not place the individual in a position analogous to that of a police officer. An analogous position would be any in which he is armed, wears a uniform similar in appearance to a police officer, and performs some or all of his duties in crowded public areas. In contrast, employment as a uniformed, armed guard at a gate, entrance or other locality not normally trafficked by the general public is not considered analogous or apparently analogous to duty as a police officer.