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Chad H. H. A.

**MARINE CORPS SEPARATION AND RETIREMENT
MANUAL
(MARCORSEPMAN)**



U. S. MARINE CORPS



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1. Purpose. To promulgate the subject Manual.
2. Cancellation. Reference (a), chapter 13 and paragraphs 15072, 15074, and 15076; MCBul 1910 of 22 September 1966.
3. Information. The Marine Corps Separation and Retirement Manual is published for the guidance of all officers and enlisted personnel of the Marine Corps and Marine Corps Reserve.
4. Reserve Applicability. This Manual is applicable to the Marine Corps Reserve.
5. Certification. Reviewed and approved this date.

H. Nickerson, Jr.
H. NICKERSON, JR.
By direction

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ENCLOSURE (1)

RECORD OF CHANGES

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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

3. The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the findings of the research. The data shows a clear trend of increasing activity over time.

4. The fourth part of the document discusses the implications of the findings. It suggests that the results have significant implications for the field of study and may lead to further research in this area.

5. The fifth part of the document concludes the study. It summarizes the key findings and provides a final statement on the importance of the research.

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INTRODUCTION

0001 PURPOSE

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

0002 STATUS

1. Pursuant to the authority contained in paragraphs 1800 and 1900, Marine Corps Manual, the Marine Corps Separation and Retirement Manual is obligatory upon all personnel in matters relative to separation and retirement from the Marine Corps and Marine Corps Reserve.

2. Any deviation from the instructions contained in this manual must be authorized by the Commandant of the Marine Corps

0003 SCOPE

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

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

0004 RESPONSIBILITY

1. The currency, accuracy, and completeness of publication and distribution of this manual and its changes are the responsibility of the Commandant of the Marine Corps.

2. Upon receipt, the maintenance and upkeep of this manual becomes a command responsibility. If pages or portions of this manual are missing, not legible, etc., those pages will be requisitioned in accordance with MCO P5600.31, section III and/or instructions contained in the list of effective pages furnished with changes.

3. If additional copies of this manual should be required, requests should be submitted in accordance with MCO P5600.31, Marine Corps Publications and Printing Regulations, section III.

0005 ORGANIZATION

1. The Marine Corps Separation and Retirement Manual consists of one volume containing 13 chapters and an introduction. This manual is functionally arranged, utilizing the chapters as major divisions. The chapters are numbered in sequence and are listed in the table of contents.

0006

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

Example:

Chapter 6

Paragraph 12

Subparagraph

6012.3a(2)

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

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

0006 CHANGES

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

2. A record of changes made should be maintained on the page provided for that purpose.

0007 METHOD OF CITATION

1. Reference to paragraphs of the Marine Corps Separation and Retirement Manual will be shown in the following manner:

a. Correspondence and messages -

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

b. Directives -

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

c. Personnel records and forms only -

MARCORSEPMAN, par. 6012.3a(2)

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CHAPTER 1

ADMINISTRATIVE PROCEDURES FOR RETIREMENT OF REGULAR
COMMISSIONED OFFICERS AND WARRANT OFFICERS

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CHAPTER 1

ADMINISTRATIVE PROCEDURES FOR RETIREMENT OF REGULAR
COMMISSIONED OFFICERS AND WARRANT OFFICERS

1001 GENERAL

1. The provisions of this chapter are applicable to the retirements of commissioned officers and warrant officers of the Regular Marine Corps who are retired in accordance with provisions of this manual.
2. Retirements must be approved or directed by the President of the United States or the Secretary of the Navy.

1002 DEFINITIONS

1. Voluntary Retirement. Effective as a result of a request from a member who is eligible for retirement.
2. Involuntary Retirement. Mandatory under law and may not be deferred beyond the date directed by law or regulations.
3. Active Duty. Full time duty in the active military service of the United States to include, unless otherwise qualified, full-time training duty, annual training duty, and active duty for training (10 USC 101).
4. Effective Date of Retirement. Notwithstanding other provisions of law, the Uniform Retirement Date Act requires that all retirements, except by reason of physical disability, shall become effective on the first day of a month (10 USC 47a; 10 USC 1221 and 1404).

1003 PHYSICAL EXAMINATIONS

1. Officers contemplating voluntary retirement and those subject to involuntary retirement shall complete a preretirement physical examination not more than 4 months and not less than 2 months prior to the effective date of retirement. This physical examination should be accomplished far enough in advance of the prospective retirement date to permit correction of any minor physical defects, or if major defects are found, to permit completion of physical retirement proceedings prior to the scheduled retirement date. The time required for physical disability proceedings varies greatly, depending on the circumstances in each case. However, it may be expected that from 2 to 4 months will be required from the date of initial physical examination to the date of final action by the Secretary of the Navy. Longer periods may be required in exceptional cases.
2. The retirement of officers who are subject to involuntary retirement cannot be delayed due to physical disability proceedings, except in the case of warrant officers as provided in paragraph 3008. Accordingly, it is possible that an officer who would otherwise be eligible for disability retirement would be forced into nondisability retirement while disability proceedings are in progress. The law requires that a Regular member must be in receipt of basic (active duty) pay

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at the time the Secretary of the Navy makes the final determination in order to be eligible for disability retirement.

3. In accordance with current instructions of the Bureau of Medicine and Surgery, each officer shall sign a certificate on the SF 88, Report of Medical Examination, indicating that he understands the current BUMED Instruction which provides that a member must be in receipt of basic pay in order to be eligible for disability retirement.

4. The voluntary retirement of an officer may not be effected until he is found to be physically qualified. If an officer has submitted a request for voluntary retirement which is permissive in nature, and disease or injury requiring medical treatment or hospitalization intervenes, the Commandant of the Marine Corps (Code DMA) will be immediately notified by message. Orders and correspondence with enclosures relative to retirement will be returned to the Commandant of the Marine Corps for cancellation in all cases where medical treatment is not completed by the retirement date designated in the orders. A SF 88, Report of Medical Examination, will be forwarded immediately to the Commandant of the Marine Corps (Code DMA) when an officer whose retirement has been delayed, is found physically fit. Orders will be reissued by the Commandant of the Marine Corps to effect retirement on the first day of the first month following receipt of SF 88. In the event the officer's case is referred to a Physical Evaluation Board or a Board of Medical Survey, retirement cannot be effected until final action is taken by the Secretary of the Navy or the Commandant of the Marine Corps as appropriate.

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

1004 RETIREMENT ORDERS

1. Individual orders and authorizations for retirement will be issued by the Secretary of the Navy or the Commandant of the Marine Corps. Release from active duty on the occasion of retirement is normally effected on the day preceding the effective date of retirement and retired pay commences on the effective date of retirement. In addition to the release from active duty orders, the Commandant of the Marine Corps will issue a retirement letter with detailed information which is normally forwarded subsequent to the release from active duty orders.

2. Officers detached after the effective date of retirement are considered to be in a retired status from the effective date of retirement unless they are in receipt of orders prior to the effective date of retirement continuing them on active duty in a retired status. The Comptroller General of the United States has held that a retirement is effective from the date specified by law or by the Secretary of the Navy irrespective of whether retirement and release orders are received subsequent to the effective date of retirement (39 CompGen 312).

1005 ACCRUED LEAVE

1. Accrued leave, creditable at the date of retirement, is compensable in a lump-sum payment not to exceed 60 days of basic pay and allowances creditable on the day prior to date of retirement. Terminal leave cannot be granted in connection with retirement orders. However, annual leave may be granted prior to retirement by the commander authorized to grant such leave in accordance with annual leave regulations.

1006 RETIRED GRADE

1. As a general rule, an officer is retired in the grade in which serving at the time of retirement. However, in the event the officer concerned had previously served in a higher grade than that held at the time of retirement, he may be eligible for advancement on the retired list. Each officer shall be advanced on the retired list to the highest officer grade in which he served satisfactorily under a temporary appointment as determined by the Secretary of the Navy. However, if an officer is voluntarily retired under the provisions of subparagraph 2005.3, he will be advanced on the retired list to the highest officer grade in which he served satisfactorily with either a permanent or temporary appointment as determined by the Secretary of the Navy. The determination by the Secretary of the Navy is made in connection with processing the retirement, and individual requests for this purpose are not required (10 USC 6151 and 6323).

2. An officer who is serving or has served in the grade of lieutenant general by reason of appointment for appropriate higher command or performance of duty of grave importance and responsibility, upon retirement, may be appointed by the President by and with the advice and consent of the Senate to the highest grade held while on the active list and with retired pay based on that grade. However, retired pay of the higher grade based on such an appointment accrues from the date the commission is issued after confirmation by the Senate, regardless of the date of retirement (10 USC 5233 and 38 CompGen 340).

1007 RETIRED PAY

1. Retired pay is computed in conformity with specific provisions of law. The information in this paragraph applies only to nondisability retirements effected in accordance with the provisions of this manual.

2. An officer who is voluntarily retired under any law requiring 30 or more years of active service for retirement is entitled to retired pay at the rate of 75 percent of the basic pay to which he would be entitled if serving on active duty in the grade in which retired, or the grade to which advanced on the retired list.

3. An officer who is voluntarily retired under any law requiring more than 20 years but less than 30 years of active service for retirement, or is involuntarily retired for age and/or statutory service, is entitled to retired pay at the rate of $2\frac{1}{2}$ percent of the basic pay to which he would be entitled if serving on active duty in the grade in which retired or to which advanced on the retired list multiplied by the sum of the following:

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- a. Total years of service (active and inactive) creditable for basic pay purposes as of 31 May 1958.
 - b. Total years of active service, including active duty for training, performed subsequent to 31 May 1958.
 - c. One day of credit (with a maximum of 60 days of credit for any 1 year) for each retirement point credited in accordance with current regulations, as a member of a Reserve component subsequent to 31 May 1958, through authorized attendance at drills, completion of correspondence courses; periods of equivalent instruction or appropriate duty performed as authorized by the Commandant of the Marine Corps, the Commanding General, Marine Air Reserve Training Command, or appropriate district director; and 15 points per year gratuitous credit for Reserve membership.
4. A part of a year that is 6 months or more which may be obtained by adding the total service outlined in subparagraphs 3a through 3c above, will be credited as a whole year for computation and a part of a year that is less than 6 months will be disregarded.
5. The retired pay of any warrant officer who is retired under any law cited within this manual will be based upon the applicable monthly basic pay of the grade in which retired, or to which advanced on the retired list. However, if the applicable basic pay of the grade to which advanced is less than that of any warrant grade satisfactorily held by him on active duty, his retired pay will be based on the higher applicable basic pay.
6. Retired pay may not exceed 75 percent of the basic pay on which subject pay is based (10 USC 1401, 1405, 6151, 6322, 6335, and 6381).

1008 PAY ACCOUNTS

1. Pay accounts of retired personnel are carried at Marine Corps Finance Center, Retired Pay Division, Kansas City, Missouri 64197. Any inquiries pertaining to retired pay matters should be addressed to the Commanding Officer, Marine Corps Finance Center. Unless the member being retired requests otherwise, all insurance allotments and allotments for liquidation of indebtedness to the Government will be automatically continued when retirement is effected. All other allotments will be stopped.

1009 CURRENT ADDRESS AND RESIDENCE OF RETIRED OFFICERS

1. Each retired officer shall keep the Commandant of the Marine Corps (Code DGH) informed at all times of his current home mailing address where mail and messages addressed to him will be received. This report of current address is in addition to that submitted for pay purposes.
2. Subject to the above requirement, a retired officer may change his residence in the United States or may reside abroad except in belligerent countries.

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CHAPTER 2

SEPARATION AND RETIREMENT OF REGULAR COMMISSIONED OFFICERS

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CHAPTER 2

SEPARATION AND RETIREMENT OF REGULAR COMMISSIONED OFFICERS

PART A: MALE OFFICERS

2001 RESIGNATIONS

1. Letters of resignation will be addressed to the Secretary of the Navy via official channels and must be in accordance with the instructions contained herein. With the exception of requests from the officers subject to the provisions of paragraph 2002, requests for resignations shall be submitted so as to arrive at Headquarters Marine Corps not more than 6 months and not less than 3 months prior to the requested effective date of separation. When an officer submits his resignation and it is accepted by the President, or the Secretary of the Navy acting for him, he shall be separated from the service. A resignation may be withdrawn prior to its acceptance by the President, or the Secretary of the Navy acting for him, but once it has been duly accepted, it cannot be withdrawn. Resignation is a voluntary act on the part of the officer concerned and must be without condition. However, if an officer has not completed his obligated service under the law, the acceptance of his resignation normally will be contingent upon his acceptance of a Reserve commission. A statement that he will accept such commission should be included in his letter of resignation. Paragraph 5005 should be consulted in cases of resignation which result from a recommendation that an officer be administratively separated from the Marine Corps.

2. Commissioned officers of the Marine Corps serve at the pleasure of the President; hence the acceptance of their resignation will be adjudged on the needs of the service and on the basis of the following criteria:

a. Completion of 4 years' active commissioned, commissioned warrant or warrant service, as appropriate. All active service, exclusive of active duty for training, in the grade of warrant officer or above, will be counted.

b. Completion of 36 months since completing flight training, except for those officers who entered flight training under a contract which specified a shorter period of obligation.

c. Completion of 24 months' since completing a service or civilian school of 5 months' to 24 months' duration attended in compliance with official orders. Officers serving their initial obligated active duty tour who are involuntarily ordered to attend such school, will be excluded from the above provisions.

d. Completion of a period of time equal to the length of schooling since completion of service or civilian schools of more than 24 months duration attended in compliance with official orders.

3. The provisions of subparagraphs b, c, and d above, will not apply in cases where applicants for certain training or schooling voluntarily agree in their

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applications to a longer period of service, following completion of the training or schooling, before submitting their resignations.

4. Officer resignations normally will not be recommended for approval if:

- a. Orders have been issued overseas where dependents are not authorized.
- b. Scheduled for an operation or maneuvers outside the United States.
- c. Serving overseas. (The tour must be completed prior to acceptance of resignation.)

5. Exceptions to the foregoing policies will be considered in those cases where an undue hardship would result from the officer's retention.

6. NROTC graduates are obligated to serve as commissioned officers as provided by the signed agreements into which they have entered in connection with their participation in the program. Normally, such officers are required to serve a minimum of 3 consecutive years on active duty unless this period is extended under provisions of subparagraph b, above. (Regular NROTC students appointed Midshipmen, Naval Reserve, are presently required to serve upon graduation on active duty for 4 years as commissioned officers unless sooner released by the Secretary of the Navy.) Following the period of obligated active duty, they may have their Regular commissions terminated and be appointed in the Marine Corps Reserve.

7. An officer submitting his resignation or request for termination of his permanent appointment will obtain from the disbursing officer carrying his accounts a statement as to his status of indebtedness to the Government as shown by his records. No resignation will be considered unless such statement is attached. He will include a complete statement of financial obligations contracted by him while in the naval service, and a statement of outstanding notes upon which others of the naval service are cosigners, listing the names of the cosigners, if any.

8. An officer submitting his letter of resignation or request for termination of his permanent appointment will include therein the reason for its submission. A desire to attend school, enter business, or accept a position in civil life is frequently given as the reason. If, however, an officer desires separation because he considers his opportunity for promotion poor, the pay inadequate, or the deprivation of home life excessive, these reasons should be given in addition to any others. While the Marine Corps does not desire to pry into the personal affairs of an officer, for its own information and for the information of Congress, it is desirable to know why officers separate themselves from the Marine Corps and give up a service career.

9. An officer may be released from active duty, permitted to resign, or discharged, as appropriate, for the purpose of performing the duties of: the President of the United States; the Vice President of the United States; a Presidential appointee to a statutory office; a member of either of the legislative bodies of the United States; a Governor, any other State official chosen by

the voters of the entire State or the several States; a member of the legislative bodies of the several States; and a judge of courts of record of the United States and of the several States, and the District of Columbia. In the case of a reservist who is eligible for the Retired Reserve list, the individual's name will be placed thereon and he will be relieved from active duty; or if his name is already on the Retired Reserve list, he will be relieved from active duty.

2002 SEPARATION OR RETENTION OF OFFICERS COMMISSIONED UNDER 10 USC 6909

1. The Secretary of the Navy, during the second quarter of each year, shall cause to be examined the records of all officers appointed in the Regular Marine Corps pursuant to 10 USC 6909 (direct procurement) who in that year will have the third anniversary of the acceptance of their appointment, and who apply for retention before that anniversary, but not later than 31 March of that year. From among the officers whose records are so examined, the Secretary shall cause to be selected for retention as many as he considers necessary.

2. The commission of each officer appointed in the Regular Marine Corps pursuant to the above provision of law who does not apply for retention within the time limits prescribed in subparagraph 1, above, shall be terminated not later than the third anniversary of the acceptance of his appointment. The commission of each officer who applies for retention and is not selected shall be terminated before 1 July of the calendar year of the third anniversary of the acceptance of his appointment, or not later than that anniversary, if it occurs after 30 June.

3. Upon the termination of his appointment in accordance with subparagraph 2, above such officer, if considered qualified, may be appointed a first lieutenant in the Marine Corps Reserve with a date of rank 3 years after the date of rank of his original commission.

2003 INVOLUNTARY DISCHARGE OF PERMANENT REGULAR OFFICERS

1. Each officer on the active list serving in the grade of captain or first lieutenant shall be honorably discharged on 30 June of the fiscal year in which he is considered as having failed of selection for promotion to the grade of major or captain a second time. However, if the officer so requests, he may be honorably discharged at any time during that fiscal year.

2. Except as otherwise provided for second lieutenants in subparagraph 3 below, any officer discharged under subparagraphs 1, 3, or 5 is entitled to severance pay equal to 2 months' basic pay at the time of discharge multiplied by the number of years of total commissioned service as computed under paragraph 2006, not to exceed a total of 2 years' basic pay. However, no person discharged under subparagraphs 1, 3, or 5 is entitled to a lump-sum payment that is more than \$15,000. In determining the total number of years of service to be used as a multiplier, a part of a year that is 6 months or more is counted as a whole year, and a part of a year that is less than 6 months is disregarded (10 USC 6382, 6383 and 6384 as amended by Act of June 28, 1962, Public Law 87-509, Sec. 4(b), and 6404).

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3. An officer in the grade of first lieutenant or above who is found not professionally qualified upon his reexamination for promotion is considered as having twice failed of selection for promotion. Accordingly, subparagraphs 1 and 2, above, apply to captains and lieutenants in this category. An officer in the grade of second lieutenant who is found not professionally qualified upon his reexamination for promotion shall be honorably discharged with severance pay computed on the basis of 2 months' basic pay at the time of discharge multiplied by the number of years of his active commissioned service in the naval service, exclusive of training duty, but the payment may not be more than 1 year's basic pay (10 USC 5865).

4. An officer scheduled for discharge under subparagraph 1 or 3, above, may tender his resignation, and upon acceptance thereof, may be enlisted or reenlisted in the Regular Marine Corps provided he is qualified. Under no circumstances shall an officer in receipt of severance pay or an officer eligible for retirement pay upon separation be permitted to enlist or reenlist. An officer who desires to enlist or reenlist should apply to the Commandant of the Marine Corps (Code DH) at least 60 days prior to the scheduled date of discharge for grade and MOS determination. The criteria governing appointment or reappointment are as follows:

a. An officer who at the time of his permanent appointment as a commissioned officer in a grade above chief warrant officer (W-4) was a permanent chief warrant or warrant officer, or was a temporary officer with permanent enlisted status, will be appointed or reappointed to pay grade E-7 upon enlistment or reenlistment.

b. Any other officer who resigns his commission and forfeits his severance pay normally will not be appointed to a pay grade higher than E-3. A higher pay grade may be authorized, however, dependent upon the needs of the service and the special qualifications of the applicant.

5. Each officer on the active list with less than 20 years' total commissioned service whose record, in the opinion of a selection board, indicated unsatisfactory performance of duty in his grade, and in the opinion of the board indicates that he would not satisfactorily perform the duties of a higher grade shall be honorably discharged on 30 June of that fiscal year or, at the discretion of the Secretary of the Navy, on any earlier date, if the officer so requests. Upon discharge he is entitled for enlistment or reenlistment (10 USC 6384, as amended, by Act of 12 July 1960, Public Law 86-616, 74 Statute 390).

6. An officer designated for limited duty subject to discharge under subparagraphs 1, 3, or 5, above, who had the permanent status of a warrant officer when first appointed as an officer designated for limited duty, has the option of reverting to the grade and status he would hold if he had not been so appointed instead of being discharged. If any such officer had a permanent grade below the grade of warrant officer (W-1) when first so appointed, he has the option, instead of being discharged, of reverting to the grade and status he would hold if he had not been so appointed but had instead been appointed a warrant officer (W-1). In any computation to determine the grade and status to which an officer may revert, all active service as an officer designated for limited duty or as a

temporary or Reserve officer is included. Application for such reversion will be forwarded to the Commandant of the Marine Corps (Code DMA) via official channels.

7. An officer above the grade of second lieutenant and below the grade of colonel who is found by a naval examining board to be from any cause arising from his own misconduct not morally qualified to perform the duties of the grade for which he is being examined shall, if the finding is approved by the President, be discharged with not more than 1 year's pay. He is not eligible for enlistment (10 USC 5864).

2004 REVOCATION OF COMMISSIONS

1. The Secretary of the Navy may revoke the commission of any officer of the Regular Marine Corps who has completed less than 3 years of continuous service as a commissioned officer as of the date the Secretary of the Navy signs the document effecting the revocation of commission.

2. Detailed instructions and procedures relative to revocation of commissions are contained in Navy Department General Order No. 16.

2005 VOLUNTARY RETIREMENTS

1. Requests for voluntary retirement will be addressed to the Secretary of the Navy via official channels. Requests should be submitted so as to arrive at Headquarters Marine Corps not more than 6 months and not less than 3 months prior to the requested retirement date. Requests should reference the appropriate subparagraph of this paragraph and should include the following:

a. The requested effective date of retirement (must be the first day of the month).

b. A signed or certified true copy of SF 88, Report of Medical Examination, indicating that the officer is physically fit for retirement. However, this enclosure will not be required in those cases where the officer has appeared before a physical evaluation board within a period of 6 months prior to the requested date of retirement, and has been found fit to perform the duties of his grade by the Secretary of the Navy as a result of the disability proceedings. See paragraph 1003 for instructions regarding physical examinations.

c. Complete and detailed justification should be included if retirement is requested as an exception to current policy.

2. An officer who is subject to involuntary retirement may request voluntary retirement to be effective on or prior to the date of involuntary retirement, provided he is eligible for voluntary retirement.

3. An officer who applies for retirement after completing more than 20 years of active service in the Army, Navy, Marine Corps, Air Force, or Coast Guard, or Reserve components thereof, of which at least 10 years was service as a commissioned officer in the grade of chief warrant officer (CWO-2), or above,

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at the discretion of the President, may be retired. This subparagraph is applicable to all officers above warrant officer (W-1), including temporary officers whose permanent status is warrant or enlisted. To be eligible for retirement under this provision of law, an officer must complete at least 1 day more than 20 years of active service (10 USC 6323).

4. A chief warrant officer (CWO-4,3, and 2) or warrant officer (W-1), who applies for retirement after completing 20 or more years of active service, at the discretion of the Secretary of the Navy, may be retired (10 USC 1293).

5. An officer holding a permanent appointment in the grade of warrant officer (W-1) or above who applies for retirement after completing 30 or more years of active service, at the discretion of the Secretary of the Navy, may be retired (10 USC 6322).

6. Each temporary commissioned officer or temporary warrant officer of the Regular Marine Corps holding a permanent enlisted grade, who applies for retirement after completing 30 or more years of active service, shall be retired by the President (10 USC 6326).

7. Each officer holding a permanent appointment in the grade of warrant officer (W-1), or above, who applies for retirement after completing 40 or more years of active service, shall be retired by the Secretary of the Navy (10 USC 6321).

2006 TOTAL COMMISSIONED SERVICE FOR INVOLUNTARY RETIREMENT

1. The succeeding paragraphs of this part will refer to this paragraph, where appropriate, in connection with total commissioned service as computed for the purpose of determining eligibility for involuntary retirement, separation, or continuation on the active list.

a. For the purpose indicated above, the total commissioned service of a male officer on the active list of the Marine Corps who has served continuously on the active list since his regular appointment in the grade of second lieutenant, either upon graduation from the Naval Academy or under 10 USC 6904, 6906, or 6909, is computed from 30 June of the fiscal year in which he accepted that appointment. An officer described above will be referred to as a Type A officer and every other officer on the active list will be referred to as a Type B officer, but only for the purposes of clarity in this paragraph.

b. Each male commissioned officer on the active list of the Marine Corps is considered to have the same total commissioned service for this purpose, as the Type A officer described in subparagraph 1a, above, with the maximum total commissioned service who meets the following criteria:

(1) Has not lost number or precedence; and

(2) Is, or at any time has been, junior to the Type B officer for the purposes of eligibility for promotion and selection for promotion during the Type B officer's latest period of continuous service on the active list as a Regular officer.

c. The active list of the Marine Corps means the list of officers of the Regular Marine Corps, other than retired officers, holding permanent appointments in grades above chief warrant officer (CW0-4).

d. If an officer fails of selection for promotion to the next higher grade and subsequent thereto an officer junior to him is promoted to become senior to him, he has lost precedence within the purview of subparagraph 1b(1), above.

e. Total commissioned service as defined above has no application for temporary officers, warrant officers, or women officers; and such service has no application in the case of limited duty officers, except in the computation of severance pay of first lieutenants and captains.

f. The service date is defined as the date from which the total commissioned service is computed, and the service date is 30 June of the appropriate fiscal year.

g. Total commissioned service as defined herein has no bearing on computation of active service to determine eligibility for voluntary retirement (10 USC 6387, as amended, by Act of 30 June 1960, Public Law 86-558).

2007 INVOLUNTARY RETIREMENT OF MAJOR GENERALS

1. Each major general who is not recommended for retention on the active list in the approved report of a board convened for this purpose shall be retired on 1 July immediately following the fiscal year in which he first completes 5 years of service in the grade of major general and 35 years of total commissioned service as defined in paragraph 2006.

2. Each major general who would otherwise be retired under subparagraph 1, above, shall be retained on the active list if recommended for retention in the approved report of a board convened for this purpose. An officer so retained shall be retired on 1 July immediately following any succeeding fiscal year in which he is not again recommended for retention in the approved report of such a board, or if no such board is convened.

3. Each year the Secretary of the Navy may convene a board to recommend officers serving in the grade of major general for retention on the active list. However, he shall convene such a board in any year when three or more such officers will be subject to retirement in accordance with subparagraphs 1 and 2, above. The number of officers that may be recommended by a board for retention on the active list may not exceed the number that the Secretary of the Navy determines to be necessary to meet the requirements of the Marine Corps. In any year in which the number of officers subject to retirement is 3 or more, the Secretary shall fix the maximum number that may be recommended for retention at not less than the number of officers subject to such retirement minus two. An officer is not subject to retirement under the foregoing provisions of this paragraph while serving as Commandant of the Marine Corps (10 USC 6373 and 5709).

4. For the purposes of subparagraphs 1, 2, and 3, above, an officer serving in the grade of lieutenant general under an appointment pursuant to 10 USC 5232 or

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serving under a temporary appointment pursuant to 10 USC 5787, is considered as serving in the grade he would hold if he had not been so appointed (10 USC 6385).

5. A major general who is recommended for retirement, if the recommendation is approved by the President, shall be retired on the first day of the seventh month after the date of approval by the President (10 USC 6394).

2008 INVOLUNTARY RETIREMENT OF BRIGADIER GENERALS

1. Each brigadier general on the active list whose name is not on a promotion list shall be retired on 1 July immediately following the fiscal year in which he is considered as having twice failed of selection for promotion to the grade of major general (10 USC 6374).

2. The Secretary of the Navy may convene a board of officers to consider and recommend for retirement, brigadier generals on the active list of the Marine Corps. Each brigadier general recommended for retirement by such a board shall, if the recommendation is approved by the President, be retired on the first day of any month designated by the Secretary, but not later than the first day of the seventh month after the date of approval by the President (10 USC 6394).

2009 INVOLUNTARY RETIREMENT OF COLONELS

1. Each colonel on the active list, not retired under the provisions of paragraph 2013, shall be retired on 1 July immediately following the fiscal year in which he completes 30 years' total commissioned service as defined in paragraph 2006 if his name is not on a promotion list and he is considered as having twice failed of selection to the grade of brigadier general, or when he completes 31 years of total commissioned service if he is not on a promotion list.

2. A colonel who has lost numbers or precedence may not be retired because of completing 31 years' total commissioned service until 1 July immediately following the fiscal year in which he completes 5 years' service in the grade of colonel. For this purpose, an officer promoted to colonel after 6 August 1947 is credited with service in that grade from the date of his eligibility for promotion to colonel (10 USC 6376).

2010 INVOLUNTARY RETIREMENT OF UNRESTRICTED LIEUTENANT COLONELS

1. Each lieutenant colonel on the active list not retired under the provisions of paragraph 2013 and not designated for limited duty shall be retired on 1 July immediately following the fiscal year in which he completes 26 years' total commissioned service as defined in paragraph 2006 if his name is not on a promotion list and he is considered as having twice failed of selection for promotion to the grade of colonel (10 USC 6379).

2011 INVOLUNTARY RETIREMENT OF UNRESTRICTED MAJORS

1. Each major on the active list not designated for limited duty shall be retired on 1 July immediately following the fiscal year in which he completes 20

years' total commissioned service as defined in paragraph 2006 if his name is not on a promotion list and he is considered as having twice failed of selection for promotion to the grade of lieutenant colonel (10 USC 6380).

2012 INVOLUNTARY RETIREMENT OF OFFICERS DESIGNATED FOR LIMITED DUTY

1. Each officer designated for limited duty shall be retired on the first day of the second month following the month in which he completes 30 years of active naval service, exclusive of active duty for training in a Reserve component.

2. Each major designated for limited duty shall be retired on 1 July immediately following the fiscal year in which he is considered as having failed of selection for promotion to the grade of lieutenant colonel for the second time. However, if any such officer had the permanent status of chief warrant officer (CWO) or warrant officer (W-1), when first appointed as a limited duty officer, he has the option, instead of being retired, of reverting to the grade and status he would hold if he had not been so appointed. If any such officer had a permanent grade below the grade of warrant officer (W-1), when first so appointed, he has the option, instead of being retired, of reverting to the grade and status he would hold if he had not been so appointed a warrant officer (W-1). In any computation to determine the grade and status to which such an officer may revert under this subparagraph, all active service as an officer designated for limited duty or as a temporary or Reserve officer is included. An officer exercising the option of reverting, if not otherwise retired, shall be involuntarily retired in accordance with subparagraph 3006.3 if he is holding a warrant grade at the time of retirement (10 USC 6383 and 1305).

2013 INVOLUNTARY RETIREMENT OF COLONELS AND LIEUTENANT COLONELS NOT SELECTED FOR CONTINUATION

1. Notwithstanding any other provisions of law, the officers described in this paragraph are also subject to retirement under the provisions of Public Law 86-155 as amended (10 USC 5701 Note). This law provides for the convening of selection boards to consider and recommend for continuation on the active list officers of the Regular Marine Corps as described below:

a. Each colonel who has served on active duty for more than 5 years, who is not on a promotion list, and who will complete at least 5 years' service in the grade of colonel by 30 June of the fiscal year in which a board is convened. An officer in this category who has once been recommended for continuation may not be reconsidered by a subsequent board and is not subject to the provisions of subparagraph 1b, below. For the purposes of this subparagraph, an officer is considered as serving in the grade of colonel in the Marine Corps from the date of rank assigned him upon appointment to that grade until the effective date of his appointment to the next higher grade.

b. Each colonel who is not on a promotion list, who has not been previously recommended for continuation in the approved report of a board, and who has at least twice failed of selection for promotion to the grade of brigadier general.

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c. Each lieutenant colonel who is not on a promotion list, who has not been previously recommended for continuation in the approved report of a board, and who has at least twice failed of selection for promotion to the grade of colonel.

2. Of the officers considered but not recommended for continuation on the active list under the provisions of this law, the board which considered their cases shall further report the names of any officers whose performance of duty would not warrant retention on the active list under any circumstances. Each officer so reported, unless otherwise retired, shall be placed on the retired list as prescribed in subparagraph 3, below, but shall not be entitled to the lump-sum payment set forth in subparagraph 5, below.

3. Unless sooner selected for promotion to the next higher grade, each officer who is considered for continuation on the active list by a board convened under the foregoing provisions of this law and who is not recommended for continuation in the approved report of the board, notwithstanding any other provisions of law, except as provided in the last sentence of this subparagraph, shall be placed on the retired list on 1 July immediately following the fiscal year in which the report of the board is approved or in which the officer completes 20 years of total commissioned service, as computed under paragraph 2006, whichever is later. However, if the report of a board that considers officers for continuation on the active list under the provisions of this law is approved less than 6 months before the end of the fiscal year, the retirement of officers who were considered but not recommended for continuation by that board shall be deferred until the first day of the seventh month following the month in which the report of the board is approved.

4. An officer who is retired under the foregoing provisions of law is entitled to retired pay computed in accordance with the provisions of paragraph 1007. However, the retired pay of such an officer may not be less than 50 percent of the basic pay upon which the computation of retired pay is based.

5. An officer who is recommended for continuation on the active list in the approved report of a board convened under Public Law 86-155 shall become subject to involuntary retirement in accordance with other provisions of law outlined in paragraphs 2009 and 2010.

2014 INVOLUNTARY RETIREMENT OF MALE COMMISSIONED OFFICERS FOR AGE

1. Each officer above the grade of chief warrant officer, CWO-4, shall be retired by the President on the first day of the month following that in which he becomes 62 years of age. The President, at his discretion, may defer retirement of any such officer for the length of time he considers advisable but not later than the first day of the month following that in which such officer becomes 64 years of age. Not more than 10 such officers, including naval officers whose retirement is so deferred, shall be on active duty at any one time (10 USC 6390, Executive Order 10621).

2015 INVOLUNTARY RETIREMENT FOR FAILURE OF PROFESSIONAL REEXAMINATION

1. The foregoing provisions relating to the retirement of officers above the grade of captain who have twice failed of selection for promotion shall be applicable to such officers who fail professional reexamination for promotion in the same manner as if such officers had twice failed of selection for promotion.

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PART B: WOMEN OFFICERS

2101 RESIGNATIONS

1. The provisions of paragraph 2001 concerning the general conditions under which resignations of male officers are tendered and accepted are equally applicable to Regular women officers. Resignations normally will be accepted from women officers under the following conditions:

a. After 4 years of active commissioned service, except in the case of an officer who has additional active service obligations under law, agreement, or policy. The provisions of subparagraph 2002.2a apply in the case of an officer who is appointed in the Regular Marine Corps through the augmentation programs.

b. By reason of marriage provided she has completed 2 years of active commissioned service.

c. For the same reasons which would result in termination of commission or warrant as outlined in subparagraph 2102.3.

2102 INVOLUNTARY DISCHARGES AND TERMINATIONS

1. Each woman officer serving in the permanent grade of captain or first lieutenant in the Regular Marine Corps, whose name, on 30 June of the fiscal year in which she completes 13 or 7 years of active commissioned service in the Marine Corps, is not then on a promotion list for promotion to the next higher grade, shall be honorably discharged from the Marine Corps on that date. However, if she so requests, she may be honorably discharged at any time during that fiscal year. A captain is entitled to a lump-sum payment equal to 24 times the monthly basic pay to which she is entitled at the time of discharge, and a first lieutenant is entitled to a lump-sum payment equal to 2 months' basic pay at the time of discharge multiplied by the number of years of her active commissioned service in the Regular Marine Corps or the Marine Corps Reserve, except that no captain subject to discharge under this subparagraph is entitled to a lump-sum payment of more than \$15,000. A part of a year that is 6 months or more is counted as a whole year and a part of a year that is less than 6 months is disregarded in the computation of such severance pay (10 USC 6401, as amended by Act of June 28, 1962, Public Law 87-509, Sec. 4(b), 6402 and 6404).

2. The commission or warrant of any woman serving in the Regular Marine Corps may be terminated regardless of grade, or length of service, by or at the direction of the Secretary of the Navy, except as may be otherwise provided by law, under the same circumstances, procedures and conditions and for the same reasons under which a male member of the Regular Marine Corps and of the same grade and length of service may be totally separated from the service by administrative action, whether by termination of commission, termination of appointment, revocation of commission, discharge, or otherwise.

3. The commission or warrant of any woman serving in the Regular Marine Corps shall be terminated by the Secretary of the Navy when it is established that such woman:

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- a. Is the parent, by birth or adoption of a child under the age of 18 years;
or
- b. Has personal custody of a child under the age of 18 years; or
- c. Is the stepparent of a child under the age of 18 years who is within the household of the woman for a consecutive period of more than 30 days a year; or
- d. Is pregnant; however, if pregnancy is terminated as a result of a spontaneous or therapeutic abortion or a stillbirth prior to separation from the service, a woman officer may so be considered for retention if she so desires; or
- e. Has given birth to a living child while serving under her current appointment to warrant of commissioned grade in the naval service (10 USC 6393).

4. Each woman officer whose commission or warrant is terminated will be awarded a certificate of discharge of such type and character as may be warranted by her military record and the circumstances surrounding the termination.

5. In the event a woman officer does not submit her resignation when subject to separation under the provisions of subparagraph 3, above, her commander will submit a detailed report to the Commandant of the Marine Corps enclosing substantiating documents.

2103 VOLUNTARY RETIREMENT

1. All laws applicable to the voluntary retirement of male officers of the Regular Marine Corps are applicable in like manner to women officers of the Regular Marine Corps.

2104 INVOLUNTARY RETIREMENT

1. Each woman officer of the Regular Marine Corps who holds a permanent appointment in the grade of colonel shall be retired on the first day of the month following the month in which she completes 30 years of active commissioned service in the Regular Marine Corps and Marine Corps Reserve.

2. Each woman officer of the Regular Marine Corps who holds a permanent appointment in the grade of lieutenant colonel shall be retired on the first day of the month following the month in which she completes 26 years of active commissioned service in the Regular Marine Corps and Marine Corps Reserve (10 USC 6398 as amended by Act of 8 Nov 1967, Public Law 90-130).

3. Each woman officer of the Regular Marine Corps who holds an appointment in the grade of major or below shall be retired by the President on the first day of the month following the date on which she becomes 50 years of age. However, the foregoing shall not apply to an officer of the grade of major who is on a promotion list for promotion to the grade of lieutenant colonel or to one while serving as Director of Women Marines with the grade of colonel (10 USC 6390).

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4. Each woman officer of the Regular Marine Corps who holds an appointment in the grade of major shall be retired on the first day of July immediately following the fiscal year in which she is not on a promotion list and she has completed 20 years of active commissioned service in the Regular Marine Corps and the Marine Corps Reserve. The foregoing is not applicable to a woman officer while serving as Director of Women Marines (10 USC 6400).

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CHAPTER 3

SEPARATION AND RETIREMENT OF REGULAR CHIEF WARRANT AND WARRANT OFFICERS

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CHAPTER 3

SEPARATION AND RETIREMENT OF REGULAR CHIEF WARRANT
AND WARRANT OFFICERS

3001 GENERAL

1. Unless otherwise indicated, the term warrant officer as used herein means any chief warrant officer or warrant officer, W-1.
2. Unless otherwise indicated, the provisions of this chapter are applicable to women warrant officers.

3002 RESIGNATIONS

1. The provisions of paragraph 2001 concerning conditions under which resignations are tendered and accepted are applicable to warrant officers.

3003 TERMINATION OF APPOINTMENT

1. The Secretary of the Navy may at his discretion, terminate the appointment of a permanent warrant officer in the Regular service at any time within 3 years after the date of acceptance of his initial permanent appointment in the Regular service. An officer whose appointment is thus terminated shall not be entitled to severance pay, but may apply for and be enlisted in the grade, and with the date of rank in that grade, held on the day before he accepted his appointment as a warrant officer. The application for enlistment of a person whose appointment as a warrant officer has been terminated in accordance with this paragraph must be approved by the Secretary of the Navy prior to enlistment. A temporary appointment in a warrant grade may be terminated at any time.
2. When a selection board is convened by the Secretary of the Navy to consider permanent warrant officers for promotion to the next higher grade, the board shall report the names of those warrant officers considered by it whose records and reports establish, in its opinion, their unfitness or unsatisfactory performance of duty in their present grades. A warrant officer whose name is so reported shall be retired, enlisted, or separated in accordance with subparagraph 4, below.
3. The Secretary of the Navy may convene a board of officers similar in composition to a selection board which will consider the records of all warrant officers submitted to it by the Secretary of the Navy. The records will be those of warrant officers not eligible for consideration by a selection board and among those records there are records or reports which indicate unfitness or unsatisfactory performance of duty in their present grade. The board shall submit a report in writing to the Secretary of the Navy via the Commandant of the Marine Corps and shall certify that: "The board has carefully considered the records furnished to it and the chief warrant officers or warrant officers, W-1, whose names, if any, are reported have reports and records which establish their unfitness or unsatisfactory performance of duty in their present grade."

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4. Each warrant officer whose name is reported in the approved report of a selection board or a board of officers pursuant to subparagraph 2 or 3, if eligible for retirement under any provision of law, shall be placed on the retired list on the first of the month following the 60th day after the date on which the Secretary of the Navy approves the report of the board. If not eligible for retirement, and if he has completed at least 3 years' active service from the date he accepted his original permanent appointment as a Regular warrant officer, such officer shall be separated with severance pay not later than 60 days after the date on which the Secretary of the Navy approves the report of the board. Such warrant officer's severance pay is computed by multiplying his years of active service, but not more than 12, by the monthly basic pay to which he is entitled at time of separation. A part of a year that is 6 months or more is counted as a whole year and a part of a year that is less than 6 months is disregarded in the computation of such severance pay. However, no person is entitled to severance pay in an amount more than \$15,000. Each warrant officer, in lieu of separation with severance pay, shall be accorded the enlistment privilege as provided in subparagraph 1. If any such warrant officer has less than 3 years of active service, his appointment shall be terminated in accordance with subparagraph 1 (10 USC 1165, 1166, 560, and 1167 as amended by Act of June 28, 1962, Public Law 87-509, Sec. 4(a)).

3004 VOLUNTARY RETIREMENT

1. Any warrant officer who has completed not less than 20 years' active service, upon application and at the discretion of the Secretary of the Navy, may be placed on the retired list. Subparagraph 2005.1 is applicable.
2. Warrant officers who are eligible may request retirement in accordance with the appropriate provisions of paragraph 2005.

3005 INVOLUNTARY SEPARATION OR RETIREMENT

1. Unless separated or retired under other provisions of law, a permanent Regular warrant officer shall be separated or retired in accordance with this paragraph.
2. For the purposes of this paragraph, the decisive date may be any one of the following; whichever is applicable:

a. The date on which the Secretary of the Navy approves the report of a selection board pursuant to which the warrant officer failed, for the second time, of selection for promotion to the next higher permanent Regular warrant officer grade.

b. The date on which the Secretary of the Navy, the President, or the United States Senate for the second time, removes the name of any warrant officer from a promotion list, or the date on which the Secretary of the Navy approves the report of a selection board which does not recommend any warrant officer for promotion after he has been once removed from a promotion listed as indicated above.

c. The date on which the Secretary of the Navy approved the report of a board which reported the name of any warrant officer as having failed to meet the

moral qualifications, or upon reexamination, the professional qualifications prescribed by the Secretary of the Navy for such promotion.

4. If on the decisive date applicable to his case any warrant officer has completed less than 18 years of active service but at least 3 years of active service from the date he accepted his original permanent appointment as a Regular warrant officer, his appointment shall be terminated and he shall be separated on that date which is 60 days after the decisive date applicable to his case. A permanent Regular warrant officer whose appointment is so terminated will be entitled to severance pay, unless he applies for and is enlisted or reenlisted in the Marine Corps and such application for enlistment must be approved by the Secretary of the Navy prior to enlistment. The severance pay of such warrant officer is computed by multiplying his years of active service, but not more than 12, by twice the monthly basic pay to which he is entitled at the time of separation. A part of a year that is 6 months or more is counted as a whole year and a part of a year that is less than 6 months is disregarded in the computation of such severance pay. However, no person is entitled to severance pay under this paragraph in an amount more than \$15,000 (10 USC 564 and 1167 as amended by Act of June 28, 1962, Public Law 87-509, Sec. 4(a)).

5. If on the decisive date applicable to his case, any warrant officer has completed at least 18 years but not more than 20 years of active service, he may be retained until he has completed 20 years of active service and shall be placed on the retired list on the first of the month following the 60th day after the date he completes that service, unless he is selected for promotion to the next higher permanent Regular grade before that date.

6. If on the decisive date applicable to his case, any warrant officer has completed 20 or more years of active service he shall be retired on the first of the month following the 60th day after that decisive date (10 USC 564).

3006 INVOLUNTARY RETIREMENT FOR AGE OR SERVICE

1. A permanent Regular male warrant officer, who has completed at least 20 years of active service in the Armed Forces shall be retired on the first of the month following the 60th day after he becomes 62 years of age (10 USC 1263 as amended by Act of 8 Nov 1967, Public Law 90-130).

2. Any permanent Regular warrant officer who has at least 30 years of active service in the Armed Forces shall be retired on the first day of the month following the 60th day after the date that he completes that period of active service (10 USC 1305).

3007 TERMINATION OF TEMPORARY APPOINTMENT IN HIGHER GRADES

1. The temporary appointment in a higher grade of any warrant officer shall be terminated on the date the officer is subject to separation or retirement in accordance with paragraphs 3003, 3005, or 3006.

3008 DEFERMENT FOR DISABILITY

1. The Secretary of the Navy in his discretion may defer, not for more than 4 months, the involuntary retirement or separation of any warrant officer if, because of unavoidable circumstances, evaluation of his physical condition and determination of his entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date when he would otherwise be required to be retired or separated under provisions of this chapter, except subparagraph 3003.1.

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CHAPTER 4

SEPARATION AND RETIREMENT OF RESERVE OFFICERS AND RETIREMENT
OF ENLISTED RESERVISTS

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CHAPTER 4

SEPARATION AND RETIREMENT OF RESERVE OFFICERS AND
RETIREMENT OF ENLISTED RESERVISTS

4001 DEFINITIONS

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

a. Active status. The status of a reservist who is not on the inactive status list or in the Retired Reserve. A reservist in an active status may be on active or inactive duty.

b. Reserve retirement credit and points. Terms used interchangeably and have reference to the method provided by law for awarding actual or constructive days of service for active duty and other duty or training. Each point represents a day of service. These points are used for determining both satisfactory Federal service counting toward eligibility for retirement and for computing the amount of retired pay to be received.

c. Year of satisfactory Federal service. Year in which a reservist is credited with a minimum of 50 Reserve retirement credits unless the year is declared unsatisfactory by the Commandant of the Marine Corps. See paragraph 4013 for service prior to 1 July 1949.

d. Anniversary dates. Assigned to all reservists based on the following criteria:

(1) Members of the Marine Corps Reserve on 1 July 1949, anniversary year begins on 1 July of each year as long as continuous active Marine Corps Reserve status is maintained.

(2) Members of the Marine Corps Reserve after 1 July 1949 but prior to 1 July 1965, anniversary year begins on the date of entry or reentry, and each succeeding "year" will begin on the anniversary of that date as long as continuous active Reserve status is maintained.

(3) Members of the Marine Corps Reserve after 30 June 1965, anniversary year begins on the date shown below; and each succeeding "year" will begin on the anniversary of that date as long as continuous active Reserve status is maintained.

(a) Member whose initial entry, or whose reentry after a break in service of more than 24 hours, into the service is after 30 June 1965, anniversary year begins on the date of entry or reentry, and each succeeding "year" will begin on the anniversary of that date as long as continuous service in any branch or component of the Armed Forces is maintained. A change of service or component which does not result in a break in service of 24 hours or more does not change this member's anniversary date.

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(b) Members of a Reserve component of another Branch of the Armed Forces on 1 July 1965 and are subsequently enlisted or appointed in the Marine Corps Reserve without a break in service of 24 hours or more, anniversary year begins on the same date as the anniversary date established by the Armed Force in which they were a member.

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

(4) Members restored to an active status from the Inactive Status List, anniversary year begins on the date they are restored to an active status, and each succeeding "year" will begin on the anniversary of that date.

4002 RESIGNATION OF OFFICERS

1. The President, or the Secretary of the Navy acting for him, may accept the resignation of an officer of the Marine Corps Reserve, including chief warrant officers and warrant officers (W-1). Officers will include the reason for resignation in their letter. The provisions of paragraph 2001 pertaining to tendering and accepting of resignations of Regular officers are applicable except that periods of obligated service acquired under law or contractual agreement must be completed before a resignation will be accepted. Exceptions may be made when the separation of an officer is considered to be in the best interests of the service. Subject to the foregoing, a woman officer may tender her resignation at any time after completing 3 years of active commissioned service, unless a previous agreement specified 2 years of active duty, or 4 years of total commissioned service. In addition, a woman officer may tender her resignation by reason of marriage provided she has completed 2 years of active commissioned service. Reserve officers may tender their resignations for any of the reasons which would result in involuntary discharge.

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

a. "I have been fully advised concerning provisions of statutes and regulations relative to court-martial trials and action by boards of officers, and concerning the application of such statutes and regulations to the factual situation obtaining in my case. After fully weighing the benefits which might inure to me as a result of such action, and although considering that I would suffer no greater prejudice as a result of such action, I hereby waive any and all court-martial action under the Uniform Code of Military Justice, and I further waive any consideration of my case by any board of officers and findings and recommendations by any such board of officers. This waiver is made in the interest of expediting ultimate disposition of my case, as I feel that my position in the matter has been made clear, and I have full confidence in the ability and fairness of the officers in higher authority who will act upon my case,"
or

b. "I request referral of the papers in my case to a board of officers for findings and recommendations in the premises."

4003 INVOLUNTARY DISCHARGES

1. Reserve commissioned officers may be discharged at the pleasure of the President. Other reserves may be discharged under regulations prescribed by the Secretary of the Navy. The discharge of warrant officers, W-1, shall be effected at the pleasure of the Secretary of the Navy (10 USC 1162).

2. A Reserve officer who has not completed 3 years of commissioned, warrant, or combined commissioned and warrant service may be involuntarily discharged in the absence of an approved recommendation of a board of officers under any of the following circumstances:

a. Upon failure to complete satisfactorily any course of training, instruction, or indoctrination which he has been ordered to undergo and the satisfactory completion of which is considered important in achieving maximum qualifications for general or any special duty assignments or assignment ordered or in contemplation, or for any promotion, classification or designation.

b. Low caliber or unsatisfactory performance of duty as evidenced by either or both official reports of fitness or special reports by letter submitted by no less than two reporting seniors under whom the officer in question has served. The term "low caliber performance of duty" is used herein to denote performance which is considered to be qualitatively below standard for officers of comparable grade, experience, and length of service, and is by no means restricted to performance falling below any specific numerical or adjectival grade, mark, or description.

c. Unsuitability or unfitness for service by reason of a medically diagnosed condition or state other than physical disability.

d. Except as provided in subparagraphs 2a, 2b, and 2c above, Reserve officers who have completed less than 3 years of commissioned and warrant service shall be discharged only pursuant to the approved recommendation of a board of officers convened in accordance with subparagraph 3, below.

3. Except as otherwise provided in paragraphs 4004-4008, a Reserve Officer who has completed 3 years of commissioned service shall not be involuntarily discharged except pursuant to the approved recommendation of a board of officers convened by one of the following: the Commandant of the Marine Corps/commands authorized to convene general courts-martial; Commanding General, Marine Air Reserve Training Command; directors, Marine Corps districts; and Commanding Officer, Marine Corps Reserve Forces (Class III). However, in the case of officers serving on active duty, commands authorized to convene a board of officers will do so only after reporting all pertinent facts and recommending to the Commandant of the Marine Corps that such action be taken and the Commandant of the Marine Corps has directed the convening of a board of officers. The board shall consist of not less than three members who shall be senior in grade to the individual under consideration and the majority shall be officers of the Marine Corps

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Reserve on extended or temporary active duty. This board may recommend discharge for any of the following reasons:

a. When a male officer fails on reexamination to qualify professionally for promotion.

b. When found not physically qualified for promotion or for active duty, and when he or she is ineligible for transfer to the retired list of the Marine Corps Reserve.

c. Failure to complete basic military training, unless waiver and retention are authorized by the Commandant of the Marine Corps.

d. Failure to carry out agreements entered into prior to appointment.

e. Civilian occupation incompatible with Marine Corps Reserve status.

f. For such other full and sufficient cause, as determined by the Secretary of the Navy such as failure to successfully complete prescribed course of study, failure to answer and/or comply with official correspondence, obvious lack of interest in the Reserve, and serious breach of discipline.

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

5. The President or the Secretary of the Navy may drop from the rolls any member of the Reserve components who has been absent without authority from his place of duty for a period of 3 months or more, or who has been found guilty of any offense by the civil authorities, is sentenced to confinement in a Federal or State penitentiary or other correctional institution.

6. A Reserve officer discharged or separated for cause, other than as specified in subparagraph 5, shall be given an honorable or general discharge under honorable conditions unless:

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

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

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

8. A woman Reserve officer who becomes pregnant or the parent or custodian of a child, if ineligible for transfer to the retired list of the Marine Corps Reserve, shall be discharged.

9. A woman Reserve officer who has completed 3 years of commissioned service shall not be involuntarily discharged unless:

a. Recommended for discharge by a board described in subparagraph 3 above, for reasons enumerated in subparagraphs 3b, c, d, e, or f, above.

b. Discharged or dismissed as provided in subparagraph 7 or 8, above, or paragraph 4008.

4004 TRANSFER TO ANOTHER RESERVE

1. A Reserve officer on inactive duty who desires to enlist or accept appointment in the Reserve component of another Armed Force shall:

a. Apply to the Secretary of the Navy via the unit of the Armed Force in which entry is sought, his commander and/or district director; Commanding General, Marine Air Reserve Training Command, or Commanding Officer, Marine Corps Reserve Forces (Class III), as appropriate, and the Commandant of the Marine Corps (Code DMR).

b. Include in his application evidence of fulfillment of one of the conditions in subparagraph 8006.1a as applies to enlisted reservists.

c. Tender the contingent resignation with his application to read: "I hereby tender my resignation from the U. S. Marine Corps Reserve. I request that my resignation be accepted contingent upon and effective as of the day prior to my enlistment or acceptance in the (specify service)."

2. Upon approval of the application, the Commandant of the Marine Corps will furnish the officer concerned a conditional release. This release will contain the elements set forth in subparagraph 8006.1c.

4005 RETIREMENT OR SEPARATION FOR AGE AND SERVICE

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

a. Reserve officers, other than general officers, and enlisted members of the Reserve, who, upon reaching age 60 and are then qualified for retirement with pay, shall be transferred to the Retired Reserve upon their own request, effective on the first of the month following their 60th birthday. However, if they fail to request retirement after being afforded an opportunity, they shall be discharged.

b. General officers of the Reserve, subject to their consent and upon specific orders of the Secretary of the Navy, may be retained in an active status

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until age 62. The Secretary, subject to their consent, may retain, within the number specified by law certain general officers in an active status until age 64.

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

(1) The first of the month following the date on which they first complete 20 years of satisfactory Federal service and become qualified for retirement with pay.

(2) If commissioned prior to 1 January 1953, the first of the month following their 62d birthdays if they cannot qualify for retired pay on or before their 64th birthdays. An officer in this category may be retired without his consent (10 USC 6391).

(3) If commissioned on or subsequent to 1 January 1953, the first of the month following their 62d birthdays. An officer in this category may be retired without his consent (10 USC 6391).

d. Enlisted members of the Reserve, upon reaching age 60, are qualified for retirement with pay and will be transferred to the Retired Reserve upon their request, effective on the first of the month following their 60th birthdays. However, if they fail to request retirement after being afforded an opportunity, they shall be discharged by the command concerned for convenience of the Government, citing subparagraph 6012.1f as authority.

e. Enlisted members who have attained age 60, but have not yet completed 20 years of satisfactory Federal service, shall be transferred to the Retired Reserve or discharged as indicated above as of the first of the month following the date on which they first complete 20 years' satisfactory Federal service and become qualified for retirement with pay.

2. A Reserve officer, except a limited assignment officer, not on active duty and not on a promotion list will be discharged, allowed to resign, or transferred to the Retired Reserve, if qualified, upon attaining the following ages in grade (see paragraph 4010 for exceptions):

Second and first lieutenants-----40 years

Captains-----46 years

Majors-----52 years

Lieutenant Colonels-----58 years

4006 RETIREMENT OR SEPARATION OF MALE OFFICERS AFTER TWICE FAILING OF SELECTION FOR PROMOTION

1. A Reserve officer in an active status in the permanent grade of warrant officer(W-1), commissioned warrant officer (W-2), or commissioned warrant officer

(W-3) who is considered as having failed of selection for promotion to the next higher grade, shall be eliminated from an active status. An officer who is to be eliminated from an active status under this subparagraph, if qualified, shall be given an opportunity to request transfer to the appropriate Retired Reserve. If he is not transferred, he shall be discharged from the Marine Corps Reserve.

2. Subject to the exceptions outlined in paragraph 4010, a Reserve officer in an active status in the permanent grade of captain or first lieutenant, who is considered as having twice failed of selection for promotion to the next higher grade shall be eliminated from an active status. An officer who is to be eliminated from an active status under this subparagraph, if qualified, shall be given an opportunity to request transfer to the appropriate Retired Reserve. If he is not transferred, he shall be discharged from the Marine Corps Reserve.

3. Subject to the exceptions outlined in paragraph 4010, a Reserve officer in an active status in the permanent grade of major or above, who is considered as having twice failed of selection for promotion to the next higher grade, if qualified, shall be given an opportunity to request transfer to the appropriate Retired Reserve. If he is not transferred, he shall be discharged from the Marine Corps Reserve if he has completed a period of total commissioned service equal to that specified below for the permanent grade in which he is serving:

Colonel----- 30 years

Lieutenant Colonel----- 26 years

Major----- 20 years

4. For the purposes of this paragraph, the total commissioned service of an officer who shall have served continuously in the Marine Corps Reserve following appointment therein in the grade of second lieutenant shall be computed from 30 June of the fiscal year in which he accepted appointment. Each other officer shall be deemed to have for these purposes as much total commissioned service as any officer of the Regular Marine Corps not restricted in the performance of duty who has served continuously since original appointment as a second lieutenant in the Regular Marine Corps and has not lost numbers or precedence and who is or has been after 6 September 1947 junior to such other officer, except that the total commissioned service of such other officer may not be less than the actual number of years he has served in commissioned officer status above the grade of chief warrant (W-4). Notwithstanding the first two sentences of this subparagraph, the Secretary of the Navy may defer the retirement or discharge under this paragraph of an officer serving in the permanent grade of major or above for a period of time which does not exceed the amount of constructive service in an active status which was credited to the officer at the time of his original appointment or thereafter under any provision of law, if the officer can complete at least 20 years of satisfactory Federal service during the period of such deferment (10 USC 6389 as amended by Act of 30 June 1960, Public Law 86-559).

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4007 REVOCATION OF LIMITED ASSIGNMENT STATUS AND SUBSEQUENT RETIREMENT OR SEPARATION

1. Limited assignment designation may be revoked for one of the following reasons:
 - a. Failure to be selected for continued limited assignment on annual review.
 - b. Failure of selection for promotion to next higher grade a second time.
 - c. Failure to maintain an active status, and
 - d. For other good and sufficient reasons when determined by the Commandant of the Marine Corps.
2. Upon revocation of limited assignment designation an officer will be discharged, allowed to resign, or transferred to the Retired Reserve under the provisions of paragraph 4005 or 4006.

4008 RETIREMENT OR SEPARATION OF WOMEN OFFICERS FOR AGE AND SERVICE

1. A woman Reserve officer shall be afforded an opportunity to transfer, if qualified, to the Retired Reserve, but if not transferred, be allowed to resign or be discharged upon attainment of age of length of commissioned service as follows:
 - a. Pursuant to the regulations prescribed for male Reserve officers in paragraph 4005.
 - b. If initially appointed after 12 June 1948:
 - (1) Majors and below who attain age 50 and are not on a promotion list.
 - (2) Majors who complete 20 years of commissioned service and are not on a promotion list.
2. No woman Reserve officer shall be involuntarily eliminated from an active status pursuant to this paragraph except upon the recommendation of a board which shall be appointed by the Secretary of the Navy and convened at such times as the Secretary of the Navy may direct (10 USC 6403).
3. See paragraph 4010 for exceptions to this paragraph.

4009 RETIREMENT OR SEPARATION FOR UNSATISFACTORY PARTICIPATION

1. Each nonobligor officer of Class III Volunteer Marine Corps Reserve in an active status, who is credited at the end of his anniversary year with less than 27 retirement points, shall be separated or retired unless qualified for assignment to the inactive status list or retention in an active status in accordance with current directives, except company grade officers who have not completed more than 3 years in an inactive duty status since date of last release from active duty. In the latter case the action described above will be taken in the event the officer fails to accrue a minimum of 16 Reserve retirement credits at the end of his anniversary year. Such a member will be informed by letter by the

Commanding Officer, Marine Corps Reserve Forces (Class III), that because he has not met prescribed satisfactory participation requirements, his separation or retirement is mandatory under existing law. Each officer qualified for transfer to the Retired Reserve will be afforded the option of requesting such transfer or tendering his resignation.

a. Those members who elect one of the options afforded under subparagraph 1 will be processed in accordance with the provisions of this chapter.

b. Each officer subject to separation or retirement who does not elect one of the options afforded him under subparagraph 1 will be referred to a board convened in accordance with subparagraph 4003.3 and a recommendation submitted relative to his retention or discharge. Each officer who is to be considered by a board will be properly notified in advance that his case is to be considered by a board for separation and afforded an opportunity either to appear for a hearing or to submit a statement as he may elect. Further, each such officer will be informed that if he desires to appear in person or be represented before a board, no expense to the Government is authorized. The current SecNav Instruction pertaining to this matter should be consulted for detailed procedures.

2. See paragraph 4010 for exceptions to this paragraph.

4010 RESERVE OFFICER MANDATORY RETIREMENT OR SEPARATION EXCEPTIONS

1. The retirement or separation of certain Reserve officers required by paragraphs 4005, 4006, 4007, 4008, and 4009 shall not apply to an officer who has completed 18 but less than 19 years of satisfactory Federal service until the third anniversary of the date on which he would otherwise be transferred from an active status or discharged, or upon completion of 20 years of satisfactory Federal service, whichever is earlier; nor shall the above referenced requirements apply to an officer who has completed 19 but less than 20 years of satisfactory Federal service until the second anniversary of the date on which he would otherwise be transferred from an active status or discharged, or upon completion of 20 years of satisfactory Federal service, whichever is earlier.

2. The exception explained in subparagraph 1, above, will not be extended to an officer who would not be able to complete 20 years of satisfactory Federal service prior to reaching the age at which retirement is mandatory under subparagraph 4005 (10 USC 1006).

3. Each male person who after August 9, 1955, becomes a member of an Armed Force before his 26th birthday shall serve in the Armed Forces for a total of 6 years. Any part of such service that is not active duty or active duty for training shall be performed in a Reserve component. Unless pursuant to regulations prescribed by the Secretary of the Navy wherein he is promoted to a higher Reserve grade, an officer shall be retained in an active status in his Reserve grade for the remaining period of required service and may not be discharged from that status unless he is so discharged because of personal hardship under regulations prescribed by the Secretary of Defense (10 USC 651).

4. Notwithstanding paragraphs 4005, 4006, 4007 and 4009, a Reserve commissioned officer, other than a commissioned warrant officer, who is assigned to the Selective Service System may be retained in an active status in that assignment until he becomes 60 years of age (10 USC 1007).

4011 RETIRED RESERVE

1. The Retired Reserve consists of reservists who are retired under various laws and regulations explained in succeeding paragraphs. The names of all members of the Retired Reserve are carried on the Retired Reserve list. The names of members of the Retired Reserve who are entitled to retired pay are also carried on the Retired Reserve list (10 USC 267, 274, 1376 and 6017).

4012 RETIREMENT WITH PAY BASED ON ACTIVE SERVICE

1. Reserve officers who have completed 20 or more years of active service may request retirement under the provisions applicable to regular officers in paragraph 2005.

2. A reservist (officer or enlisted) may request retirement if he has completed:

- a. Thirty years of active service other than active duty for training, or
- b. Twenty years of active service other than active duty for training, the last 10 years of which he served in the 11 year period immediately preceding retirement. Retired pay will be 50 percent of the basic pay to which he would be entitled if on active duty. This retirement provision applies only to persons who were members of the Naval Reserve or the Marine Corps Reserve on 1 January 1953, and it shall terminate on 1 January 1973 (10 USC 6327).
- c. A reservist who is eligible for retirement under this paragraph, and who is also eligible for retirement under another provision of law, or for transfer to the Fleet Marine Corps Reserve under paragraph 9005, is entitled to elect the type of retirement for which he is eligible.

4013 RETIREMENT WITH PAY BASED ON 20 YEARS' SATISFACTORY FEDERAL SERVICE AT AGE 60

1. Except as provided in subparagraph 3 below, a reservist, officer or enlisted, may request retirement with pay if he is at least 60 years of age and has performed 20 years or more of satisfactory Federal service of which at least 8 years of qualifying service have been performed in a Reserve component. The following service is creditable as satisfactory Federal service to determine whether a person is entitled to retired pay under this paragraph:

- a. Years of service, before 1 July 1949 in the following:
 - (1) Armed Forces.
 - (2) Federally recognized National Guard before 15 June 1933.
 - (3) Federally recognized status in the National Guard before 15 June 1933.

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(4) National Guard after 14 June 1933, if his service therein was continuous from the date of his enlistment in the National Guard, or his Federal recognition as an officer therein, to the date of his enlistment or appointment, as the case may be, in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States.

(5) Naval Reserve Force.

(6) Naval Militia that conformed to the standards prescribed by the Secretary of the Navy.

(7) National Naval Volunteers.

b. Each 1-year period, after 1 July 1949, in which he has been credited with at least 50 points on the following basis:

(1) One point for each day of:

(a) Active service; or

(b) Full-time service while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary of the military department concerned.

(2) One point for each attendance of drill or period of equivalent instruction that was prescribed for that year by the Secretary of the military department concerned and conformed to the requirements prescribed by law, including attendance at National Guard training.

(3) Points at the rate of 15 a year for membership in a Reserve component of an Armed Force, in the Army or the Air Force without component or in any other category as outlined in subparagraph 1a, above, except a Regular component. For the purpose of this subparagraph and subparagraphs 1b(1) and 1b(2), service in the National Guard shall be treated as if it were service in a Reserve component, if the person concerned was later appointed in the National Guard of the United States, the Army National Guard of the United States, the Air National Guard of the United States, or as a Reserve of the Army or the Air Force, and served continuously in the National Guard from the date of his Federal recognition to the date of appointment.

2. The following service will not be counted:

a. Service, other than active service, in an inactive section of the Organized Reserve Corps or of the Army Reserve, or in an inactive section of the officers' section of the Air Force Reserve.

b. Service, other than active service, after 30 June 1949 while on the Honorary Retired List of the Naval Reserve or of the Marine Corps Reserve.

c. Service in the inactive National Guard.

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d. Service in a nonfederally recognized status in the National Guard.

e. Service in the Fleet Reserve or the Fleet Marine Corps Reserve.

f. Service in any status other than that as a commissioned officer, warrant officer, flight officer, appointed aviation cadet, or enlisted member.

3. No person who before 16 August 1945 was a Reserve of an Armed Force, or a member of the Army without component or other category covered by subparagraph 1a except a Regular component is eligible for retired pay under this paragraph unless he performed active duty after 5 April 1917 and before 12 November 1918, or after 8 September 1940, and before 1 January 1947, or unless he performed active duty, other than for training, after 26 June 1950 and before 28 July 1953. No person shall be entitled to retired pay under subparagraph 1 if he is entitled, under any other provision of law, to retired pay from an Armed Force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

4. The last 8 years of satisfactory Federal service need not be the last 8 years of military service, nor do they need be continuous. For example, an individual who served 14 years as a reservist and then 6 years in the Regular Marine Corps must serve an additional 6 years in a Reserve status to qualify for retired pay; and an individual who served 13 years in the Regular Marine Corps, then 7 years as a reservist, followed by 4 years in the Regular Marine Corps must serve an additional year in a Reserve status to qualify for retired pay. In the first example, an additional 6 years' service in a Reserve status is necessary to meet the requirement that the last 8 years of satisfactory Federal service be as a member of a Reserve component. While this person has completed 20 years of satisfactory Federal service, the last 8 years of such service was not as a member of a Reserve component, as only 2 of the last 8 were served as a member of a Reserve component. In the second example, even though this person has completed over 20 years of satisfactory Federal service, he must serve 1 more year as a member of a Reserve component in order to meet the requirement that the last 8 years of such service was as a member of a Reserve component (10 USC 502).

5. The 50 points required for a year of satisfactory Federal service may be prorated for a partial year and the 15 gratuitous points for membership may be similarly prorated. In order to prorate, the member must be removed from an active status at the end of the period to be prorated by discharge or transfer to the inactive status list or Retired Reserve. Retention in an active status after a member ceases to earn points may result in a part of a year which is otherwise satisfactory becoming not creditable as satisfactory Federal service. In order for a part of a year to be so creditable as satisfactory Federal service, the member must be credited with sufficient points to be prorated over the entire part of the year that he remains in an active status. Figure 4-1 tabulates minimum points required to establish a partial year or satisfactory Federal service.

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MINIMUM POINTS REQUIRED TO ESTABLISH A PARTIAL YEAR AS
SATISFACTORY FEDERAL SERVICE
(MEMBERSHIP POINTS INCLUDED)

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

TABLE FOR PRORATING MEMBERSHIP POINTS

Days	0-24	25-48	49-72	73-97	98-121	122-145	146-170	171-194	195-218
Points	0	1	2	3	4	5	6	7	8

Days	219-243	244-267	268-291	292-316	317-340	341-364	365-366
Points	9	10	11	12	13	14	15

FIGURE 4-1.

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4014 COMPUTATION OF RETIRED PAY

1. For the purpose of computing the retired pay of a person entitled to retired pay under paragraph 4013, years of service and any fraction of such a year are computed by adding the following and then dividing the sum of the addition by 360:

a. Days of active service.

b. Days of full-time service while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary of the military department concerned.

c. One day of each point credited under subparagraphs 4013.1b(2) and 1b(3), above, but not more than 60 days in any one year.

d. Fifty days of each year before 1 July 1949, and proportionately for each fraction of a year of service, other than active service, in a Reserve component of an Armed Force, in the Army or the Air Force without component, or in any other category, except a Regular component, covered by subparagraph 4013.1a.

2. The monthly retired pay of a person entitled pursuant to paragraph 4013 is computed by this formula:

Monthly basic pay at rates applicable on date when re- tired pay is granted of highest grade held satisfactorily at any time in the Armed Forces	Multiplies by 2½% of years of service credited to him under subpara- graph 1, above	Subtract excess over 75% of pay upon which com- putation is based (10 USC 1333 and 1401)
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4015 TIME NOT CREDITABLE

1. The following service will not be counted in any computation of years of satisfactory Federal service under paragraph 4013 or years of service for the computation of retired pay under paragraph 4014:

a. Service in an inactive status on the inactive status list.

b. Time spent after retirement or transfer to the Retired Reserve.

2. Members of the Reserve are not eligible to earn retirement credits while on the inactive status list or in the Retired Reserve, and they are not entitled to gratuitous credits for membership during such periods (10 USC 1334).

3. See Department of Defense Military Pay and Allowances Entitlements Manual (DODPM) for other service not creditable in the case of officers.

4016 RETIREMENT WITHOUT PAY

1. A reservist, officer or enlisted, may request transfer to the Retired Reserve provided he:

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- a. Has completed a total of 20 years of honorable service in the Armed Forces;
or
 - b. Has been found physically disqualified for active duty as a result of a service-connected disability; or
 - c. Has been found physically disqualified for active duty, not as a result of his own misconduct.
2. A reservist, officer or enlisted, who has attained the age of 37 years may request transfer to the Retired Reserve provided he:
- a. Has completed a minimum of 8 years satisfactory Federal service by having been credited with at least 50 retirement points each year; or
 - b. Has completed a minimum of 8 years Federal service, including at least 6 months of honorable service on active duty in time of war or national emergency;
or
 - c. Has consistently supported the Armed Forces in an outstanding manner as determined by the Secretary of the Navy.
3. A reservist, officer or enlisted, may request transfer to the Retired Reserve provided he has completed 10 or more years of active commissioned service in the Armed Forces.
4. Upon assignment or transfer to the Retired Reserve, a member shall be placed on the retired list in the highest grade in which he has satisfactorily served as determined by the Secretary of the Navy, or in the highest grade for which eligible according to law.

4017 PHYSICAL DISABILITY RETIREMENT

1. Reservists are eligible for physical disability retirement under the conditions of chapter 10. Reservists retired for physical disability under the provisions of chapter 61, USC, are entitled to the same pay, rights, benefits, and privileges provided by law or regulation for retired members of the Regular Marine Corps.

4018 RETIREMENT PROCEDURES

1. Reservists shall submit requests for transfer to the Retired Reserve, with or without pay, to the Commandant of the Marine Corps (Code DMR). Transfer to the Retired Reserve are required by law to become effective on the first day of a month. (See subparagraph 9005.1e.)
- a. When forwarding a request for transfer to the Retired Reserve of a member who will be entitled to retired pay, the Commanding Officer of the Reserve Activity on whose rolls the member is carried will provide the following documents and information with his endorsement:

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(1) A Code 2 Reserve Retirement Credit Report covering the period from the beginning of the member's last anniversary year up to and including the day prior to the requested effective date. When the member does not request an effective date, the first day of the month following the month in which the request is received will be utilized as the effective date. An exception to the foregoing is when a member is notified that he must be removed from an active status under mandatory provisions of law. In this case, if the member does not elect an effective date, or if he elects an effective date beyond that authorized by law, the maximum retention date specified in the letter of notification to him will be utilized.

(2) A copy of the Officer Chronological Record of Duty Assignments or Enlisted Chronological Record of Service, whichever is applicable.

(3) A copy of all Reserve Retirement Credit Reports contained in the members records.

(4) A statement indicating if the member has ever been assigned to the Inactive Status List and inclusive dates of such assignments, if applicable.

(5) Current mailing address.

(6) A DD Form 108, Application for Retired Pay, will be completed and enclosed with the request for retirement for members who will attain the age of 60 and become fully qualified for retired pay within a period of 4 months.

2. Members of the Retired Reserve and former members of the Reserve who are eligible under paragraph 4013 may apply for retired pay by use of DD 108 in accordance with instructions thereon. The form will be completed as accurately as possible from data readily available to the applicant. Only one copy of DD Form 108 will be required. The form should be forwarded so as to arrive at Headquarters Marine Corps (Code DMR) not less than 2 months nor more than 4 months prior to the date the member elects to commence his retired pay. Statements of service are not necessary to document these applications and will not be requested for the purpose of completing an application. However, the applicant should list any service in other branches of the Armed Forces other than the Marine Corps, indicating approximate date when exact dates are not known. All service will be verified from official records when the application is processed. An individual may elect to have his retired pay commence as of the first day of the month following the month in which he becomes fully qualified for retired pay, or the first of any month subsequent to that date.

3. When a reservist who is subject to involuntary separation pursuant to this chapter is eligible for transfer to the Retired Reserve, he shall be so informed and afforded an opportunity to apply for such transfer prior to taking final action in his case. Such opportunity may be considered as having been given by the mailing of notice to the latest address of the reservist on file with the appropriate command maintaining his records and granting of a reasonable period of time in which to receive his reply.

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4019 STATUS IN THE RETIRED RESERVE

1. Title 10 USC 672 provides that a member of the Retired Reserve may be ordered to active duty in time of war or national emergency declared by Congress, or when otherwise authorized by law. However, no member of the Retired Reserve may be ordered to active duty without his consent unless the Secretary of the Navy, with the approval of the Secretary of Defense, determines that adequate numbers of qualified members of the Ready and Standby Reserve in an active status are not readily available.

2. The following general information is applicable to members of the Retired Reserve:

a. Members are not eligible to earn retirement credits or accrue additional satisfactory Federal service unless ordered to active duty as indicated in subparagraph 1, above.

b. Members are not required to participate in any training program, and they are not eligible to participate in any training or other program of the Marine Corps Reserve in a pay status.

c. Members are not required to submit qualification questionnaires or obtain periodic physical examinations.

d. Members may use their military title in connection with any business enterprises not prohibited by law.

e. Members are privileged to wear the prescribed uniform upon appropriate occasions of ceremony.

4020 STATUS OF FORMER MEMBERS

1. Former members of the Marine Corps Reserve who have resigned or been discharged may apply for retired pay under paragraph 4018, if qualified. Such former members may receive retired pay, but are not carried on the retired list and are ineligible for any privileges or rights of the Retired Reserve. They retain their civilian status. However, such former members who are in receipt of retired pay and who have served on active duty, other than active duty for training, for 8 or more years are entitled to certain medical care at facilities of the Armed Forces, subject to the availability of facilities.

4021 CURRENT ADDRESS OF RETIRED RESERVISTS

1. A reservist who is retired shall keep the Commandant of the Marine Corps (Code DGH) informed at all times of his current home mailing address where mail and messages addressed to him will be received. This report of current address is in addition to any report submitted for retired pay purposes.

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CHAPTER 5

TYPES OF DISCHARGES AND SEPARATIONS FOR OFFICERS

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CHAPTER 5

TYPES OF DISCHARGES AND SEPARATIONS FOR OFFICERS

5001 GENERAL

1. The information contained herein is only a guide to determine whether or not an officer who is to be separated from the service will be granted a certificate of discharge, and if so, to determine its character. This part should not under any circumstances be construed as regulations or authority for effecting the separation of Regular or Reserve officers. Commissioned officers and warrant officers, both Regular and Reserve, who are totally separated from the service, as distinguished from released from active duty will receive certificates of discharge as hereinafter provided. The following matter, relative to the situations under which the various types of officer discharges will be issued, has been designated to create the greatest uniformity in policies and procedures between officer and enlisted separations as well as among the various branches of the Armed Forces. Chapter 6 will be consulted in situations relating to officer separations not specifically covered herein.

5002 TYPES OF DISCHARGES

1. The following types of discharges are prescribed for issuance to officers of the Marine Corps or Marine Corps Reserve totally separated from the naval service:

<u>Types of Discharges</u>	<u>Character of Separation</u>
Honorable Discharge	Honorable
General Discharge	Under honorable conditions
Discharge	Under conditions other than honorable

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

3. The type of discharge and character of a total separation of any officer shall be made by the Secretary of the Navy based on the officer's military record, as defined in subparagraph 6002.3. The following will be used as a guide in determining the type of discharge to be recommended:

a. An honorable discharge is a separation from the service with honor. It is issued for proper military conduct and industrious and proficient performance of duty. An honorable discharge may be issued for the following reasons:

- (1) Unqualified resignations.

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(2) Discharge of Reserve officers on inactive duty for age in grade, as a result of failure to pass physical examination, or for other reasons which, by administrative determination, entitle them to honorable discharge.

(3) Discharge by reason of no future need for the services that an officer is qualified to perform.

(4) Discharge because of failure to pass professional examination for promotion or failure of selection for promotion.

(5) Academic or leadership training failure despite honest effort.

(6) Personality defects or physical deficiencies despite which the individual concerned is believed to have performed service to the best of his ability.

(7) Other conditions generally resulting in an honorable discharge for enlisted personnel.

b. A general discharge is a separation from the service under honorable conditions of an individual whose military record is not sufficiently meritorious to warrant an honorable discharge. It may be issued for the following reasons:

(1) Administrative separations for cause in cases wherein the cause for separation or the previous record of the officer concerned is of such a nature as to preclude honorable discharge, but is not of such a nature as to require discharge under conditions other than honorable, for example:

(a) Academic or leadership training failure due at least in part to lack of effort.

(b) Personality defects or physical deficiencies unaccompanied by a record of performance deemed to represent the best of which the individual is capable.

(c) Separations of Reserve officers for failure to answer official correspondence, willful absence from scheduled drills, and like causes.

(d) Separation for any cause wherein review of the military record of the individual concerned indicates performance of duty of a consistently below average or unsatisfactory character.

c. A discharge as used herein is a separation of an officer under conditions other than honorable. It may be issued for the following reasons:

(1) Resignation to escape dismissal.

(2) Resignation for the good of service and to escape trial by general court-martial.

(3) Resignation for the good of the service.

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(4) Separations of officers by reason of record of conviction by civil authority upon criminal charges. Note exception in paragraph 5003 for officers "dropped from the rolls," to whom no certificate of discharge is awarded.

(5) Homosexuality.

(6) Drug addiction.

(7) Habitual drunkenness.

(8) Chronic default in the fulfillment of legal obligations.

(9) Other reasons which would result in the award of an undesirable or bad conduct discharge if the individual were in an enlisted status.

5003 SEPARATIONS NOT REQUIRING DISCHARGE CERTIFICATES

1. Certificates of discharge will not be issued to officers separated by one of the following procedures:

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

b. Separation of an officer through dropping from the rolls of the service pursuant to section 10, appendix 2, Manual for Courts-Martial, U. S., 1951, or other statute existing or hereinafter enacted which may authorize dropping from the rolls.

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

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

(2) Using appropriated funds to influence legislation; and

(3) Accepting bribes.

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

5004 PHYSICAL DISABILITY DISCHARGES

1. An officer who is discharged with or without severance pay by reason of physical disability will be given the type of discharge deemed most nearly consonant with the cause of his disability and his military record.

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5005 RECOMMENDATIONS FOR DISCHARGE

1. In all cases in which administrative separation of an officer from the service is being recommended, the authority so recommending shall further make recommendation as to the type of discharge which should be awarded in accordance with the foregoing paragraphs. If the officer concerned should submit a resignation from the naval service in conjunction with the recommendation for separation, such resignation shall contain one of the following paragraphs, as appropriate:

a. "I have been informed and understand that if my resignation is accepted, I shall subsequently receive a certificate of honorable discharge from the naval service."

b. "I have been informed and understand that if my resignation is accepted, I shall subsequently receive a certificate of general discharge from the Marine Corps; that such a separation, although considered by the Navy Department to be under honorable condition, is not the highest qualitative type of separation provided for officers of the naval service; and that, while I shall be entitled to the major portion of veterans' rights and benefits presently authorized for former officers whose service has been similar to my own, should any present or future statutes specifically require honorable discharge as a condition precedent to the granting of rights and benefits thereunder, my eligibility for any such rights and benefits may be at least doubtful."

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

5006 PREPARATION OF DISCHARGE CERTIFICATES AND DOCUMENTS

1. Where separation is being accomplished otherwise than by acceptance of resignation, a brief statement of the facts constituting the cause for separation shall be included in orders or other documents informing the officer of the action being taken, but no such statement of the facts shall be set forth in or upon the certificate of discharge itself. In cases in which the date of separation from the service is specified in the orders or other document designated to effect such separation, the appropriate certificate of discharge will be forwarded therewith. When the date of separation is not so specified, the certificate will be forwarded at such time as the Commandant of the Marine Corps is advised of the date that the separation was actually effected.

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CHAPTER 6

TYPES OF DISCHARGES FOR ENLISTED PERSONNEL

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CHAPTER 6

TYPES OF DISCHARGES FOR ENLISTED PERSONNEL

6001 GENERAL

1. The Marine Corps has the right, obligation, and duty to separate from the service, with an appropriately characterized discharge certificate, members who are entitled to or who have earned discharge, and members who clearly demonstrate that they are unqualified for retention. At the same time, such members have rights which shall be protected.

2. All discharges and separations of enlisted personnel will be governed by and effected in accordance with the provisions of this chapter, which is applicable to all enlisted and inducted personnel of the Marine Corps and Reserve components thereof.

3. All commands shall establish appropriate procedures to ensure that each member receives periodic explanations and separation counseling as follows:

a. Periodic explanations. The various types of discharge certificates; the basis for their issuance; their possible effect upon the member's reenlistment, veterans' benefits, future civilian employment, and other situations in civilian life wherein the nature of service rendered in, or the character of separation from, the Armed Forces may have a bearing; and related matters; will be fully explained to each member at each time the articles of the Uniform Code of Military Justice are explained, pursuant to article 137 thereof. The fact that this explanation has been given will be recorded on page 11 of the member's service record book as part of the entry required for recording the explanation of articles of the Uniform Code of Military Justice. Failure on the part of the member to receive or to understand such explanation may be considered by an administrative discharge board and by a discharge authority, along with all other factors in the case, in determining whether or not a discharge is appropriate, and if so, the type and character of discharge to be awarded. However, in no event shall the failure of the member to receive or to understand such explanation be considered a defense in an administrative discharge proceeding or a bar thereto.

b. Separation counseling. The purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records will be explained at the time the notice of intent is given any member, whether or not under military control, being discharged under other than honorable conditions. The contents of figure 6-1 may be used for this purpose.

4. As used in chapters 6 and 7, the term "continental United States" means the United States, except Alaska and Hawaii, unless otherwise indicated.

5. As used within this chapter, the following definitions will apply:

a. Discharge. Complete severance from all military status.

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b. Release from active duty. Termination of active duty status and transfer or reversion to a Reserve component not on active duty.

c. Separation. A general term which includes discharge and release from active duty. This definition is broader than the definition of the word "separation" used in Marine Corps Manual, subparagraph 1900.1a.

d. Administrative separation. Discharge or release from active duty upon expiration of enlistment, period of induction, or other required period of service, or prior thereto, in the manner prescribed herein, by law, by the Secretary of Defense, or by the Secretary of the Navy, but specifically excluding punitive separation by the sentence of a general or special court-martial.

e. Military record. A member's military record comprises all incidents and events of his behavior while in military service, including his general comportment and performance of duty, and reflects the character of the service he has rendered while a member of an armed service. The military record is not limited to entries in a member's service record book, or other specific service documents, but includes all available information pertaining to the individual while a member of an armed service.

f. Prior enlistment or period of service. Service in any component of the Armed Forces, including the Coast Guard, which culminated in the issuance of a discharge certificate, certificate of service, or report attesting to the type and character of service rendered during that period.

g. Administrative discharge board. A board appointed to render findings based on the facts of a case, to recommend a respondent's retention in or separation from the service, and if separation is recommended, to further recommend the reason therefor, and the type of separation or discharge certificate to be furnished.

h. Discharge authority. An official who is, under the provisions of this chapter, authorized to take final action with respect to specified types of administrative discharges. Whenever a discharge authority is designated in this chapter, either the official so designated, or his temporary successor in command, is authorized to act as a discharge authority. As used in this connection, the phrase "Marine general officers in command" contemplates those Marine commanders in the chain of command between the respondent and the Commandant of the Marine Corps.

i. Respondent. A member who has been notified, as prescribed in this chapter, that action has been initiated to separate him under a provision of this chapter.

j. Counsel. A lawyer within the meaning of article 27(b)(1), UCMJ, unless the officer empowered to convene an administrative discharge board having jurisdiction over the member's case (or in cases involving proceedings to vacate a suspended administrative discharge, the officer exercising special court-martial jurisdiction over the respondent), certifies in the permanent record the non-availability of a lawyer so qualified, and sets forth the qualifications of

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the substituted nonlawyer counsel and the reasons for the nonavailability of lawyer counsel. See also paragraphs 6023, 6024, and 6026.

k. Member. An enlisted or inducted man or an enlisted woman of the Marine Corps or Reserve component thereof.

1. Convening authority. The officer who orders the convening of, or who is empowered to order the convening of, the administrative discharge board which initially hears, or (in the event the respondent's case is not actually presented to a board) which would initially hear the respondent's case.

m. General basis for administrative discharge

(1) There are eleven general bases for administrative discharge, as specifically set forth in subparagraphs 6002.2a through k.

(2) In increasing order of favorability to a member, the general bases for administrative discharge which may be utilized by a discharge authority pursuant to the provisions of subparagraphs 6002.18 and 6024.9b(3) are as follows:

(a) Misconduct, unfitness, security, or request for discharge for the good of the service.

(b) Unsuitability.

(c) Convenience of the Government.

n. Specific basis for administrative discharge. The specific basis for an administrative discharge is the particular reason for a discharge set forth in this chapter by a subparagraph under the paragraph prescribing the general bases for a discharge. For example, "unfitness" is considered to be a general basis for an undesirable discharge, while "an established pattern for shirking" would constitute the specific basis for such discharge.

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

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

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

c. Review by the board of the type and nature of a discharge is subject to review only by the Secretary of the Navy. Unless otherwise authorized by the Secretary of the Navy after final adjudication, further proceedings before the board are permitted only upon the basis of newly discovered relevant evidence not previously considered by the Board, and then only upon the recommendation of the board and approval of the Secretary of the Navy.

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

e. The evidence before the board which may be considered in connection with a particular discharge document will normally be restricted to that which is relevant and material to the former member's particular term of Marine Corps service terminated by that discharge document, or to the former member's character, conduct, physical condition, or other material matter as revealed at the time of his entry into that particular term of Marine Corps service or during that term of Marine Corps service, or at the time of his separation.

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

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

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

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

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

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

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

8. In connection with review of executed discharges by both the Navy Discharge Review Board and the Board for Correction of Naval Records, there is no law or regulation which provides that an unfavorable discharge may be changed to a more favorable discharge solely because of the expiration of a period of time after

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discharge during which the respondent's behavior has been exemplary. To permit relief, an error or injustice must be found to have existed during the period of the enlistment in question and the respondent's good conduct after discharge, in and of itself, is not sufficient to warrant changing an unfavorable discharge to a more favorable type of discharge.

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

10. Current administrative regulations and procedures governing the Navy Discharge Review Board are contained in NAVEXOS P-70. Current procedures of the Board for Correction of Naval Records are contained in NAVEXOS P-473.

6002 TYPES AND REASONS FOR DISCHARGE OR RELEASE FROM ACTIVE DUTY

1. The five types of discharge, with corresponding character of separation, are as follows (the first three types of discharge are administrative, and the fourth and fifth types of discharge are punitive):

<u>Type of Discharge</u>	<u>Character of Separation</u>	<u>Given by</u>
Honorable discharge	Honorable	Administrative action
General discharge	Under honorable conditions	-do-
Undesirable discharge	Conditions other than honorable	-do-
Bad conduct discharge	-do-	General or special court-martial
Dishonorable discharge	Dishonorable	General court-martial

2. There are 12 general bases for discharge; the first 11 of which are the general bases for administrative discharge or release from active duty, as follows:

a. Expiration of enlistment or fulfillment of service obligation, as applicable. Discharge with an honorable or a general discharge, or release from active duty, as warranted by the member's military record. See paragraph 6009.

b. Convenience of the Government. Discharge with an honorable or a general discharge, or release from active duty, as warranted by the member's military record, for any of the reasons enumerated in paragraph 6012.

c. Own convenience. Discharge with an honorable or general discharge, or release from active duty, as warranted by the member's military record, on an individual basis, in accordance with the provisions of paragraph 6013.

d. Dependency or hardship. Discharge with an honorable or general discharge, or release from active duty, as warranted by the member's military record, in accordance with the provisions of paragraph 6014.

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e. Minority. Discharge with an honorable or general discharge, as warranted by the member's military record, or release by voidance of contract, upon a determination that the individual's age was misrepresented upon enlistment or induction, in accordance with the provisions of paragraph 6015.

f. Disability. Discharge with an honorable or general discharge, as warranted by the member's military record, when the member has been determined to be unfit by reason of physical disability to perform the duties of his office, rank, grade, or rating, and is not entitled to retirement under the provisions of 10 USC 61. See paragraph 6011.

g. Unsuitability. Discharge for unsuitability, with an honorable or general discharge, as warranted by the member's military record. See paragraph 6016.

h. Unfitness. Discharge for unfitness, with an undesirable discharge, unless the particular circumstances in a given case warrant a general or honorable discharge. See paragraph 6017.

i. Misconduct. Discharge by reason of misconduct, with an undesirable discharge, unless the particular circumstances in a given case warrant a general or honorable discharge. See paragraph 6018.

j. Request for discharge for the good of the service. Discharge by reason of request for discharge for the good of the service, with an undesirable discharge, unless the particular circumstances in a given case warrant a general or honorable discharge, where a member's conduct rendered him triable by court-martial for an offense punishable by a punitive discharge, subject to the procedures and safeguards specified elsewhere in this chapter. See paragraph 6021.

k. Triable by court-martial. As used herein, this term includes alleged offense(s), in violation of the Uniform Code of Military Justice, committed under circumstances where a court-martial would have had jurisdiction over both the member and his alleged offense(s) at the time such offense(s) were allegedly committed. Acceptance of a request for discharge for the good of the service and a resultant discharge based thereon does not require that a case be perfected against a member. Nor is it required that the Discharge Authority have available to him legally admissible evidence sufficient to judicially establish the member's guilt of the alleged offense(s) beyond a reasonable doubt. An offense(s) shall not be considered to be "not triable" because, before a court-martial, the member would have available to him one or more motions in bar of trial. See Manual for Courts-Martial, 1951, paragraph 68.

l. Security. Discharge, under conditions and procedures stipulated by the Secretary of Defense when retention is not clearly consistent with the interests of national security. See paragraph 6020 and the current edition of SECNAVINST 5521.6.

m. Sentence of a court-martial. Discharge with a finally approved, unsuspended bad conduct discharge or dishonorable discharge adjudged by sentence of a court-martial. See paragraph 6019.

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3. In determining if a member should retain his current military status, or be administratively separated, his entire military record, including records of nonjudicial punishment imposed during a prior enlistment or period of service, all records of convictions by courts-martial, and any other factors which are material and relevant, may be evaluated. Acquittals, charges which have been preferred and dropped, etc., will not ordinarily be considered (see subparagraph 6005.5b). Commanding officers, investigating officers, administrative discharge boards, discharge authorities, and other agencies discharged with making recommendations or determinations as to a member's retention or administrative separation, will consider records of nonjudicial punishment imposed during a prior enlistment or prior period of service only if such records of punishment indicate, under the particular circumstances of the case, a direct and strong probative value in determining whether retention or administrative separation is appropriate.

a. The use of records of nonjudicial punishment imposed during a prior enlistment or a prior period of service shall ordinarily be limited to those involving patterns of conduct which become manifest only over an extended period of time.

b. When a member has been awarded nonjudicial punishment during his current enlistment or current period of service, isolated incidents and events which gave rise to the nonjudicial punishment and which are remote in time or which have little or no probative value in determining whether retention or administrative separation should be effected, shall not be considered in making the determination to retain or separate the member.

c. If a decision is made that a member should be administratively separated, then the provisions of paragraph 6002 apply for determining the type of discharge. It is of paramount importance to recognize that the decision to retain or discharge a member must be made before any decision can be reached as to the type of discharge which may be appropriate.

4. Regardless of the basis for a discharge, or the time when the act(s) or omission(s) occurred upon which the discharge is based, the type and character of the discharge certificate or report issued upon a member's administrative separation will be determined solely by the member's military record during his current enlistment or period of service, plus any lawful extensions thereof. The following shall not be considered in determining the type and character of the discharge certificate or report of separation to be issued, even though they may influence the decision to discharge the member.

a. Activities which have occurred during any of the member's periods of service prior to his current enlistment or current period of service or any lawful extensions thereof, including, but not limited to, records of conviction by court-martial, records of nonjudicial punishment, records of absence without leave, or the commission of other offenses for which punishment was not imposed; or

b. Activities which have occurred prior to the member's entry into any period of service, excepting deliberate material misrepresentations, including the omission or concealment of facts which, if known at the time thereof, would

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have reasonably been expected to have precluded, postponed, or otherwise affected the member's eligibility for enlistment or induction. See MCO P1100.61, Recruiting Service Manual, chapter 2, part B. See SECNAVINST 1900.9, or revisions thereof, and subparagraph 6018.2b(6) concerning preservice homosexual acts or tendencies.

5. A discharge authority, or higher authority, may suspend the execution of any approved administrative discharge, in accordance with paragraph 6026, in order to afford a deserving member a specified probationary period of sufficient length to demonstrate his successful rehabilitation.

6. The Manual of the Medical Department, article 15-48, requires a thorough physical examination by a medical officer prior to discharge in the case of every enlisted member on active duty not discharged or retired for physical disability. See Manual of the Medical Department, article 16-13, and paragraphs 6002 and 7006 for instructions pertaining to the physical examination of members whose discharges are approved and who are confined by civilian authorities.

7. Where higher authority directs discharge of a member by reason of expiration of enlistment, convenience of the Government, own convenience, dependency or hardship, minority, disability, or unsuitability, and such authority does not specify the type of discharge or character of separation, the commander effecting the discharge will determine the type of discharge as honorable or general, based on the military record of the individual, in accordance with the applicable provisions of this chapter.

8. Any information coming to the attention of a command which is of the nature described below shall be reported immediately to the nearest component of Naval Intelligence, with a copy to the Commandant of the Marine Corps (Code DK). In the case of commands remote from any local Naval Intelligence component, communication should be made directly to the Office of Naval Intelligence, Naval Investigative Service, Washington, D.C. (see SECNAVINST 5500.27, or revisions thereof):

a. Members discharged with or because of an abnormal mental condition which, in the opinion of competent medical authority, is deemed to constitute a threat to the safety of others.

b. Members discharged for reasons of security, disability, unsuitability, unfitness, misconduct, or by reason of request for discharge for the good of the service, and who meet one or more of the following criteria:

(1) Evidence of emotional instability, or irrational or suicidal behavior;

(2) Expressions of strong or violent anti-United States sentiment;

(3) Previous arrests, convictions, conduct, or statements, indicating a propensity for violence and antipathy toward good order in Government.

9. Commanders who recommend the administrative discharge of any member where the authority to authorize or direct discharge therefor is reserved to the Commandant

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of the Marine Corps, or the Secretary of the Navy, shall forward such recommendation to the Commandant of the Marine Corps together with all available information sufficient to permit the Commandant of the Marine Corps, or the Secretary of the Navy, to authorize or direct the member's retention, his retention on probation, or his discharge. Should the recommended discharge be based upon an investigative report, other than an Office of Naval Intelligence (ONI) investigative report, the original investigative report, or a certified true copy thereof, will be forwarded as a supporting document. If the recommended discharge is based upon an ONI report, an identifying reference thereto shall be contained in the recommendation for discharge.

10. When a commanding officer desires that a respondent be retained in the service and civil restraint (including probationary reporting) exists, civil authorities will be requested to terminate or suspend such restraint for the duration of the respondent's enlistment or induction.

a. This action will be taken or caused to be taken by the respondent's commanding officer who recommends his retention. Where such action has not been taken previously, the discharge authority directing the respondent's retention will take or cause such action to be taken.

b. In the event that civil authorities refuse to terminate or suspend the respondent's civil restraint, and persist in such refusal even after appropriate liaison with such civil authorities has been effected, the following action will be taken by discharge authorities other than the Commandant of the Marine Corps or the Secretary of the Navy:

(1) Where the discharge authority determines that the civil restraint will or may materially interfere with the respondent's military duties, or in cases where the discharge authority desires that such determination be made by the Commandant of the Marine Corps, the entire case, including all relevant documents and the recommendation will be submitted to the Commandant of the Marine Corps (Code DM) for final decision in the member's case.

(2) Where the local Discharge Authority determines that the civil restraint will clearly not materially interfere with the respondent's military duties, the respondent may be retained and neither the case nor a report thereof need be forwarded to the Commandant of the Marine Corps, except as may be required by paragraphs 6005 or 6016.

11. The submission of a request by a member for a discharge for the good of the service, or for the convenience of the Government, or for the member's own convenience, or for dependency or hardship, shall in no case prevent or preclude a discharge authority from disapproving such request, or holding it in abeyance, and referring the member to an administrative discharge board, or to a court-martial, or from taking any appropriate punitive, nonjudicial, or administrative action in the member's case.

12. Pursuant to the provisions of this chapter, the appropriate discharge authority for the administrative discharge of members because of the procurement of a

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fraudulent enlistment, induction, or period of active service, through any deliberate material misrepresentation, omission, or concealment of preservice homosexual act(s) or tendencies (subparagraph 6018.2b(6)), sexual perversion (subparagraph 6017.2a), or homosexual or other aberrant sexual tendencies (subparagraph 6016.1g), is the Commandant of the Marine Corps. In transmitting cases of this nature to the Commandant of the Marine Corps for disposition, the forwarding endorsements will, in addition to the other matters required by this chapter, contain:

a. Complete identification of all persons involved with, or implicated in, the member's act(s), omissions, conduct, or tendencies, and

b. Where all military members involved are under the command of the reporting commander, or of the commanders in the chain of command forwarding the report, the report or the endorsements thereto shall contain a statement of the action taken or contemplated with regard to all persons involved, and a recommendation as to whether the execution of a discharge should be delayed in any particular member's case pending the processing of other personnel involved. Where individuals from other commands are implicated, the Commandant of the Marine Corps will assume cognizance of these other individuals and will direct action to accomplish the processing of these cases.

13. A recommendation for administrative discharge may be made and forwarded, and a member may be administratively discharged, notwithstanding the fact that the member may be in a disciplinary status; i.e., whether under investigation, under pretrial restraint, pending trial by a court-martial or civil court, pending the imposition of nonjudicial punishment, serving a sentence imposed by a court-martial or civil court, performing nonjudicial punishment, or in a probationary status as a result of the suspension of the unexecuted portion of any nonjudicial punishment or sentence by court-martial which has been approved and ordered executed, or unless he is to be discharged with an honorable discharge when he is under the suspended sentence of a court-martial, the discharge authority will take, or request appropriate authority to take, action to remit any portion of the sentence which will remain unexecuted at the time of the member's administrative discharge. See Manual for Courts Martial, 1951, subparagraph 97a; JAG Manual, section 0122; U.S. v. Green, 10 USCMA 561, 28 CMR 127; and U.S. v. Speller, 8 USCMA 363, 24 CMR 173.

14. In order to prevent difficulties which may otherwise arise when a recommended administrative discharge is not approved and disciplinary action is subsequently taken against the member, the action or decision to forward a recommendation for an administrative discharge, or to authorize or direct the execution of an administrative discharge when a member is in a disciplinary status, including the preliminary determination to administratively discharge a member rather than to try him by court-martial, should be taken or made in such a manner that the commander does not thereby become an accuser within the meaning of Uniform Code of Military Justice, article 1(9).

15. Except as otherwise provided in this chapter, the discharge authority may authorize or direct a member's administrative discharge:

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a. Even though the member withdraws or repudiates an admission or confession to the alleged act(s) or omission(s) upon which, wholly or in part, the discharge is based, and even though the confession is the sole or primary evidence upon which the discharge is based; or

b. Even though a member withdraws a previously submitted request for discharge for the good of the service (see subparagraph 6021.4); or

c. Even though the discharge is based solely or in part upon a final conviction(s) by civil authorities (see subparagraph 6018.2c); or

d. Even though the discharge is based solely or in part upon a finally approved nonjudicial punishment(s) (for example, nonjudicial punishment(s) may be imposed for acts or omissions falling within the purview of such subparagraphs as 6012.2b and c, 6016.1d, 6016.1f and g, 6017.2a through f, 6018.2a and b, and 6021.1); or

e. Even though the discharge is based solely or in part upon a final conviction(s) by court-martial (see subparagraph 6005.5a); or

f. Even though the discharge is based solely or in part upon act(s) or omission(s) for which the member was tried and acquitted by court-martial or civil court (see subparagraph 6005.5b); or

g. Even though the member is in a probationary status as a result of the suspension of a previously approved administrative discharge (see subparagraphs 6026.4 and 6026.8); or

h. In lieu of trial by court-martial or the imposition of nonjudicial punishment, or despite the existence of pending but untried charges by civil authorities (see subparagraph 6002.13).

16. Personnel who have been the subject of a background investigation will not be administratively discharged under the provisions of paragraphs 6017 or 6018, or discharged with a punitive discharge pursuant to the sentence of a court-martial, without the permission of the Commandant of the Marine Corps. In these cases, the Commandant of the Marine Corps (Code DM) will be advised of the commander's intention to discharge the member, the basis for the contemplated discharge, and the character of the contemplated discharge. Upon receipt of this information, the Commandant will provide appropriate instructions. The provisions of this subparagraph do not affect the authority of appropriate reviewing authorities of courts-martial to approve and order executed an administrative discharge. However, the actual execution of such discharges will not be effected without approval from the Commandant of the Marine Corps.

17. Where a commanding officer or officer in charge recommends that a member be administratively discharged for any reason, or makes a report of the member's misconduct pursuant to the provisions of paragraph 6018, the recommendation or report will include all the evidence available to such officer relating to the existence or possible existence of a physical disability or mental infirmity (including

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character and behavior disorders) on the part of the member concerned. This is essential to permit the appropriate discharge authority to evaluate such evidence, along with all the other relevant factors present in the case, in order to determine:

a. If the discharge should be that recommended or should be a discharge based upon the physical disability or mental infirmity and/or;

b. The extenuating or mitigating effect of the physical disability or mental infirmity on the member's acts or omissions upon which the recommendation for discharge is based. See paragraphs 6011, 6016 and 7006 and chapter 10.

18. Subject to the other provisions of this chapter, and except where an administrative discharge board has considered a member's case and made recommendations with regard thereto, the appropriate discharge authority may disapprove any recommendations made by lower authority or authorities as to the member's retention in the service or discharge therefrom, and as to the type and character of discharge recommended, or the general and/or specific basis therefor. For example, where a commanding officer makes a report of a member's misconduct pursuant to paragraph 6018 but recommends the member's retention in the service, and the member's case is not considered by an administrative discharge board because of the member's waiver of all his rights with respect thereto, the discharge authority may disapprove the commanding officer's recommendation for retention and direct the member's discharge with an undesirable discharge. See subparagraphs 6001.5m, 6001.5n and 6017.9b.

19. In any case where the convening authority of an administrative discharge board, or a discharge authority, considers that there is a question as to the proper or appropriate disposition of a particular case, the matter may be referred to the Commandant of the Marine Corps (Code DM) for instructions or disposition.

20. Except as otherwise provided by this chapter, or by higher authority, commanding generals of Marine Corps Recruit Depots will determine the type of discharge to be issued to a recruit who is administratively discharged prior to completion of recruit training. The recommendations of boards convened in connection with separation of recruits may be considered in making the determination in each case. See current edition of BUMEDINST 1910.1.

21. For the notification to be given parents, spouses, or guardians of members who are to be discharged prior to expiration of their enlistment, see paragraph 15115 MARCORPERSMAN.

6003 HONORABLE DISCHARGE

1. An honorable discharge is a separation from the service with honor.

a. Issuance of an honorable discharge will normally be conditioned upon proper military behavior and proficient performance of duty, with due consideration for the member's age, length of service, grade and general aptitude. However, see subparagraphs 6002.2, 6002.7, 6002.17, 6003.1c, 6003.2 through 6003.5 and 6024.9. A member will not necessarily be denied an honorable discharge solely

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by reason of a specific number of convictions by courts-martial or punishments under the UCMJ, article 15 during his current enlistment or period of obligated service, including voluntary or involuntary extensions thereof. Such convictions or nonjudicial punishments will, nevertheless, be considered and weighed in relation to all other relevant aspects of the member's behavior and performance of duty.

b. In the case of a member serving in the grade of corporal and below, prima facie evidence of proper military behavior and performance of duty justifying the issuance of an honorable discharge will be the possession of a minimum final average conduct mark of 4.0 and a minimum final average duty proficiency mark of 3.0. In the case of a member serving in the grade of sergeant or above, the determination as to what constitutes proper military behavior and proficient performance of duty of the member concerned justifying the issuance of an honorable discharge will be made by the discharge authority from the evaluation of the entire character of the member's current period of service.

c. A member may be eligible for an honorable discharge for one of the following reasons:

(1) Expiration of enlistment or fulfillment of service obligation, as applicable.

(2) Convenience of the Government.

(3) Own convenience.

(4) Dependency or hardship.

(5) Minority.

(6) Disability.

(7) Unsuitability.

(8) Eligibility for an undesirable discharge under any of the applicable provisions of this chapter, with a determination by the discharge authority, or higher authority, that the member should be discharged with an honorable discharge, as warranted by the member's military record.

2. A member who has been awarded one of the following listed decorations during his current enlistment, period of obligated service, or any extension thereof, if otherwise ineligible, may be awarded an honorable discharge: Medal of Honor; Navy Cross; Distinguished Service Medal; Silver Star Medal; Legion of Merit; Distinguished Flying Cross; Navy and Marine Corps Medal; Bronze Star Medal; Commendation Ribbon; Gold Life Saving Medal; Silver Life Saving Medal; or any decoration of the other Armed Forces of the United States comparable to the decorations listed above. Each case will be determined on the basis of the member's entire military record.

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3. A member who is discharged by reason of physical disability incurred in line of duty, if otherwise ineligible, may be given an honorable discharge. Each case will be determined on the basis of the member's entire military record.

4. When doubt exists in a particular case as to whether an honorable or general discharge is appropriate, a full report of the circumstances, with appropriate recommendations from the member's commander, may be forwarded to the Commandant of the Marine Corps (Code DMB) for determination.

5. In those cases where a member may be issued either an honorable or general discharge upon expiration of enlistment or release from active duty and the member's commanding officer, officer in charge, or higher authority, is of the opinion that the member concerned should be issued a type of discharge different from that indicated by his conduct and duty proficiency markings, as set forth in subparagraphs 6003.1b or 6004.1a, a full report of the circumstances, with appropriate recommendations, shall be forwarded for decision to the proper discharge authority, to wit: the Commandant of the Marine Corps (Code DM) or the Marine commander exercising general court-martial jurisdiction over the member. These exceptional cases are limited to those wherein an honorable discharge is recommended in lieu of a general discharge, or a general discharge is recommended in lieu of an honorable discharge. When a member is to be transferred prior to effecting this discharge, these recommendations should be made prior to the member's transfer. A copy of the commanding officer's initial recommendations, together with the decision of the Marine commander exercising general court-martial jurisdiction over the member prior to his transfer, or a copy of the recommendations forwarded to the Commandant of the Marine Corps (Code DM), will be forwarded to the activity to which the member is to be transferred and at which his discharge will be effected.

6004 GENERAL DISCHARGE

1. A general discharge is a separation from the service under honorable conditions. Issuance of a general discharge is conditioned upon:

a. A military record which under the provisions of this chapter is not sufficiently meritorious to warrant an honorable discharge (see subparagraphs 6003.1a and 6003.1b).

b. Eligibility for discharge by virtue of one of the reasons listed in subparagraphs 6003.1c(1) through (7), or eligibility for an undesirable discharge under any of the applicable provisions of this chapter, with a determination by the discharge authority or higher authority that the member should be discharged with a general discharge, as warranted by the member's military record.

2. A member who has been awarded one of the decorations listed in subparagraph 6003.2 during his current enlistment, period of obligated service, or any extension thereof, where otherwise ineligible therefor may be awarded a general discharge under honorable conditions.

3. In the case of a corporal or below, a member is being considered for discharge with a general discharge because his military record is not considered

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sufficiently meritorious to warrant an honorable discharge because of average conduct marks below those set forth in subparagraph 6003.1b, such marks should be clearly supported by entries on pages 11, 12, or 13, of the member's service record book. When such marks are not supported, or where the provisions of subparagraphs 6003.2 or 6003.3 are applicable, consideration should be given to awarding the member an honorable discharge.

4. When doubt exists in a particular case as to whether an honorable or general discharge is appropriate, the provisions of subparagraphs 6003.4 apply.

5. Where a member may be issued either an honorable or general discharge upon expiration of enlistment or release from active duty, and the member's commanding officer, officer in charge, or higher authority is of the opinion that the member concerned should be issued a type of discharge different from that indicated by his conduct and duty proficiency markings, as set forth in subparagraphs 6003.1b or 6004.1a, the provisions of subparagraph 6003.5 apply.

6005 UNDESIRABLE DISCHARGE

1. An undesirable discharge is an administrative separation from the service under conditions other than honorable. An undesirable discharge may be issued for any of the following reasons:

- a. Security.
- b. Unfitness.
- c. Misconduct.
- d. Request for discharge for the good of the service.

2. Except as provided in subparagraph 6005.3, a member shall not be administratively discharged under conditions other than honorable unless:

- a. He is afforded the right to present his case before an administrative discharge board with the advice and assistance of counsel, and
- b. Such discharge is supported by approved findings of an administrative discharge board, and by an approved recommendation of an administrative discharge board for an undesirable discharge.

3. Where appropriate, an undesirable discharge may be issued without action by an administrative discharge board in any of the following cases:

- a. Where the member is beyond military control by reason of continuous established unauthorized absence of more than one year, in which event the member may be issued an undesirable discharge, in absentia, in accordance with the procedures prescribed elsewhere in this chapter. See subparagraph 6023.1b(2). Normally, the discharge authority in these cases is the Commandant of the Marine Corps. Separation of members of the Marine Corps Reserve is subject to 10 USC 1163.

- b. Where the member requests discharge for the good of the service in accordance with the provisions of paragraph 6021.

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c. Where the member waives his right to administrative discharge board action in accordance with the provisions of paragraph 6023.

4. In any case in which an undesirable discharge is authorized by the provision of this chapter, a member may, nevertheless, be awarded an honorable or general discharge if:

a. During his current enlistment or period of obligated service, or any voluntary or involuntary extension thereof, or during any prior period of service, he has been awarded one or more of the personal decorations listed in subparagraph 6003.2, or

b. Such action is otherwise warranted by the particular circumstances of the member's case, as determined by the discharge authority, or higher authority. Whenever a member's commanding officer or officer in charge considers that a member should be discharged administratively, but that the discharge authority, or higher authority, should give consideration to a discharge more favorable than the undesirable discharge which could be awarded under the circumstances, the commanding officer or officer in charge may make such recommendation to the discharge authority. This recommendation will include any alternate recommended general basis for the discharge (i.e., other than reason of unfitness, security, misconduct, or the member's request for discharge for the good of the service); any alternate recommended specific basis for the discharge (i.e., financial irresponsibility in lieu of an established pattern showing dishonorable failure to pay just debts), and the alternate character of the discharge (i.e., an honorable or general discharge), together with a full development of the commanding officer or officer in charge's reasons for making such recommendation.

5. An undesirable discharge will not be based solely upon:

a. An offense or offenses which have been tried by court-martial, irrespective of acquittal or conviction (see subparagraph 6005.5b), unless such discharge is with the express approval of the Secretary of the Navy. Cases within this category will be submitted to the Commandant of the Marine Corps (Code DK) for submission to the Secretary of the Navy. However, this provision is not applicable and the Secretary's approval is not required, if the discharge under conditions other than honorable is based upon the member's overall conduct record, even though such record may include one or more trials by court-martial. Where the discharge authority is in doubt as to the applicability of the provisions of this subparagraph, the entire case may be submitted to the Commandant of the Marine Corps (Code DK) for advice or disposition.

b. Acts or omissions for which the member has been previously tried by court-martial or by civil court resulting in acquittal or action having the effect thereof, except where such acquittal or equivalent disposition is based on a legal technicality not going to the merits. Legal technicalities not going to the merits of a case include but are not limited to the following: mistrials; motions to bar trial or dismissal charges which are granted because of: the running of the statute of limitations, former punishment, former jeopardy, lack of speedy trial, withdrawal of charges or nolle prosequi before jeopardy attaches, failure of the charges to allege an offense, pardon (as an act of executive clemency),

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constructive condonation of desertion, or lack of jurisdiction; and motions for appropriate relief (MCM, 1951, par. 69) and equivalent motions made in civil court resulting in the termination of proceedings before the attachment of jeopardy.

c. Where charges are dismissed because of a promise or grant of immunity, (MCM, 1951, subparagraph 68h), such action will be considered, for the purposes of this chapter, as a legal technicality not going to the merits only when the promise or grant, by its terms, specifically excludes administrative discharge proceedings from within the scope of its immunity.

d. Acquittals or equivalent dispositions do not include those cases tried by civil court wherein local law, custom, or procedure permit charges to be dismissed or expunged from civil records after the payment of a fine, the successful completion of jail or penitentiary sentences, or the successful completion of periods of probation. See subparagraph 6018.2c(3).

6. When a commander or higher authority is considering the case of a member of the grade of sergeant or above for discharge with an undesirable discharge, he may, where he considers it to be appropriate, request from the Commandant of the Marine Corps (Code DGK) copies of the member's fitness reports, and any other pertinent information which may be related to the reasons for discharge, or the type of discharge to be issued.

7. In the case of a recommendation for an undesirable discharge wherein the member waives all of his rights; the discharge authority may nevertheless disapprove the waiver and refer the case to an administrative discharge board, directing that the member be accorded his applicable rights thereat; or he may direct the member's retention; or he may direct the member's discharge by reason of security, misconduct, or unfitness, specifying the type of discharge certificate to be issued. See paragraph 6021 for the various actions which may be taken by the discharge authority upon a request for discharge for the good of the service.

8. When final action has been taken on any report of misconduct, or recommendation for the discharge of a member by reason of unfitness, or upon any request for discharge for the good of the service (paragraphs 6017, 6018, and 6021), the discharge authority will forward all papers, or copies thereof, pertaining to the case to the Commandant of the Marine Corps (Code DK) for review.

6006 BAD CONDUCT DISCHARGE

1. A bad conduct discharge is a punitive separation from the service under conditions other than honorable. It may be effected only as a result of the approved sentence of a general or special court-martial.

6007 DISHONORABLE DISCHARGE

1. A dishonorable discharge is a punitive separation from the service under dishonorable conditions. It may be effected only as a result of the approved sentence of a general court-martial.

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6008 TABLE OF MATTERS RELATING TO DISCHARGES OR RELEASES FROM ACTIVE DUTY

1. Matter relating to discharges or releases from active duty is furnished as a ready reference by the table contained in figure 6-1. The entries in the table are to be considered as a guide only. Pertinent reference should be consulted for detailed instructions and exceptions under certain conditions.

TABLE OF MATTERS RELATING TO DISCHARGES

Reason for Discharge	Authority	Conditions Affecting the Type and Character of Discharge	Character of Discharge	DD Form	Mileage (a)	Transportation in Kind (a)	Issue Civilian Clothing (b)	Cash Allowance (c)	Retain and Wear Uniform Home (d)	Reenlistment Bonus Recoupment (e)
Expiration of Enlistment or Fulfillment of Service Obligation as applicable	Par. 6009 or 8002	Par. 6002 or 6003 or 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No
Convenience of the Government	Par. 6012	Par. 6002 or 6003 or 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No (f)
Own Convenience	Par. 6013	Par. 6002 or 6003 or 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	Yes
Dependency or Hardship	Par. 6014	Par. 6002 or 6003 or 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No
Minority	Par. 6015	Par. 6002 or 6003 or 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No
Disability	Par. 6011	Par. 6002 or 6003 or 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No (g)
Unsuitability	Par. 6016	Par. 6002 or 6003 or 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	Yes	No	No	No
Misconduct	Par. 6018	Par. 6002 or 6003 or 6004 or 6005	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	Yes	No	No	Yes (h)
			Undesirable	DD 258-MC	No	Yes	Yes	Yes	No	Yes
Request for Discharge for the Good of the Service	Par. 6021	Par. 6002 or 6003 or 6004 or 6005	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	Yes	No	No	Yes (h)
			Undesirable	DD 258-MC	No	Yes	Yes	Yes	No	Yes
Security	Par. 6020	Par. 6002 or 6003 or 6004 or 6005	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	Yes	No	No	Yes (h)
			Undesirable	DD 258-MC	No	Yes	Yes	Yes	No	Yes (h)
Unfitness	Par. 6017	Par. 6002 or 6003 or 6004 or 6005	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	Yes	No	No	Yes (h)
			Undesirable	DD 258-MC	No	Yes	Yes	Yes	No	Yes
Sentence of Court-Martial	Par. 6019	Par. 6002 or 6006 or 6007	Bad Conduct or Dishonorable	DD 259-MC DD 260-MC	No	Yes	Yes	Yes	No	Yes

(a) See paragraph 7004; Joint Travel Regulations; and Navy Travel Instructions.

(b) See paragraph 7008.

(c) See paragraph 7010 and DOD Military Pay and Allowances Entitlements Manual.

(d) See paragraph 7017.

(e) See DOD Military Pay and Allowances Entitlements Manual.

(f) Unless directed by CMC or unless marriage is the basis in the case of a woman member.

(g) Unless resulting from misconduct or willful neglect or unless incurred during a period of unauthorized absence.

(h) When directed by CMC.

FIGURE 6-1.

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6009 DISCHARGE FOR EXPIRATION OF ENLISTMENT OR FULFILLMENT OF SERVICE OBLIGATION

1. Commanders are authorized to discharge enlisted personnel upon normal date of expiration of enlistment, extension of enlistment, or period of induction. The normal date of expiration of enlistment for any enlistment is the date of the month immediately preceding the appropriate anniversary of the date of enlistment as adjusted for the purpose of making up any time lost from the enlistment, extension of enlistment or period of induction.
2. Discharge of enlisted personnel for reason of fulfillment of service obligation will be accomplished in accordance with the provisions of chapter 8. Paragraph 8002 will be cited as the authority for discharge.

6010 DISCHARGES AT SEA

1. Discharges will not be executed while an enlisted person is attached to a Marine Detachment Afloat, except for the purpose of immediate reenlistment, or accepting an officer appointment.

6011 DISCHARGE FOR PHYSICAL DISABILITY

1. The Commandant of the Marine Corps and commanders, when specifically authorized by separate directive, may direct or effect discharge for physical disability when, as a result of medical findings, an individual has been found physically unfit to perform the duties of his grade. Discharge for reason of physical disability is given only as the result of an individual's appearance before a physical evaluation board or a board of medical survey. (See paragraph 7006 and chapter 10.)

6012 DISCHARGE OR RELEASE FROM ACTIVE DUTY FOR CONVENIENCE OF THE GOVERNMENT

1. The Secretary of the Navy, or the Commandant of the Marine Corps, may authorize or direct the discharge or release from active duty of a member for the convenience of the Government for any one of the following reasons:
 - a. General demobilization, reduction in authorized strength of the Marine Corps or Marine Corps Reserve, or by an order applicable to all members of a class of personnel specified in the order.
 - b. To accept a commission or appointment in the Marine Corps, Marine Corps Reserve, or in another branch of the Armed Forces, for active duty only.
 - c. A woman member, whether married or unmarried, upon certification by a medical officer that she is pregnant, shall be discharged by her commander, for the convenience of the Government, or in the case of overseas commands, will be transferred to the continental United States for discharge. The character of the discharge certificate issued in these cases will be as warranted by the woman member's service record, regardless of her marital status. In the case of discharge for reason of the pregnancy of a woman member who is an unmarried minor (under 21 years), her commander will notify her parents or guardian of the fact of and reason for the discharge. If, as a result of a spontaneous or therapeutic

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abortion, or a stillbirth, the woman member's pregnancy is terminated prior to her separation from the service, she will nevertheless be discharged for the convenience of the Government unless she requests, in writing, that she be retained in the service. In such latter case, the woman member, at the discretion of her commander, may be retained in the service, if she is found physically qualified for retention.

d. For reasons of national health, safety, or interest, only when recommended by a Government agency authorized to make such determination and recommendation. Cases of this nature will not normally come to the attention of individual commanders, however, when they do, a prompt report thereof, containing all available information, shall be made to the Commandant of the Marine Corps (Code DM).

e. By reason of erroneous induction (when so stated by the Office of the Director of Selective Service), or by erroneous enlistment. Any case coming to a commander's attention which purports to be of this nature shall be investigated, and a complete report shall be made promptly to the Commandant of the Marine Corps (Code DM).

f. For such other good and sufficient reasons, not elsewhere listed in this chapter, which are specified and published by the Secretary of the Navy in SECNAVINST 1910.3, or revisions thereof.

g. For the purpose of holding public office, as set forth in subparagraph 2001.6.

h. When directed by the Secretary of the Navy. See Section VII.B.11 of DOD Directive 1332.14, or revisions thereof. (This DOD Directive is an enclosure to SECNAVINST 1910.3.)

2. Commanding generals of Marine Corps recruit depots may authorize or direct the administrative separation of recruits for the convenience of the Government, citing the authority in subparagraph 6012.1c (i.e., erroneous enlistment or induction), under the following conditions:

a. Upon determination, in accordance with existing regulations, that the recruit failed to meet the required physical standards when accepted for enlistment or induction; or

b. Upon enlistment the recruit concealed the fact he was married. See subparagraph 6018.2b(5); or

c. Upon enlistment the recruit concealed a juvenile or youthful offender record. See subparagraph 6018.2b(2).

3. Commanders shall discharge for the convenience of the Government (in the case of overseas commands, commanders will transfer for discharge to a major command within the continental United States housing Women Marines):

a. A married enlisted woman at her written request provided she is not stationed at or sufficiently close to the duty station or residence of her

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husband to permit the maintenance of a joint residence and provided she meets all applicable conditions set forth below:

(1) A transfer request to the same or nearby duty station or place of residence or her husband has been submitted by the enlisted woman to the Commandant of the Marine Corps (Code DF) and the request has been denied.

(2) The separation of husband and wife has exceeded 18 months.

(3) The enlisted woman is not serving on an extension of enlistment or reenlistment entered into subsequent to marriage.

(4) The enlisted woman has completed 24 months' service following completion of a service school if length of course was over 24 weeks.

b. A woman member, whether married or unmarried, when it is established that such woman member:

(1) Is the parent by birth or adoption of a child under 18 years of age;
or

(2) Has personal custody of a child under 18 years of age; or

(3) Is the stepparent of a child under 18 years of age and the child is within the household of the woman member for a consecutive period of more than 30 days a year; or

(4) During her current enlistment or extension of enlistment, she has given birth to a living child.

4. Administrative separation under the provisions of subparagraph 3d(3) through 3b(5) of SECNAVINST 1910.3 will normally be initiated until the member concerned has been given a reasonable opportunity to overcome his deficiencies. When it is determined by a commander that a member may come within the purview of these specific categories, the member shall be notified of his deficiencies, and he shall be counseled concerning them. A summary of all counseling measures taken in compliance with this subparagraph shall be recorded on page 11 of the member's service record book. If no improvement is forthcoming within a reasonable time, the member should then be recommended for the appropriate type of administrative discharge to the Commandant of the Marine Corps (Code DM) in accordance with subparagraphs 6002.9 and 6012.1f. Failure on the part of a member to receive or understand the counseling prescribed herein may be considered by the Secretary of the Navy or the Commandant of the Marine Corps, along with all other factors in the case, in determining whether or not a discharge is appropriate, and if so, the type and character of the discharge to be awarded. However, in no event shall the failure of the member to receive or understand such counseling be considered a defense in an administrative discharge proceeding, or a bar thereto.

5. Discharge for the convenience of the Government to permit immediate enlistment or reenlistment; to provide for early separation of members under various

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authorized programs and circumstances; and to provide for the discharge of conscientious objectors; shall be processed and effected in accordance with separate directives pertaining specifically to these categories of discharge.

6013 DISCHARGE OR RELEASE FROM ACTIVE DUTY FOR OWN CONVENIENCE

1. The Commandant of the Marine Corps may authorize or direct the discharge or release from active duty of Marines for their own convenience. Requests for discharge will, as a policy, not be granted when submitted solely for the purpose of:

- a. Entering another branch of the Armed Forces in an enlisted status;
- b. Accepting civil employment, or;
- c. Accepting employment with other government agencies in a civilian capacity.

2. It is not desired to prevent personnel from applying for discharge for personal reasons; however, when it is evident after interview with the person concerned that his desire for separation is based on personal benefit, such as for one of the reasons stated above, he should be informed of the general policy and discouraged from submitting an official request for discharge for such reasons. If he still wishes to submit a request for discharge, he should be allowed to do so, in which case substantiating documents bearing on his particular case should be required of the applicant to accompany his request. In the case of aliens, the provisions of paragraph 7026 are applicable.

3. Discharge "by purchase" will not be authorized.

6014 DISCHARGE OR RELEASE FROM ACTIVE DUTY FOR DEPENDENCY OR HARDSHIP

1. The Commandant of the Marine Corps and all Marine general officers in command may authorize and direct the discharge or release from active duty of enlisted personnel for dependency or hardship.

2. Enlisted persons who desire to request discharge or release from active duty for dependency or hardship reasons shall be informed of these regulations and of the proper procedure for application. It should be clearly explained to each applicant that submission of a request is no assurance that discharge or release will be authorized. Each request of this nature that is received shall be carefully and sympathetically considered and decided on its individual merits. Subparagraph 6002.13 pertains to a Marine in a disciplinary status submitting an application for discharge or release from active duty by reason of dependency or hardship.

3. Undue hardship does not exist solely because of altered present or expected income or because the individual is separated from his family or must suffer the inconveniences normally incident to military service. Discharge or release from active duty by reason of hardship or dependency will not be authorized:

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- a. For personal convenience alone.
 - b. When the Marine requires medical treatment.
 - c. Solely by reason of the pregnancy of the Marine's wife.
4. Discharge or release from active duty will not be disapproved under the provisions of this paragraph solely because:
- a. The enlisted person's services are needed in his organization, or
 - b. He is indebted to the Government or to an individual.
5. Discharge or release from active duty for hardship or dependency will be warranted and may be authorized and directed when all the following conditions are met:
- a. Undue and genuine dependency or hardship exists.
 - b. Dependency or hardship is not of a temporary nature.
 - c. The Marine has made every reasonable effort to relieve the hardship by means of application for dependents allowance and voluntary contributions which have proven inadequate.
 - d. Conditions have arisen or have been aggravated to an excessive degree since entry into the Marine Corps or entry on current tour of extended active duty. An example of a meritorious case is one in which the evidence shows that as a result of the death or disability of a member of the Marine's family, his discharge or release from active duty is necessary for the support or care of a member or members of the family.
 - e. Discharge or release from active duty will result in the elimination of, or will materially alleviate the condition, and there are no means of alleviation readily available other than by such discharge.
6. After explaining the regulation to an applicant, he will be permitted to submit a written application for discharge or release from active duty for dependency or hardship. Consideration and assistance will be given in the preparation of his request. Requests must be accompanied by at least two affidavits substantiating the dependency or hardship claim. Where practicable, one such affidavit should be from the dependent concerned. The request should contain the following additional information:
- a. Reason for request.
 - b. Complete home address of dependent and applicant.
 - c. Names and addresses of persons familiar with the situation.
 - d. Statement as to marital status and date of marriage.

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e. Financial obligations; specific amounts and methods of contributions to dependent.

f. Names, ages, occupations, and monthly incomes of members of the individual's family if any; where applicable, income will include monetary benefits derived as the result of being beneficiary to a life insurance policy whether payment was made in a lump-sum settlement or on a monthly basis, and the reasons why these members cannot provide the necessary care or support of the individual's family; and a statement that no members of the family have been omitted. Income, as used herein, will include wages, compensation of any type, Social Security benefits, interest and rental income from property and all other sources. If the request is based on financial conditions of specific members of the family, a statement of both month income and expenses of such members, and a statement of their assets and liabilities will be included. Assets will include a listing of all property, securities, and funds owned, except clothing and household furnishings.

g. If dependency is the result of death of a member of the Marine's family, occurring after his entrance into the service, a certificate or other valid proof of death should be furnished. If dependency or hardship is the result of disability of a member of the Marine's family, occurring after entrance in the service, a physician's certificate should be furnished showing specifically when such disability occurred, the nature thereof, and probable duration.

7. The immediate commander will forward such application by endorsement, including:

- a. A definite recommendation.
- b. A statement regarding service obligation.
- c. Status of any disciplinary action pending.

d. Effective date, amount and purpose of all allotments. If the applicant claims to be making cash contributions, he shall be required to produce substantiating evidence, such as money order receipts, etc.

8. The Marine commander who exercises special court-martial jurisdiction over the applicant will appoint a board, consisting of not less than three members, before whom the applicant will appear. This board shall consist entirely of military personnel. It will be the responsibility of the board to study and evaluate all available information, interview the applicant, and make recommendations concerning the ultimate disposition of the case, including a recommendation as to whether an applicant who has a remaining service obligation should be discharged or released from active duty. The report of a board will include a brief summary of any factors considered in arriving at its recommendations which are not apparent in the application. The authority contained herein to appoint a board may be limited by higher authority when such action is deemed desirable; e.g., when one board may conveniently consider all cases in a larger command.

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9. Upon receipt of a written request for discharge from the individual concerned, together with the supporting evidence outlined in subparagraph 6, above, the discharge authority will take the following action:

a. Carefully review the basis on which the request is made.

b. Where specific supplemental information is needed to make a proper determination in the case, request such supplemental information from the American Red Cross pertaining to the application for discharge or release from active duty of an individual for hardship. Such requests will be restricted to those cases where specific supplemental information is needed to make a proper determination. If the member's request for discharge is disapproved after receipt of the American Red Cross report, include such report when forwarding the case to the Commandant of the Marine Corps (Code DMB).

c. If the case has not previously been considered by a board, appoint a board to consider the case as outlined in subparagraph 8.

d. If the member's discharge or release from active duty is considered warranted, take final action on the application, regardless of the recommendations of the board. If the member is discharged, his application for discharge and all supporting papers will be forwarded, with his closed out service records to the Commandant of the Marine Corps (Code DGH). For those members released from active duty rather than discharged, the member's application for discharge and all supporting papers will be forwarded to the Commandant of the Marine Corps (Code DGH). The member's service records will be forwarded to the appropriate Reserve command in accordance with current directives.

e. If the member's discharge or release from active duty is not considered warranted, forward his application for discharge with all supporting documents, together with a synopsis of the proceedings and recommendations of the local review board, to the Commandant of the Marine Corps (Code DMB) for review and final determination. The synopsis should contain any pertinent information not included in the member's application for discharge, or other supporting documents, that will aid in making a final determination in the case.

f. If at any time prior to final action, the applicant indicates a desire to withdraw his application for discharge or indicates a desire not to be discharged even though his application is not formally withdrawn, the cognizant command will obtain a signed statement from the applicant to that effect. Such statement will be included with the member's application for discharge when forwarded to the Commandant of the Marine Corps (Code DMB). An entry will be made on page 11 of the member's service record book showing that he signed such a statement.

10. Discharge authorities are further authorized to make the final determination, when the Marine concerned has a military obligation, as to whether conditions of hardship or dependency for which the individual is being considered may be expected to continue throughout the period of his obligated service. If it is considered that the hardship or dependency will continue throughout the period of his obligated service, the Marine may be discharged, in which case the period

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of obligated service is terminated. In case of doubt, the Marine will be transferred to or retained in the Marine Corps Reserve to complete his obligated service.

11. In effecting separations under this authority, the procedures set forth below will be followed:

a. If the individual to be separated has a home of record in the continental United States:

(1) Commands located in the United States will effect the separation locally.

(2) Commands located outside the United States will transfer the individual concerned to the nearest Marine Corps activity in the United States for separation.

b. If the individual to be separated is entitled to and elects transportation to a point outside the United States upon separation, he will be transferred to the Marine Corps activity nearest the point to which transportation is authorized.

12. Any information concerning the private affairs of Marines or their families shall be treated as confidential, and shall not be disclosed to persons other than in connection with their official duties, nor will the source of such information be disclosed.

6015 DISCHARGE BY REASON OF MINORITY

1. Subject to the restrictions contained in subparagraph 6015.3 below, the Commandant of the Marine Corps and all Marine Corps general officers in command may direct the separation of a member by reason of minority. Overseas commands will transfer personnel to the continental United States for such discharge.

2. In cases involving the possible discharge of a member by reason of minority, organizations not in the chain of command of a Marine Corps general officer in command will forward a report of the case to the Commandant of the Marine Corps (Code DM), including therein the evidence prescribed in subparagraph 6015.5a; a definite recommendation as to the desirability for retention of the member; and a statement from the minor concerned, if pursuant to the provisions of Article 31 of the Uniform Code of Military Justice, the minor desires to submit a statement. If the minor is not considered desirable for retention, he shall be retained at or transferred to a shore station within the continental United States, and the Commandant of the Marine Corps (Code DM) will be so advised.

3. Release of a member from military control by voidance of enlistment, or the discharge of a member by reason of minority, may be effected by the officials described in subparagraph 6015.1, subject to the following restrictions:

a. Voidance of enlistment will not be effected unless authorized or directed by the Commandant of the Marine Corps. Where a member has apparently been en-

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listed in the Marine Corps in violation of the prohibitions relative to age contained in 10 USC 5532 (a male under the age of 14 years or a female under the age of 18 years), the case shall be immediately reported to the Commandant of the Marine Corps (Code DGK). After investigation of the facts, and subject to any provision of law pertinent thereto, the Commandant of the Marine Corps will direct the action to be taken and the disposition of the member concerned. See paragraph 7024.

b. Male enlisted members of the Regular Marine Corps and Marine Corps Reserve:

(1) If under a verified age of 17 years, the minor will be released from military control by voidance of enlistment, or discharge, regardless of whether his enlistment was effected with the consent of his custodial parents or legal guardians and regardless of the absence of an application for the minor's release from his custodial parents or legal guardians.

(2) If it has been verified that the minor has passed his 17th birthday but not his 18th birthday, he will be discharged, provided that his enlistment was made without the proper consent of his custodial parents or legal guardians and provided that an application for the minor's release has been made by his custodial parents or legal guardians and such application has been received by his command, the Commandant of the Marine Corps, or by any other agency of the Department of the Navy, within 90 days from the date of the minor's enlistment.

(3) When it has been verified that the minor has passed his 18th birthday he will be retained, if he is otherwise qualified, regardless of the failure of his custodial parents or legal guardians to have consented to his enlistment and regardless of any application for the minor's release made by his custodial parents or legal guardians.

c. Inductees. If the minor is under 18 years and 6 months of age, when verified, he will be discharged, unless, pursuant to Selective Service regulations, the minor, after attaining the age of 17 years, volunteered for induction with the written consent of his custodial parents or legal guardians.

d. Female enlisted members of the Regular Marine Corps or Marine Corps Reserve

(1) If enlisted and under 18 years of age, the minor will be released from military control by voidance of enlistment or discharge, regardless of whether her enlistment was effected with the consent of her custodial parents or legal guardians and regardless of the absence of an application for her release from her custodial parents or legal guardians.

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(2) If enlisted without the proper consent of her custodial parents or legal guardians, and she has passed her 18th birthday, but not her 21st birthday, when verified, she will be discharged, provided that an application for her release has been made by her custodial parents or legal guardians and such application has been received by her command, or the Commandant of the Marine Corps, or by any other agency of the Department of the Navy, within 90 days from the date of the minor's enlistment.

4. The statutory and administrative minimum ages for enlistment are as follows:

	<u>Statutory</u>	<u>Administrative</u>
Regular Marine Corps		
Men	14	17
Women	18	18
Marine Corps Reserve		
Men	14	17
Women	18	18

a. The release from military control, as determined by the Commandant of the Marine Corps (Code DGK), by voidance of enlistment, or discharge, of any enlisted member who is determined to be under the statutory minimum age for enlistment is mandatory, and a request of the custodial parents or legal guardians for the minor's release is not required. Any request by custodial parents or legal guardians for the release of a minor who was enlisted while under the minimum statutory age limit, and who remained in the service after reaching the minimum statutory or administrative age for enlistment, will be processed in accordance with subparagraph 6015.3, where appropriate.

5. In any case where it becomes apparent, or it is alleged, that there is a discrepancy in the age or name in a minor's enlistment contract, or when the validity of the consent of custodial parents or legal guardians for the minor's enlistment is questioned, prompt action shall be taken by the minor's command to ascertain the facts. Regardless of whether or not such facts provide a basis for the minor's release from military control by voidance of enlistment, or discharge, the minor's local service records will be corrected, where appropriate, and a complete report of the matter will be made to the Commandant of the Marine Corps (Code DGK).

a. The evidence described below will be acceptable for establishing proof of a minor's age and for the correction of a minor's service records, where appropriate.

(1) A certified copy of the minor's birth certificate showing the date of the minor's birth, and the date his birth was recorded. To be acceptable, the date his birth was recorded must have been previous to the minor's enlistment.

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(2) A certified copy of the minor's baptismal certificate, or other church record, showing the minor's age or date of birth.

(3) A certified extract from a school census record.

(4) A certified hospital record of a minor's birth.

(5) A certified census enumeration extract.

b. Any difference in the minor's name contained in the evidence described above and the name under which the minor enlisted or was inducted must be clarified by public record or affidavits of two disinterested and credible persons testifying from their own knowledge as to the identity of the minor concerned.

6. Written consent shall be obtained from the custodial parents or legal guardians in all cases of enlistment of male minors under 18 years of age, and of female minors under 21 years of age. Written consent will also be obtained from the custodial parents or legal guardians in all cases of an extension of enlistment of male minors under 18 years of age, and of female minors under 21 years of age.

7. The enlistment of a minor with false representation as to age, or without proper consent from his parents or legal guardian, will not, in itself, be considered as a fraudulent enlistment.

8. The commander effecting a minority discharge shall notify or cause to be notified the minor's next of kin of the type of discharge and, in general terms, the reason for discharge. Care and discretion shall be exercised in phrasing the notification in order that the reason for discharge may not be construed by the person concerned as derogatory to the minor or to reflect adversely on his character.

9. A member whose enlistment or induction is terminated by reason of minority, including voidance of enlistment, shall not, as a result of such enlistment or induction, be considered to have acquired a period of obligated service under law, nor is service under any enlistment or induction which was so terminated creditable toward the fulfillment of any subsequently acquired service obligation.

6016 DISCHARGE FOR UNSUITABILITY

1. The Commandant of the Marine Corps and all Marine commanders exercising general court-martial jurisdiction may authorize or direct the retention in the service or discharge of members recommended for discharge by reason of unsuitability, except that all cases involving homosexual or other aberrant sexual tendencies as the specific basis for the proposed discharge will be referred to the Commandant of the Marine Corps (Code DK) for disposition. Where there is evidence of homosexual or other aberrant sexual tendencies present in the case, but the local discharge authority determines that the specific basis for the proposed discharge should be one of the bases reflected in subparagraphs 6016.1a

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through f, he may authorize or direct the member's discharge and is not required to forward the case to the Commandant of the Marine Corps, except for review as provided by subparagraph 6016.4. Except as provided by the foregoing, all recommendations for a member's discharge by reason of unsuitability submitted by commanding officers or officers in charge not under the command of a Marine commander exercising general court-martial jurisdiction will be forwarded to the Commandant of the Marine Corps (Code DM) for disposition. A discharge for reason of unsuitability will be effected with an honorable or general discharge, as warranted by the member's military record, when it has been determined that a member is unsuitable for further military service because of:

a. Inaptitude. This provision is applicable to those members who are best described as inapt, due to lack of general adaptability, want of readiness or skill, unhandiness, or inability to learn.

b. Enuresis. This provision contemplates a final diagnosis by a medical officer.

c. Character and behavior disorders. As determined by medical authority, this provision contemplates those character and behavior disorders and disorders of intelligence listed in Department of Defense Disease and Injury Codes (TB Med 15 (NAVMED P-5082) AFM 160-24). However, discharges normally should not be effected for combat exhaustion and other acute situational maladjustments, per se, but they may be effected for more basic underlying character and behavior disorders of which the transient state is a manifestation.

d. Financial irresponsibility. This provision contemplates financial irresponsibility on the part of a member which clearly demonstrates that he is unqualified for retention, even though such financial irresponsibility does not fall within the purview of subparagraphs 6017.2c or 6017.2f.

e. Apathy, defective attitudes, and inability to expend effort constructively. As a significant observable defect, apparently beyond the control of the member, elsewhere not readily describable.

f. Alcoholism. This provision contemplates a final diagnosis by a medical officer, together with additional supporting information furnished by the member's command. See also the current edition of SECNAVINST 1910.3, subparagraph 3b(5)(b).

g. Homosexual or other aberrant sexual tendencies. See SECNAVINST 1900.9 or revisions thereof, for controlling policy and additional action required in homosexual cases. Homosexual or other aberrant sexual act(s) or conduct, as opposed to tendencies, will ordinarily be considered under the provisions of subparagraph 6017.2a, rather than under the provisions of this subparagraph.

2. Restrictions and guidelines regarding discharge by reason of unsuitability are as follows:

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a. Action with a view to discharging a member as unsuitable for any of the reasons set forth in subparagraphs 6016.1a,d,e, and f, above, will not normally be initiated unless the member has previously been afforded a reasonable opportunity to overcome his deficiencies. When it is determined that a member may come within the purview of any of these specific categories, the member shall be notified of his deficiencies and he shall be counseled concerning them. A brief summary of all counseling taken in compliance with this subparagraph shall be recorded on page 11 of the member's service record book. If no improvement is forthcoming within a reasonable time, the member should then be processed for the appropriate type of administrative discharge. Failure of a member to receive or understand the counseling prescribed herein may be considered by administrative discharge boards (in the case of a member with 8 or more years of continuous active military service), or by discharge authorities, along with all other factors in the case, in determining whether or not a discharge is appropriate, and if so, the type and character of the discharge to be awarded. However, in no event shall the failure of the member to receive or understand such counseling be considered a defense in an administrative discharge proceeding or a bar thereto.

3. The following procedure pertains to cases involving character and behavior disorders:

a. While a medical diagnosis that a member is suffering from a character and behavior disorder is essential, within the purview of subparagraph 6016.1c, it is contemplated that the vast majority of cases in which a member is diagnosed as having a character and behavior disorder will be processed in accordance with subparagraph 6016.1c, rather than BUMEDINST 1910.2 or revisions thereof. Resolution of the issue of a member's unsuitability for military service, within the purview of paragraph 6016, is a command, not a medical, function and responsibility, although it is expected that medical evidence, evaluation and diagnosis will assist the commander in ultimately resolving such issue. Before a member may be discharged within the purview of subparagraph 6016.1c, it is essential, not only that a member be suffering from a diagnosed character and behavior disorder, but that nonmedical evidence establish the member's demonstrated difficulty in adjusting to such a degree as to render the member clearly unsuitable therefor. Where the only evidence of a member's unsuitability for military service consists of psychiatric evaluation(s) and diagnosis, regardless of the number thereof, the member should normally either be processed in accordance with BUMEDINST 1910.2, or revisions thereof, or he should be retained. The proper role of the psychiatrist in cases falling within the purview of subparagraph 6016.1c is, normally upon the request of the member's commander, to evaluate the member and diagnose if possible, the underlying reason for the member's difficulty in adjusting to military service. If a character and behavior disorder is so diagnosed, and is of such a nature that the member should be processed through medical discharge channels, the member's case becomes primarily one for medical determination and responsibility. However, if the diagnosed character and behavior disorder is not of such a nature that the member should be processed through medical discharge channels, the disposition thereof is a command responsibility.

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b. In making any recommendation for discharge within the purview of subparagraph 6016.1c, medical evidence and psychiatric evaluations and diagnoses are to be used by the member's commander as an adjunct to and not as a substitute for, primarily nonmedical evidence of the member's demonstrated difficulty in adjusting to the demands of military service. Evidence of the member's unsuitability for military service obtained from nonmedical sources, including evaluations and observations by the commander and other individuals within the member's organization, giving due consideration to the member's age, length of service, grade and general aptitude; evidence that leadership, counseling, or other appropriate methods have been utilized without lasting benefit; or evidence that the member is a chronic disciplinary problem, will normally be considered by the member's commanding officer or officer in charge before he refers the member to a medical officer, preferably a psychiatrist, for evaluation and possible diagnosis. In this regard, commanding officers and officers in charge shall maintain appropriate liaison, including personal contact with Navy psychiatrists or other medical officers, and will furnish them with the member's service record book, if available, and such other relevant and available information including the commander's personal evaluations, observations and comments, and the evaluations and comments of other individuals within the member's organization, pertaining to the member's service adjustment, as will assist the medical officer or psychiatrist in making his evaluation and possible diagnosis and in determining whether to recommend retention or discharge in accordance with subparagraph 6016.1c, or for discharge through medical board action in accordance with BUMEDINST 1910.2, or revisions thereof. Such information and material will not be transmitted through or by the member concerned. Commanding officers and officers in charge should also effect appropriate liaison with Navy psychiatrists or other medical officers in order to review medical reports prepared as a result of the foregoing before such reports are filed in the member's medical record.

c. It is not essential that members be admitted to the sicklist for diagnosis of character and behavior disorders within the purview of subparagraph 6016.1c. Accordingly, more uncomplicated character and behavior disorders may be duly diagnosed through psychiatric consultations on an outpatient basis or by relatively brief hospitalization and evaluation, with discharge from the hospital by narrative summary, along with the diagnosis and recommendations of the psychiatrist or other medical officer, as appropriate. Commanding officers and officers in charge may then use such consultations and narrative summaries, together with all other available evidence relating to the member's suitability for military service, in determining whether or not to recommend the member's discharge in accordance with subparagraph 6016.1c.

d. The foregoing provisions of this subparagraph relating to the liaison which should be effected between commanders and Navy psychiatrists or other medical officers, and to the distinction between command and medical responsibility in cases falling within the purview of paragraph 6016, in specific cases, may also be appropriate in the case of a member being considered for administrative discharge for unsuitability by reason of inaptitude; enuresis; apathy, defective attitudes, and inability to expend effort constructively; or alcoholism..

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4. In cases where a commander considers a member unsuitable for further military service, he will refer the case, together with his recommendations and all evidence and documents pertaining thereto, to the appropriate discharge authority or convening authority for disposition. At the time of submission of a recommendation for discharge, an entry will be made on page 11 of the member's service record book showing this fact and the reasons therefor. If the recommendation for discharge is finally disapproved, an entry to this effect will likewise be recorded on page 11 of the member's service record book. Prior to recommending the discharge of a member for unsuitability, the commander will investigate or cause the case to be investigated. Where a commander, or higher authority, is considering the case of a member of the grade of sergeant or above for discharge by reason of unsuitability, he may, where considered appropriate, request from the Commandant of the Marine Corps (Code DGK), copies of the member's fitness reports and any other pertinent information which may be related to the reasons for discharge, or the type of discharge to be issued.

a. Where a member with less than 8 years of continuous active military service is recommended for discharge by reason of unsuitability, the member concerned shall be notified in writing of the proposed discharge action and the reason therefor, and he shall be afforded an opportunity to make a statement in his own behalf, or to decline this opportunity in writing. The commander's recommendation and a complete report containing all the circumstances of the case, together with the member's statement, if any, shall be forwarded to the appropriate discharge authority.

b. In all cases involving a recommendation for discharge by reason of unsuitability where the member concerned has 8 or more years of continuous active military service, the instructions and procedures set forth in subparagraphs 6017.6 through 6017.10, as applicable, and those set forth below, shall govern:

(1) Where such member is under military control, he has the following rights:

(a) To present his case before an administrative discharge board;

(b) To be represented by counsel; and

(c) To waive the above rights, in writing, after being afforded an opportunity to consult with counsel.

(2) If a member waives the above rights, in writing, the discharge authority may nevertheless disapprove the waiver and refer the case to an administrative discharge board, directing that the member be accorded his applicable rights thereat; or he may direct the member's retention; or he may direct the member's discharge by reason of unsuitability, specifying the specific basis therefor and the type of discharge certificate to be issued.

(3) Where the member's case is referred to an administrative discharge board, see paragraph 6024.

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(4) For the advice to be given a member with 8 or more years of continuous active military service who is recommended for discharge by reason of unsuitability, and for the recording of such advice, see paragraph 6023.

(5) Should a member refuse to either request or waive his rights, an entry in explanation thereof will be made in the record of the case, and the member's case will be disposed of as if he had requested all of his applicable rights.

5. When final action has been taken by a discharge authority on a recommendation for discharge by reason of unsuitability for any of the specific bases prescribed in subparagraph 6016.1a through f. Such discharge authority will forward all papers, or copies thereof, pertaining to the case to the Commandant of the Marine Corps (Code DGK) for filing in the official record of the member concerned. However, where the specific basis for the discharge is one of the reasons prescribed in subparagraph 6016.1a through f, but there is evidence of homosexual or other aberrant sexual tendencies present in the case, the discharge authority, after completion of his final action thereon, will forward the case to the Commandant of the Marine Corps (Code DK) for review.

6017 DISCHARGE FOR UNFITNESS

1. The Commandant of the Marine Corps, and all Marine commanders exercising general court-martial jurisdiction, may authorize or direct the retention in the service or the discharge of members by reason of unfitness, except that cases involving sexual perversion or the unauthorized use or possession of drugs or narcotics as the specific basis for the proposed discharge will be referred to the Commandant of the Marine Corps (Code DK) for disposition. Where there is evidence of sexual perversion present in the case, but the local discharge authority determines that the specific basis for the proposed discharge should be one of the bases reflected in subparagraphs 6017.2b through 2g, he may authorize or direct the member's discharge and is not required to forward the case to the Commandant except for review as required by subparagraph 6005.8.

2. A commanding officer or officer in charge will recommend a member for discharge by reason of unfitness when he determines that the member's military record includes one or more of the following:

a. Sexual perversion, including, but not limited to:

(1) Lewd and lascivious act(s).

(2) Homosexual act(s). See SECNAVINST 1900.9 or revisions thereof, for controlling policy and additional action required in homosexual cases.

(3) Sodomy. See SECNAVINST 1900.9.

(4) Indecent exposure.

(5) Indecent act(s) with or assault upon a child.

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

b. Frequent involvement discreditable nature with civil or military authorities. No specific number of acts or omissions are contemplated herein. Each case must be evaluated in light of its own particular facts to determine whether, because of such frequent involvement, the member concerned has clearly demonstrated that he is unqualified for retention and, if so, whether the character of his service has been other than honorable.

c. An established pattern of shirking.

d. Drug addiction or habituation, or the unauthorized use or possession of narcotics, marijuana, hypnotics, sedatives, tranquilizers, depressant or stimulant drugs, hallucinogens, and other similar drugs, chemicals or substances, considered to be habit forming, or to have a potential for abuse because of their depressant or stimulant effect on the central nervous system or because of their hallucinogenic effect. As an aid in determining what drugs, chemicals or substances are included within the purview of this subparagraph, see article 1270, U.S. Navy Regulations, 1948; Title 21, U.S. Code, chapters 6 and 9; Public Law 89-74, HR 2, July 15, 1965 (Drug Abuse Control Amendments of 1965); Title 21, CFR, Part 166, January 27, 1966; Volume 31 Federal Register No. 54, page 4679, 19 March 1966; and such other regulations dealing with these subjects as may from time to time be promulgated by the Secretary of Health, Education, and Welfare, and published in the Federal Register and the Code of Federal Regulations.

e. An established pattern showing dishonorable failure to pay just debts.

f. An established pattern showing dishonorable failure to contribute adequate support to dependents, or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.

g. For unsanitary habits, which include, but are not limited to, the occurrence of repeated venereal disease infections during the member's current enlistment or period of service. See Department of the Navy General Order No. 18 and the current edition of SECNAVINST 6222.1.

3. Action with a view to discharging a member as unfit for any of the reasons set forth in subparagraphs 6017.2b, c, e, f, and g, above, will not normally be initiated unless the member has previously been afforded a reasonable opportunity to overcome his deficiencies. When it is determined that a member may come within the purview of these specific categories, the member shall be notified of his deficiencies and he shall be counseled concerning them. A brief summary of all counseling measures taken in compliance with this subparagraph shall be recorded on page 11 of the member's service record book. If no improvement is forthcoming within a reasonable time, the member should then be processed for the appropriate type of discharge. Failure on the part of a member to receive or understand the counseling prescribed herein may be considered by discharge boards and discharge authorities, along with all other factors in the case, in determining whether or not a discharge is appropriate, and if so, the type

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and character of discharge to be awarded. However, in no event shall the failure of the member to receive or understand such counseling be considered a defense in an administrative discharge proceeding or a bar thereto.

4. Before recommending a member for discharge by reason of unfitness, the commanding officer or officer in charge shall investigate or cause each case to be investigated. The circumstances, facts and offenses shall be substantiated by entries or documents from the member's service records, and/or other pertinent information, and the original or copies thereof shall be enclosed with the recommendation.

5. At the time of submission of a recommendation for discharge, an entry will be made on page 11 of the member's service record book showing this fact and the reasons therefor. If the recommendation for discharge is finally disapproved, an entry to this effect will likewise be recorded on page 11 of the member's service record book.

6. Except as provided in subparagraphs 6005.3 and 6025.2, all recommendations for a member's discharge by reason of unfitness will be referred to an administrative discharge board convened and conducted in accordance with paragraph 6024.

7. A member recommended for an undesirable discharge by reason of unfitness will be advised in accordance with paragraph 6023 and will be accorded those rights prescribed by paragraphs 6005, 6023, and 6024. The nature of the advice given and the method by which it is transmitted to a respondent, and the nature of the rights to be accorded a respondent, under the applicable provisions of this chapter, will depend upon whether or not the respondent is on active duty, whether or not the respondent is under military control, the extent to which a respondent effectively waives his rights, and whether or not the respondent requests discharge for the good of the service.

8. Where an administrative discharge board is held, the report of the board will be submitted to the convening authority thereof in accordance with paragraph 6024. Upon receipt of the board's report, the convening authority will take the following action thereon:

a. If the convening authority is not the appropriate discharge authority, he will forward the record of the case, including the report of the board and his recommendations thereon, to the Marine commander exercising general court-martial jurisdiction, or to the Commandant of the Marine Corps (Code DK) for disposition.

b. If the convening authority is the appropriate discharge authority, he will take one of the actions permitted by subparagraph 6024.9b.

9. Where no administrative discharge board is held because of the applicability of any of the provisions of subparagraphs 6005.3 and 6025.2, the authority empowered to convene an administrative discharge board and to whom the case has been submitted will take the following action thereon:

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a. If such authority is not the appropriate discharge authority, he will forward the entire record of the case, together with his recommendations thereon, to the appropriate discharge authority indicated in subparagraph 6017.8a for final disposition.

b. If such authority is the appropriate discharge authority, he will take one of the following actions, regardless of the recommendations of the member's commanding officer or officer in charge (see subparagraph 6002.18):

(1) Direct the member's retention in the service.

(2) Approve the member's discharge, specifying the type and bases thereof, but suspending the execution of the discharge for a specified period of probation in accordance with paragraph 6026.

(3) Direct the member's discharge, specifying the type and bases thereof.

10. Members serving outside the continental United States shall be transferred to the nearest Marine Corps activity in the continental United States by the Marine commander exercising general court-martial jurisdiction who directs or recommends the discharge. Except where the discharge authority is the Commandant of the Marine Corps or the Secretary of the Navy, the authority for discharge will be included in the orders transferring the member to the continental United States.

11. Commanders of activities outside the continental United States, not under the command of a Marine commander exercising general court-martial jurisdiction other than the Commandant of the Marine Corps, will transfer to the nearest Marine Corps activity in the continental United States those members who have been recommended for discharge by an administrative discharge board convened under the provisions of paragraph 6024 or those members who have been recommended for administrative discharge by their commanding officer or officer in charge and have waived, in writing, the right to have their case heard by an administrative discharge board. Such commanders, in their endorsement of the proceedings of the board, or in the recommendation for the member's discharge, will indicate the activity in the continental United States to which the member is being transferred.

12. When final action has been taken on any report or recommendation by a discharge authority other than the Secretary of the Navy or the Commandant of the Marine Corps, the discharge authority will forward all papers pertaining to the case to the Commandant of the Marine Corps (Code DK) for review. (See subparagraph 6005.8.)

6018 DISCHARGE BY REASON OF MISCONDUCT

1. The Commandant of the Marine Corps and all Marine commanders exercising general court-martial jurisdiction may authorize or direct the retention in the service or the discharge of members by reason of misconduct, except that cases

involving procurement of a fraudulent enlistment, induction, or period of active service through any deliberate material misrepresentation, omission, or concealment of preservice homosexual act(s) or tendencies will be referred to the Commandant of the Marine Corps (Code DK) for disposition.

2. The commanding officer or officer in charge shall make a report of suspected or apparent misconduct by a member for any of the following reasons, and shall include in the report all relevant and material documentary evidence pertaining to the case, and his specific recommendation for discharge or for retention in the service of the member concerned:

a. When a continuous unauthorized absence of more than 1 year has been established by official records, but the execution of an approved punitive discharge of the member has not been authorized by competent authority. See subparagraph 6005.3a where the member is beyond military control. If the member has returned or been returned to military control, see subparagraphs 6002.13 through 6002.15.

b. Procurement of a fraudulent enlistment, induction or period of active service through any deliberate material misrepresentation, including the omission or concealment of facts which, if known at the time thereof, would have reasonably been expected to have precluded, postponed, or otherwise affected the member's eligibility for enlistment or induction. See the current edition of MCO P1100.61, Recruiting Service Manual, chapter 2, part B. The enlistment of a minor with false representation as to age, or without proper consent from his parents or legal guardians, will not, by itself, be considered as a fraudulent enlistment. See subparagraph 6015.7. The procurement of a fraudulent enlistment, induction, or period of active service may be based upon, but is not limited to, any deliberate material misrepresentation of or concerning the following:

(1) A police record, or conviction by civil court.

(2) A record as a juvenile delinquent, wayward minor, or youthful offender. See, however, subparagraph 6012.2c.. Except as otherwise provided in subparagraph 6012.2, and in addition to any other action required by the provisions of this chapter, in a case involving the procurement of a fraudulent enlistment, induction, or period of active service through a deliberate material misrepresentation, as defined herein, involving a record as a juvenile delinquent, wayward minor, or youthful offender, the following action will be taken:

(a) All the relevant facts pertaining to the case will be ascertained by establishing liaison with the civil authorities in order to determine the actual offense(s) committed by the member; all the circumstances in the case, and the final disposition by juvenile or youthful offender courts (when permitted by local law) including the actual period of confinement served and whether civil probation exists.

(b) Any other information deemed relevant to an evaluation of the member's case will be obtained.

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(c) An evaluation of the facts obtained, the member's statement, the character of the member's military service rendered, and the provisions of subparagraph 6002.3 will be made to determine whether the member's discharge or retention should be directed.

(d) If discharge is deemed proper in these cases, it should normally be under honorable conditions, unless the particular circumstances of the case clearly warrant a less favorable type of discharge.

(3) Previous service in any branch of the Armed Forces.

(4) Physical defects.

(5) Marriage or dependents. See subparagraph 6012.2b.

(6) Preservice homosexual act(s) or tendencies. See the current edition of SECNAVINST 1900.9 for controlling policy and additional action required in homosexual cases.

c. Conviction by civil authorities (foreign or domestic), or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the Uniform Code of Military Justice is death or confinement in excess of one year; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender or is placed on probation or punishment in any way as the result of an offense involving moral turpitude. If the offense is not listed in the Manual for Court-Martial Table of Maximum Punishments, or is not closely related to an offense listed therein, the maximum punishment authorized by the U. S. Code, or the District of Columbia Code, whichever is lesser, applies.

(1) A member subject to administrative separation pursuant to the provisions of subparagraph 6018.2c may be processed therefor, notwithstanding the fact that he has filed an appeal or has stated his intention to do so. However, no approved administrative separation from the naval service, which is based solely or in part upon a conviction, or upon a juvenile, wayward minor, or youthful offender adjudication by civil authorities, during the period an appeal from such conviction or adjudication is actually pending, or is reasonably expected to be pending, will be executed without the prior express approval and direction of the Secretary of the Navy. Requests should not be made to the Secretary of the Navy for his approval and direction of the execution of an administrative discharge under these circumstances, except in those unusual cases where such action is essential in the interests of justice, discipline, and proper administration within the naval service. For example, such requests should be made to the Secretary of the Navy when the member's current period of obligated active or inactive service will expire before final action on the member's appeal can reasonably be expected, or in a case where it appears that the member's continued presence with the command is considered inimical to the health, morals, or welfare of the other members of the command.

(2) In each case where a member is recommended for discharge by reason of misconduct because of the applicability of the provisions of subparagraph 6018.2c, the permanent record will contain, where available, a copy of the court

order or order of commitment, or the certificate of the judge or the clerk of the court, advising as to the charge(s) of which the member was convicted, the sentence adjudged, and the disposition of the appeal. Additionally, where available, a copy of the arresting officer's report and/or a copy of the presentence report of the probation officer, if any, will be included. Extreme care must be taken to ensure that the particular offense(s) of which the member was convicted by civil authorities and the circumstances of their commission are clearly and specifically identified and described so that the maximum permissible penalty therefor under the UCMJ, the U. S. Code, or the District of Columbia Code, as applicable, can be ascertained. In making this determination, neither the name nor label attached to an offense by civil authorities, nor the characterization of the nature of the crime (i.e., a crime involving moral turpitude, a felony or misdemeanor), by civil authorities is controlling.

(3) As used in subparagraph 6018.2c, the term "convicted (or a conviction) by civil authorities" includes not only final convictions by civilian courts of record, but all final determinations by civil authorities (including those made by a magistrate, a justice of the peace, a municipal court, or other inferior courts) of criminality on the part of a member, and those cases in which civil authorities have adjudged a member a juvenile delinquent, a youthful offender or a wayward minor. It is immaterial whether or not, as a result thereof, probation is imposed; any sentence is executed; execution of sentence is deferred, delayed or suspended; or whether, by local law, custom or procedure, charges are dismissed or expunged from civil courts after payment of a fine, completion of a term in jail or a penitentiary, or completion of a period of probation.

(4) No member will be administratively discharged under conditions other than honorable if the grounds for such discharge are based wholly or in part upon acts or omissions for which the member has been previously tried in civil court resulting in acquittal or action having the effect thereof, except where such acquittal or equivalent disposition is based on a legal technicality not going to merits. (See subparagraph 6005.5b)

(5) In cases involving the conviction of members by foreign civil authorities, see the current edition of SECNAVINST 5820.4, part IV, subparagraph 5, which prohibits the discharge of members confined in foreign prisons until the completion of their term of imprisonment and their return to the United States, except that in unusual cases such discharges may be executed upon the express authorization of the Secretary of the Navy. Despite the foregoing, such members may be processed for discharge, and their discharge approved, although not executed, at any time subsequent to their conviction.

3. The instructions and procedures set forth in subparagraphs 6017.4 through 6017.11 shall also govern the disposition of cases involving members considered for discharge by reason of misconduct.

6019 DISCHARGE ADJUDGED BY SENTENCE OF COURT-MARTIAL

1. The words "discharge" or "discharges", as used in this paragraph, refer to punitive (i.e., dishonorable and bad conduct) discharges adjudged by sentences of courts-martial.

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2. It has been and continues to be the Navy Department's policy that convening and reviewing authorities should approve discharges only in those cases where members' records and conduct show conclusively that they are not fit for retention, and where retention is clearly not in the Government's interest.
3. The appropriateness of a punitive discharge as the sentence, or as part of the sentence, of a court-martial is discussed in the MCM, 1951, subparagraphs 76a(6) and (7).
4. A convening authority, in those cases where he approves a punitive discharge, will include in his action a brief synopsis of the disciplinary features, as well as favorable matters, of the accused's service during his current enlistment, as reflected in the accused's service record book.
5. Prior to taking his action, however, the convening authority will furnish a copy of the foregoing synopsis to the accused or his counsel, as appropriate, for such statement in rebuttal or explanation as the accused may desire to make.
6. A punitive discharge will be effected only after appellate review of the proceedings and clemency action, in accordance with current directives, have been completed. In those cases where confinement is adjudged in addition to a punitive discharge, the discharge shall not be effected until the completion of appellate review or completion of the sentence of confinement, whichever is later. An exception to the foregoing may be made where the period of confinement is to be served in a Federal penal institution. In such cases the discharge may be effected upon the completion of appellate review without waiting until the sentence of confinement is completed. See current edition of SECNAVINST 5815.3.
7. Except when the discharge has been suspended for a stated number of months to permit the person to continue in the service after serving satisfactorily during a probationary period, the transfer of personnel sentences to discharge (including those to be discharged on account of vacation of suspended sentence) who are serving outside the continental limits of the United States will be governed by the following instructions:
 - a. When an enlisted person who has been sentenced to discharge is serving outside the continental limits of the United States, whether it is ashore or on board ship, transfer will be made to the Marine Corps activity within the continental limits of the United States nearest the port of debarkation, for retention or redesignation of a place of temporary custody or confinement in accordance with current directives.
 - b. Transfer to the continental limits of the United States in case of a person sentenced to discharge will not be effected until review has been completed by the officer exercising general court-martial jurisdiction, the promulgating order issued, and appropriate entries made in the service record book to show the action taken by the officer exercising general court-martial jurisdiction.
 - c. Transfer to the continental limits of the United States, in those cases where, pursuant to the Manual of the Judge Advocate General, the record of trial

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is submitted directly to the Office of the Judge Advocate General without review by an officer exercising general court-martial jurisdiction, will be effected after appropriate entries have been made in the service record book to show the action taken by the convening authority.

d. When transfer to the United States is directed, report of same shall be made to the Judge Advocate General of the Navy in accordance with the MCM, 1951, paragraph 96, with copy to the Commandant of the Marine Corps (Code DK), indicating the type of court-martial, sentence as approved at the time of transfer, the name of the activity to which the individual is transferred, and the estimated date of reporting to the new activity, the commander of that activity will immediately advise the Judge Advocate General of the Navy by message, airmail letter, or speedletter, with copy to the Commandant of the Marine Corps (Code DK). When a different activity or Naval Disciplinary Command is redesignated as the place of temporary custody or confinement, this fact will be set forth in the report, and the date of transfer to that activity or command will be stated.

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

8. When an enlisted person serving at a station within the continental limits of the United States has been sentenced to discharge, and the discharge has not been suspended for a stated number of months to permit the person to continue in the service after satisfactorily serving during a probationary period, the individual will be retained at the place of trial or transferred to another activity, or a Naval Disciplinary Command, in accordance with periodic directives of the Commandant of the Marine Corps and the Bureau of Naval Personnel governing designation of places of confinement. When an individual is transferred to another station or to a Naval Disciplinary Command, report of the transfer will be made to the Judge Advocate General of the Navy, with copy to the Commandant of the Marine Corps (Code DK). (See MCM, 1951, paragraph 96.)

9. When an enlisted person serving within the United States, attached to a vessel or organization destined for transfer to foreign duty, has been sentenced to discharge and the discharge has not been suspended for a stated number of months to permit the person to continue in the service after serving satisfactorily during a probationary period, he shall be transferred to a Naval Disciplinary Command if he meets the established criteria for transfer to such a command; otherwise he shall be transferred to the Marine Corps activity nearest to the port of departure prior to sailing. In such cases, a report of transfer will be made as set forth in subparagraph 8, above.

10. An enlisted woman who has been sentenced to discharge will be transferred to the nearest post, station, or barracks where women are serving.

11. Where execution of a portion of a sentence which adjudges a discharge is suspended subject to a probationary period, the suspension may be vacated pursuant to the procedure in MCM, 1951, 97b. Commanders are directed to give careful consideration to reports of offenses committed by

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personnel serving in such status, and to undertake proceedings for the vacation of suspension of the sentence only where it is established by the record that such action is appropriate and in the best interest of the Marine Corps. For a new offense the commander may:

- a. Award nonjudicial punishment, or recommend or direct trial by court-martial;
- b. Initiate procedure for vacation of suspension; or
- c. Both.

12. A chief warrant officer may be dismissed from the service and a warrant officer may be dishonorably discharged from the service, pursuant to the sentence of a general court-martial. In time of war, the President may order the dismissal of such officers.

6020 DISCHARGE BY REASON OF SECURITY

1. Only the Commandant of the Marine Corps or the Secretary of the Navy may direct the discharge of a member with an honorable, general, or undesirable discharge, for reason of security. See current edition of SECNAVINST 5521.6 and subparagraph 6002.2k.

6021 REQUEST FOR DISCHARGE FOR THE GOOD OF THE SERVICE

1. All requests for discharge for the good of the service in cases involving security matters; or sexual perversion; or procurement of a fraudulent enlistment, induction, or period of active service through any deliberate material misrepresentation, omission or concealment of preservice homosexual act(s) or tendencies; will be referred to the Commandant of the Marine Corps (Code DK) for disposition. In other cases, the Commandant of the Marine Corps, or any Marine commander exercising general court-martial jurisdiction, without administrative discharge board action, may authorize or direct the discharge, with an undesirable discharge, of any member who submits a request for discharge for the good of the service (see subparagraph 6002.2j). Such requests may be submitted and processed where the member's conduct renders him triable by court-martial for an offense punishable by a punitive discharge (see MCM, 1951, subparagraph 127c, sections A and B, and UCMJ, articles 77-134); provided that the member has been afforded the opportunity to consult with counsel, and the member certifies in writing his understanding that:

- a. He will receive a discharge under other than honorable conditions.
- b. He understands the adverse nature of such a discharge.
- c. He understands the possible consequences thereof.

Notwithstanding a member's submission of a request for discharge for the good of the service, the appropriate discharge authority may disapprove such request and

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and either direct the member's retention, or refer the member's case to an administrative discharge board. In such cases, see subparagraph 6002.11, and paragraphs 6005, 6017 and 6018.

2. For the advice to be given a member who requests discharge for the good of the service, and for the recording of such advice see subparagraphs 6023.1a and 6023.1c.

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

4. Where a member submits a request for discharge for the good of the service and subsequently withdraws his request before its approval by the discharge authority, the provisions of subparagraph 6002.15b apply. In such cases, the member may be processed for appropriate punitive or administrative action based upon the acts or omissions upon which his original request for discharge was based, or for other appropriate reasons, as if he had never submitted a request for discharge for the good of the service.

5. Notwithstanding a member's written acknowledgment that he will receive an undesirable discharge as a result of his submission of a request for discharge for the good of the service, the discharge authority, or higher authority, may direct the member's separation with either an honorable or general discharge, as warranted by the member's military record.

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

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

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

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

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

c. Since a prerequisite for the issuance of a discharge based upon a request for discharge for the good of the service is conduct by the member which renders him triable by court-martial, the submission of such request must contain an acknowledgment by the member that he has committed the offenses resulting from such conduct.

7. For the forwarding of all papers pertaining to the case when final action has been taken thereon by a discharge authority other than the Commandant of the Marine Corps or the Secretary of the Navy, see subparagraph 6005.8.

8. For the action to be taken in cases involving members serving outside the continental United States, see subparagraph 6017.10.

6022 DISCHARGES OF PACIFIC OCEAN AREA SECURITY FORCES PERSONNEL

1. The Commanding General, Fleet Marine Force, Pacific, shall exercise such administrative control over matters relating to administrative discharges involving enlisted members of the Marine Corps Security Forces, Pacific Ocean Area, as is otherwise delegated to all Marine Commanders exercising general court-martial jurisdiction in accordance with this chapter.

6023 ADVICE TO A RESPONDENT

1. No administrative discharge under conditions other than honorable, and in the case of a member with 8 or more years of continuous active duty, no administrative discharge by reason of unsuitability will be effected unless the respondent is tendered the advice prescribed below:

a. Advice to respondent under military control. In each case where a member on active duty and under military control is recommended for an undesirable discharge, or has 8 or more years of continuous active military service and is recommended for a discharge by reason of unsuitability, or requests a discharge for the good of the service within the purview of paragraph 6021, the officer

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empowered to convene an administrative discharge board having jurisdiction over the member will take or cause to be taken the following action:

(1) Notify the member, in writing, of the proposed discharge action and the basis therefor.

(2) Advise the member of the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records. (See subparagraph 6001.3b.)

(3) Advise the member that he has the following rights, which unless he waives such rights in writing, will be afforded to him:

(a) Present to and have his case considered by an administrative discharge board composed of not less than three officers, at least one of whom will be a field grade officer;

(b) Appear in person before such board, subject to his availability;

(c) To be represented by military counsel, who will be a lawyer within the meaning of UCMJ, article 27(b)(1) unless appropriate authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel.

(4) Advise the member that if he does not waive a hearing before an administrative discharge board, and upon the hearing of his case before such board, he will be entitled to those rights set forth in subparagraphs 6024.3b through 6024.3c, 6024.3f, 6024.3n, 6024.3o, 6024.3r, 6024.6 and 6024.7. The advice as to the respondent's rights contained in the cited subparagraphs of paragraph 6024 may be given in a summarized form. Further advise the member that before waiving any of these rights, in writing, it would be to his advantage to consult with counsel and that he will be given the opportunity to do so.

(5) Advise the member who indicates that he wishes to submit a request for discharge for the good of the service, pursuant to paragraph 6021 that, if such request is accepted, he may receive a discharge under other than honorable conditions without administrative discharge board action, and further advise him of the adverse nature of such discharge and the possible consequences thereof. Before a member is permitted to actually submit a request for discharge for the good of the service, he will be advised that it would be to his advantage to consult with counsel and he will be given the opportunity to do so.

b. Advice to respondent not under military control. In each case where a member on active duty is recommended for an undesirable discharge, or has 8 or more years of continuous active military service and is recommended for a discharge by reason of unsuitability, and the member is not under military control because of either: his continuous, established unauthorized absence of more than 1 year, or because of his confinement by civil authorities; the officer empowered to convene an administrative discharge board having jurisdiction over the member will take or cause to be taken the following action (when the member

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is not under military control because of the continuous, established unauthorized absence of more than one year, the action prescribed by subparagraph 6023.1b(2) will ordinarily be taken or caused to be taken by the Commandant of the Marine Corps (see subparagraph 6005.3a)):

(1) When the member is not under military control and is unable to appear before an administrative discharge board because of his confinement by civil authorities, advise the member in writing and by registered mail sent to the civil institution where the member is confined:

- (a) Of the proposed discharge action and the basis therefor.
- (b) Of the type of discharge certificate that may be issued.
- (c) Of the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records. See subparagraph 6001.3b.
- (d) Of the fact that administrative discharge action has been suspended to give him the opportunity to exercise the following rights: to request the appointment of a military counsel, who will be a lawyer within the meaning of article 27(b)(1) of the Uniform Code of Military Justice unless appropriate authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted non-lawyer counsel, and to have such counsel represent him, and in his absence, present his case before an administrative discharge board; to submit statements in his own behalf; and to waive the foregoing rights, either in writing, or by the failure to reply to the letter of notification within the prescribed time limit therein.

(2) Subject to the provisions of 10 USC 1163, while the member is not under military control by reason of a continuous, established unauthorized absence of more than one year, advise the member, in writing and by registered mail sent to the current home of record address of the member, or to the current address of his next of kin as reflected in the member's service records, as appropriate:

- (a) Of the proposed discharge action and the basis therefor.
- (b) Of the effective date of the proposed discharge action.
- (c) Of the type of discharge certificate that may be issued.
- (d) Of the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records. See subparagraph 6001.3b.

c. Recording advice given respondent under military control. In each case where a member on active duty and under military control is recommended for an undesirable discharge, or has 8 or more years of continuous active military service and is recommended for discharge by reason of unsuitability, or requests discharge for the good of the service within the purview of paragraph 6021 and

after the advice prescribed in subparagraph 6023.1a has been given and the opportunity to consult with counsel has been afforded, the permanent record will contain either the following, or in lieu thereof, a certification by the officer taking the action prescribed by subparagraph 6023.1a that such action has been accomplished:

(1) A copy of the written notification to the member of the basis for the proposed discharge action.

(2) The member's written acknowledgment of the advice given him of the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records.

(3) The member's written acknowledgment that he was given and understands the advice prescribed in subparagraphs 6023.1a(3) and or (4).

(4) The member's written waiver of any or all of the rights prescribed in subparagraph 6023.1a(3), and/or the member's written request for discharge for the good of the service, together with the member's written acknowledgment that he was afforded the opportunity to consult with counsel prior to effecting such waivers and/or request for discharge. The member's written acknowledgment will include the fact that he either chose not to consult with counsel prior to effecting such waivers and/or request for discharge, or, if he did so consult with counsel, the specific identity of the counsel and his legal qualifications.

d. Recording advice given respondent not under military control. In each case where a member on active duty is recommended for an undesirable discharge, or has 8 or more years of continuous, active military duty and is recommended for a discharge by reason of unsuitability, and the member is not under military control because of his continuous, established unauthorized absence of more than 1 year, or because of his confinement by civil authorities, and after action prescribed in subparagraph 6023.1b has been given, the permanent record will contain the following:

(1) A certified copy of the registered letter or letters sent to the member pursuant to subparagraphs 6023.1b(1) or (2), including a certification as to the date any letter was mailed and the address to which it was sent.

(2) The complete reply or replies of the member and/or his next of kin to the registered letter or letters sent pursuant to subparagraphs 6023.1b(1) or (2), or a certification that no reply from the member and/or his next of kin was received by a specified date.

(3) Evidence that the registered letter or letters sent pursuant to subparagraphs 6023.1b(1) or (2) was delivered, or was not delivered, or was undeliverable.

(4) The member's written waiver, if any, of any or all of his rights prescribed by subparagraph 6023.1b(1)(d).

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e. Advice to a respondent who is a member of the Marine Corps Reserve on inactive duty

(1) In each case where a reservist on inactive duty is recommended for an undesirable discharge, or where such reservist has 8 or more years of continuous active duty and is recommended for discharge by reason of unsuitability, the officer empowered to convene an administrative discharge board having jurisdiction over the member will take or cause to be taken the following action, in the form prescribed in subparagraph 6023.1e(2):

(a) Notify the member, in writing, of the proposed discharge action, the basis therefor, and the type of discharge certificate that may be issued.

(b) Advise the member of the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records. See subparagraph 6001.3b.

(c) Advise the member that if he is reasonably available to appear before an administrative discharge board, he has the following rights, which, unless he waives such rights in writing, will be afforded him: to present to and have his case considered by an administrative discharge board composed of no fewer than three officers, at least one of whom will be a field grade officer; to appear in person before such board, subject to his availability; and to be represented by civilian counsel at no expense to the Government, or to be represented by military counsel, who will be a lawyer within the meaning of article 27(b)(1) of the Uniform Code of Military Justice, unless appropriate authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel. Advise the member that if he does not waive a hearing before an administrative discharge board, and upon the hearing of his case before such board, he will be entitled to those rights set forth in paragraphs 6024.3b through 3e, 6024.3l, 6024.3n, 6024.3r, 6024.6, and 6024.7. The advice as to the respondent's rights contained in the cited subparagraphs of paragraph 6024 may be given in a summarized form. Further advise the member that before waiving any of these rights, in writing, it would be to his advantage to consult with counsel and that he will be given the opportunity to do so.

Note: Despite the fact that military counsel who is a lawyer within the meaning of UCMJ, article 27(b)(1), will not normally be on active duty within a Reserve unit, the availability of such counsel, nevertheless, must be determined in each case in accordance with the general principles contained in subparagraph 6024.6.

(d) Advise the member that if he either fails to reply to the letter of notification and advice within the prescribed time limit specified therein, or that if he replies to such letter and does not waive in writing his right to appear in person before an administrative discharge board but, after being notified of the time and place of the meeting of the board, fails to appear, he will be considered to have effectively waived all of his rights before the board and the board will proceed in his absence with the appropriate disposition of his case.

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(e) Advise the member that if he does choose to appear in person before an administrative discharge board, such appearance will be at no expense to the Government.

(2) The giving of the notification and advice required by subparagraph 6023.1e(1) will be accomplished by the mailing of a registered letter, containing such notification and advice, addressed to the member concerned at the mailing address which the records of the activity mailing the letter indicate as the most recent one furnished by the member as an address at or from which official mail will be received or forwarded to him. In addition to, or under appropriate circumstances in lieu of that address, a registered letter addressed to the member concerned containing this notification and advice may be directed to any of the following:

(a) The city, town, or community in which the member has last been reported to be residing, or the post office address apparently nearest his last reported place of residence, or

(b) In care of any person whom the member has at any time designated in his service records (i.e., NAVMC 10526) as a beneficiary or as one to be notified in the event of his serious injury or death. Send to the most current mailing address.

(c) In care of any institution in which the member has been reported to be hospitalized or confined. Neither the absence of an indication of delivery, nor the return as undeliverable, of a registered letter addressed as outlined above, will negate the legal efficacy of such letter as the notification and advice required by subparagraph 6023.1e to be given to the member concerned. It is the responsibility of each member of the Marine Corps Reserve to ensure that the records pertaining to him accurately and currently reflect a mailing address at which he can be reached.

f. Recording advice given to a respondent who is a member of the Marine Corps Reserve on inactive duty. In each case where a reservist on inactive duty is recommended for an undesirable discharge, or where such reservist has 8 or more years of continuous active duty and is recommended for discharge by reason of unsuitability, and after the notification and advice prescribed by subparagraph 6023.1 has been given and the opportunity to consult with counsel has been afforded, the permanent record will contain the following:

(1) A certified copy of the registered letter or letters sent to the member pursuant to subparagraph 6023.1c, including a certification as to the date each letter was mailed and the address to which it was sent.

(2) The complete reply or replies of the member and/or others acting on his behalf to any registered letter sent to him pursuant to subparagraph 6023.1c, or a certification that no reply from the member and/or others acting on his behalf was received by a specified date.

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(3) Evidence that any registered letter was delivered, was not delivered, or was undeliverable.

(4) Evidence that a respondent who did not waive in writing his right to appear before an administrative discharge board, after being notified of the time and place of the meeting of the board, failed to appear. In this event, all the known circumstances relating to such nonappearance should be reflected.

(5) The member's written waiver of any or all of his rights prescribed by subparagraph 6023.1e(1), together with the member's written acknowledgment that he was afforded the opportunity to consult with counsel prior to effecting such waivers, or a certification reflecting that such opportunity was afforded the member. Certification will be made of the fact that the member chose not to consult with counsel prior to effecting such waivers, or if he did so consult with counsel, the specific identity of the counsel and his legal qualifications.

2. Should any member persistently refuse to either request or waive his rights, and persist in such refusal, an entry in explanation thereof will be made in the record of the case, and the member's case will be disposed of as if he had requested all of his applicable rights.

6024 ADMINISTRATIVE DISCHARGE BOARDS

1. Convening Authorities. An administrative discharge board as required by this chapter shall be convened by any Marine commander exercising general court-martial jurisdiction, district director of a Marine Corps district, commanding officer of a Marine barracks, or by any subordinate commanding officer or officer in charge when specifically authorized to do so by a superior authority who is a Marine commander exercising general court-martial jurisdiction. When a board is convened under delegated authority, as authorized in this subparagraph, the order appointing the board will contain specific reference to the source of such delegated authority, and the recommendations of the member's commanding officer or officer in charge, and the report of the board, with the convening authority's recommendation thereon, will be forwarded to the Marine commander exercising general court-martial jurisdiction for appropriate action. See subparagraphs 6017.8, 6024.4 and 6024.9.

2. Composition. The voting membership of an administrative discharge board shall be composed of at least three experienced commissioned officers, at least one of whom must be serving in the grade of major/lieutenant commander or higher.

a. A nonvoting recorder will be appointed to each administrative discharge board. An assistant recorder may be appointed. The assistant recorder by the direction of the recorder, may perform any duty or function which the recorder is required or empowered to perform. The recorder's primary responsibility is to exploit all practical sources of information and to bring out all the facts in an impartial manner in order to permit the board to make fully informed findings, opinions (if required by the convening authority), and recommendations concerning the respondent. The recorder and assistant recorder should be experienced officers and may be warrant officers or commissioned officers. The recorder and/or the assistant recorder may be a lawyer within the meaning of UCMJ,

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article 27(b)(1); however, where the respondent is represented by counsel, neither the recorder nor the assistant recorder will possess any greater legal qualifications than those possessed by the respondent's counsel. The recorder is responsible for ensuring that the board is presented only such materials and documents which may properly be considered by it. The recorder is also responsible for ensuring that the board is presented all testimony, materials, and documents which are necessary for it to arrive at such findings, opinions (if required by the convening authority), and recommendations, as will permit the discharge authority to make a proper disposition of the case. The recorder will conduct a preliminary review of all available evidence, screening out improper matter, and obtaining such additional evidence as appears necessary (see subparagraph 6024.3m). The recorder will arrange for the time, date, and place of the hearing after consulting with the chairman of the board and the counsel for the respondent. The recorder will also arrange for the attendance at the hearing of all material witnesses, except those witnesses whose attendance is arranged by the respondent (see subparagraph 6024.3n). At the hearing, the recorder will conduct the direct examination of all witnesses, except those requested or called by the respondent. The recorder will not participate in the closed sessions of the board or in the determination of the board's findings, opinions (if any), and recommendations. Under the direction of the chairman, the recorder will prepare or cause to be prepared the record of the board's proceedings. The convening authority of the board may appoint a reporter or provide other clerical assistance for the purpose of assisting the recorder in preparing the record. Normally, a summary of the testimony of witnesses personally appearing before the board will suffice. The chairman or convening authority, at his discretion, may direct the preparation of a verbatim or partially verbatim record.

b. When the respondent is a Woman Marine, the voting membership of the board shall consist of at least one Woman Marine officer.

c. When the respondent is a member of the Marine Corps Reserve, the voting membership of the board should include a majority of Marine Corps or Naval Reserve officers, if reasonably available. Should a majority of Reserve officers not be reasonably available, at least one voting member of the board will be a Marine Corps Reserve or Naval Reserve officer. Where the requirement that a majority of the voting membership of the board be Reserve officers cannot be met, the convening authority will certify the reasons therefor in the permanent record.

d. If any of the above prescribed mandatory requirements for the composition of a board cannot be met in a particular case from the officer personnel locally available, the convening authority will notify the Commandant of the Marine Corps (Code DK) and request appropriate instructions.

e. The attendance at the proceedings of an administrative discharge board becomes the primary duty of an officer designated as a member. No member shall fail in his attendance at the appointed time unless prevented by illness, or ordered away, or excused by convening authority.

f. Unless at least three voting members of the board are present, no business other than declaring a recess or adjournment shall be transacted by the

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board. If it appears that a voting member will be absent for more than a short period of time and his absence reduces the voting membership present to fewer than three members, the convening authority will be advised and he shall then appoint an additional member(s) to ensure that at least three voting members of the board are present during the conduct of all business by the board.

g. The board, in the absence of a voting member, may proceed only if authorized and directed to do so by the convening authority. Where a new member of the board has been appointed (i.e., following a successful challenge against a former member), or where a member of the board who has been temporarily absent returns, that part of the proceedings conducted in his absence, with the concurrence of the counsel for the respondent, may be orally summarized for him in open session by the recorder, or the summarized record of that part of the proceedings conducted in his absence shall be examined by him and that examination noted in the record. The appointment of a new member, or the temporary absence of a member, does not preclude that member's full participation in the deliberations of the board relating to its findings of fact, opinions and recommendations.

3. Procedure. The following rules shall govern the procedure to be employed by an administrative discharge board. Where questions as to matters of procedure not covered herein are encountered, such questions will be resolved at the discretion of the board or the convening authority.

a. Rules of evidence. An administrative discharge board functions as an administrative, rather than a judicial body. Accordingly, in the board's proceedings the strict rules of evidence governing trials by courts-martial are not applicable. The admissibility of evidence is a matter within the discretion of the board. There is a sharp and distinct delineation between the administrative process which has as its purpose the administrative elimination of unsuitable, unfit or unqualified service members and the judicial process, the purpose of which is to establish the guilt or innocence of a member accused of a crime and to administer punishment when appropriate. However, the board may impose reasonable restrictions as to the relevancy, competency, cumulativeness, and materiality of all matters to be considered by the board so as to promote orderly procedure and ensure a full and impartial hearing.

b. Testimony of witnesses. The testimony of all witnesses appearing in person before the board, at the discretion of the convening authority or the chairman, may be taken under oath or affirmation, except that the respondent may make an unsworn statement, which may include, but is not limited to, matters concerning the acts or omissions which form the basis for his being considered for discharge, or in extenuation or mitigation thereof. The respondent may not be cross-examined upon his unsworn statement; however, evidence may be introduced to rebut any statements of fact contained therein. The respondent's unsworn statement may be oral, in writing, or both and may be made by the respondent or his counsel, or by both of them. The respondent's statement should be factual, not argumentative in nature. See subparagraph 6024.3r pertaining to arguments.

c. Explanation of respondent's rights. At the outset of the proceedings, the board will ascertain whether or not the respondent has been fully advised of and understands all his rights before the board. The assurance of the respondent's counsel in this regard will normally suffice. If the board is not satisfied that the respondent has been so advised, or that he does not fully understand any explanation previously given, the board will clearly explain his rights to him.

d. Exercise and waiver of respondent's rights. The respondent will be given a reasonable opportunity to exercise any and all of his rights before the board. However, the failure of the respondent to exercise or invoke any of his specified rights, after he has been apprised of the same, will not be considered as a bar to the board proceedings, findings, opinions and recommendations and such rights will be conclusively presumed to be waived by him.

e. Self incrimination prohibited. Within the purview of subparagraph 6024.7c no witness, including the respondent, appearing before the board shall be compelled to incriminate himself or to answer any questions, the answer to which may tend to incriminate him; nor shall he be compelled to make any statement or produce evidence if the statement or evidence is not material to any matter under investigation and may tend to degrade him. Other than the respondent, any person, whether or not charged with or suspected of an offense, may be called as a witness before the board, whether or not he requests to be a witness. See, however, subparagraph 6024.3n as to the authority to compel the attendance of witnesses. If a witness including the respondent is accused of, suspected of, or charged with an offense, he shall be informed of the nature of the offense and shall be advised that he does not have to make any statement or give any testimony regarding the offense and that any statement or testimony given by him may be used as evidence against him in a subsequent trial by court-martial prior to testifying. If the witness is not subject to the UCMJ, the phrase "any subsequent trial by court-martial" at the end of the warning should be modified as follows, i.e., "any subsequent trial." After being so informed, the right to refrain from testifying regarding the offense of which he is accused, suspected or charged must be claimed by the witness. Despite assertion of such right, the witness may be questioned on matters other than the offense of which he is accused, suspected or charged. See subparagraph 6024.7c regarding waiver of the privilege against self-incrimination by the respondent. The question of whether a witness is suspected of an offense is one for decision by the board and will depend upon the nature of the matter being considered by the board, the reasonable probability that an offense has been committed, and the reasonable probability that the witness was the offender. The board shall resolve all reasonable doubt in favor of the witness. Each witness appearing before the board should be advised of the subject matter of the board's inquiry.

f. Warning the witness. The board at its discretion may direct a witness not to discuss his testimony with other witnesses or persons who have no official interest in the matter until the board's proceedings are completed. This warning is given to ensure that the matter before the board can be fairly heard and to eliminate the possibility that disclosures of the substance of the witness' testimony may influence, however inadvertently, testimony of the witness still to be heard.

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g. Oaths. While an oath or affirmation to those persons personally appearing before the board as witnesses may be required (except for any unsworn statement of the respondent), and while an oath or affirmation to a challenged member may be administered, no oath or affirmation is required for the members of the board, counsel, recorder, assistant recorder, or reporter. The oath or affirmation to be given a challenged member and to all witnesses will be in accordance with JAG Manual, section 0415, and will be administered by the recorder.

h. Authority of the chairman. The chairman shall preserve order and decide upon matters relating to the routine business of the board. He may grant a continuance and recess and may adjourn the board to meet at a time and a place most convenient and proper. The chairman's rulings are subject to objection by any voting member of the board. Motions or objections pertaining to any matter other than the admissibility of evidence to be considered by the board, and other than matters relating to continuance, recesses or adjournments, do not require a ruling by the chairman of the board, but should be heard and merely noted in the record for resolution thereof by the discharge authority. For example, a contention that a respondent is not subject to an administrative discharge because of the applicability of the provisions of subparagraph 6005.5 will not be ruled upon by the chairman of the board, but will be resolved by the discharge authority. Should a voting member object to the chairman's ruling on any matter, a vote shall be taken in closed session and a decision of the chairman shall govern, except as to challenges of members.

i. Eliciting further information. Whenever it appears desirable to the members of the board that additional information be elicited or developed in the interest of clarifying any relevant matter, or otherwise for a proper hearing of the matters before the board, the chairman will so advise the recorder and may direct the calling of a witness, the pursuance of further lines of questioning, or the adducing of other evidence.

j. Security matters. If any matter to be heard by the board requires a security clearance and individual counsel for the respondent or other participants in the board's proceedings have not been granted such clearance, the convening authority shall be advised thereof (see current edition of OPNAVINST 5510.1; and JAG Manual, section 0133b).

k. Sessions. The board may be cleared at any time for deliberation or consultation, including final deliberations, whereupon the respondent, counsel, the recorder, the assistant recorder, and the reporter, if any, will withdraw and only the voting members will be present. The open proceedings of the board will be open to the public unless the convening authority directs otherwise.

1. Challenges

(1) The respondent may challenge any voting member of the board for cause only, i.e., that the member cannot approach the case with an open mind and impartiality. A challenged member will be given the right to make a statement with respect to the challenge. The board will not receive a challenge to more than one member at a time. After disclosing his grounds for challenge, the

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respondent may examine the member as to his competency to sit in that particular case. This examination may or may not be under oath at the discretion of the respondent and may be recorded verbatim or summarized at the discretion of the chairman. The recorder and other members of the board may cross-examine the challenged member. After such examination and cross-examination, any other evidence bearing on the member's competency to sit may be heard.

(2) The burden of persuasion in establishing the challenge is on the respondent. The challenged member withdraws when the board is cleared to determine the challenge. A majority vote in favor of sustaining the challenge, or a tie vote, disqualifies the challenged member. A member so disqualified shall be excused forthwith from further participation in the case. The board will decide the challenge according to a preponderance of the evidence. A sustained challenge is immediately reported to the convening authority and if it reduces the number of voting members actually present to fewer than three, the board will adjourn until the convening authority appoints such additional voting members necessary to bring the number of voting members actually present to at least three. If the board membership actually present is not thereby reduced below three, the board will proceed with the hearing. (See subparagraph 6024.2g.)

m. Excluded material and documents. It is the responsibility of the recorder to ensure that the board is presented only those materials and documents which may be properly considered by it. The following materials and documents will neither be provided to nor considered by administrative discharge boards in the evaluation of cases referred to them:

(1) Information concerning polygraph examinations, including the results of such examinations, or the fact that the respondent may have declined such examination, unless this information is placed in issue before the board by the respondent. In the latter case, the board may make such inquiry into the polygraph examination as it deems necessary, including but not limited to the following:

(a) Requesting the agency which administered the examination to furnish a written report concerning the examination and the circumstances under which it was administered.

(b) Where circumstances of the examination are placed in dispute, the board may request the appearance of the polygraph examiner to provide testimony concerning the administration of the examination, his background and experience, his interpretation of the results of the examination, or such other information concerning the examination which the board may desire.

(2) Contents of ONI or similar investigative reports which cannot be made available to the respondent or his counsel. Where an ONI or similar investigative report is received by the convening authority of an administrative discharge board, and the report contains matter which cannot be shown to the respondent and his counsel, the convening authority will cause a request to be made to the district or area intelligence officer, or comparable investigative official, to permit the respondent and his counsel access to the report or to

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furnish a résumé of the report which can be made available to the respondent and his counsel. The purpose of this provision is to ensure that the administrative discharge board considers only matters which are also available to the respondent and his counsel (see subparagraph 6024.7d).

n. Attendance of witnesses

(1) No authority exists for the issuance of a subpoena in connection with administrative discharge board proceedings. Accordingly, the appearance of all civilians and members of the Armed Forces not on active duty, as witnesses before the board, must be on a voluntary basis and at no expense to the Government. However, either the respondent or the Government may obtain the statements of, or may examine or cross-examine any absent witness, or any witness not available for the hearing, in any form which would render the consideration thereof by the board appropriate within the purview of subparagraph 6024.3a. The latter would include, but not be limited to, oral or written depositions, unsworn written statements, affidavits, or testimonial stipulations.

(2) Before any civilian or member of the Armed Forces not on active duty is invited to appear as a witness before an administrative discharge board, he shall be clearly advised that his appearance before the board will be in performance of public service, since his appearance may not be compelled, and will be at no expense to the Government. See current edition of SECNAVINST 5521.6, appendix 6, may be adapted for this purpose.

(3) As prescribed by subparagraph 6024.2a, the recorder will be responsible for arranging the attendance at the hearing of all material witnesses, except those whose attendance is arranged by the respondent. Where reasonably available, all witnesses, including those requested by the respondent, whose testimony would be material to the case, will be called to testify in person before the board. When in dispute, the materiality of a witness' testimony will be determined by the convening authority. In making this determination, the standards which are utilized in determining the materiality of a witness whose testimony is desired before a court-martial may be utilized. The reasonable availability of a material witness will be determined by the convening authority. Where the prospective witness is not within his command, the convening authority will effect appropriate liaison with the witness' commanding officer before determining the availability or nonavailability of the witness. A convening authority will be justified in determining that a witness is unavailable when any of the provisions of articles 49(d)(1) through (3), UCMJ, pertain. Testimony of active duty military personnel not in the immediate area, if needed, in most cases, should be obtained and presented in the form of written statements.

(4) Any expenses incident to the appearance of material witnesses on active duty with any of the Armed Forces before an administrative discharge board will be charged to the operation and maintenance allotment of the convening authority of the board.

o. Interviewing witnesses. The respondent, the respondent's counsel, and the recorder have the right to an opportunity to interview a witness, regardless of whether or not that witness has previously testified.

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p. Exclusion of witnesses. Unless otherwise authorized by the chairman, all witnesses, other than the respondent, shall be excluded from the room where the board is meeting, except when they are testifying.

q. Order of presenting evidence

(1) The testimony of witnesses and the presentation of other evidence will normally be in the following order:

- (a) Witnesses called and evidence presented by the recorder;
- (b) Witnesses called and evidence presented by the respondent;
- (c) Witnesses called and evidence presented by the recorder in rebuttal;
- (d) Witnesses called and evidence presented by the respondent in surrebuttal; and
- (e) Witnesses called and evidence presented at the request of the board.

(2) The order of examining each witness is:

- (a) Direct examination,
- (b) Cross-examination,
- (c) Redirect examination,
- (d) Recross examination, and
- (e) Examination by the board.

(3) The foregoing order of presentation and examination of witnesses need not be followed when the board, in the exercise of its sound discretion, feels that a deviation therefrom will secure a more effective presentation of evidence.

r. Final arguments. The recorder and counsel for the respondent will be permitted to present final argument, if they so desire. The recorder has the right to make opening argument and, if argument is made on behalf of the respondent, the closing argument.

s. Burden of proof. The burden of proof before administrative discharge boards with respect to the separation of the respondent from the naval service with less than an honorable discharge rests upon the Government. This burden never shifts. However, after the presentation of the Government's case, certain justifiable inferences which are adverse to the respondent may be drawn from the evidence by the board, the convening authority and the discharge authority. In

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this latter instance, the burden of going forward with the evidence to avoid the adverse effect of these justifiable inferences may then shift to the respondent.

t. Standard of proof. As to all matters before an administrative discharge board, the standard of proof is a preponderance of the evidence.

u. Weight and credibility of evidence. The board will rely upon its own judgment and experience in determining the weight and credibility to be given material received in evidence.

4. Record of Proceedings and Report of the Board

a. The record of proceedings of an administrative discharge board shall be prepared as directed by the convening authority and shall be authenticated by the signatures of the chairman and the recorder or, in the absence of either or both, by a member in lieu of the chairman or by a member in lieu of the recorder. However, as a minimum, the record of proceedings shall contain:

(1) An authenticated copy of the appointing order and any other communication from the convening authority.

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

(3) A summary of the sworn or unsworn statements of all absent witnesses considered by the board.

(4) The respondent's acknowledgment that he was advised of and fully understood all of his rights before the board.

(5) The identity of the counsel for the respondent and the nonvoting recorder, and their respective legal (or quasi-legal) qualifications.

(6) Copies of those documents required by the provisions of paragraph 6023.

(7) Evidence of compliance with the provisions of paragraphs 6001.3, 6016.2a, and 6017.3.

(8) A complete statement of the facts and circumstances, accompanied by appropriate supporting documents, upon which the recommendation for the respondent's administrative discharge is based.

(9) A summary of any unsworn statements submitted by the respondent or his counsel, and

(10) Copies of all documents not specifically listed above and an accurate description of all real evidence considered by the board in arriving at its findings, opinions, and recommendations.

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b. The record of the board's proceedings shall be transmitted to the convening authority as part of the board's report. Such report shall contain a verbatim record of the board's findings and recommendations and, where required by the convening authority, a verbatim record of the board's opinions.

(1) The report of the board shall be based upon the concurrence of the majority of the voting members. If a member does not concur in the findings, opinions, or recommendations of the majority, he shall append his minority report to the record and state explicitly the parts of the majority report with which he disagrees and the reasons therefor. The minority report may also include additional findings of fact, opinions, or recommendations.

(2) All concurring members shall sign the report of the board immediately under the findings of fact, opinions and recommendations. In the case of a minority report, all members concurring therein shall sign the report in a manner similar to the signing of the majority report.

c. Subparagraph 6024.7f pertains to the respondent's right to a copy of the board's report, or the board's proceedings, or any endorsements thereon.

d. Subparagraph 6024.7g pertains to the notification to a respondent of the recommendations made by an administrative discharge board in his case.

5. Recommendations by the Board. The recommendations of the board as required by subparagraph 6024.4b will include a recommendation for one of the following alternative dispositions of the respondent:

a. Retention, or

b. Discharge. If the respondent's discharge is recommended, the general and specific bases, and the character and type of the discharge will be specified. If the respondent's discharge is recommended, it is not appropriate for the board to further recommend that the discharge be suspended and the individual placed on probation, that nonjudicial punishment be imposed, or that court-martial proceedings be instituted.

6. Counsel for a Respondent

a. Where, in an appropriate case, a member has not waived a hearing before an administrative discharge board or the right to be represented by counsel before that board, and the member, under the provisions of this chapter, is entitled to a board hearing, he is entitled to be represented by military counsel who shall be a lawyer within the meaning of article 27(b)(1) of the UCMJ, unless the officer empowered to convene an administrative discharge board having jurisdiction over the member's case certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel (see subparagraph 6001.5j). When the convening authority does not possess general court-martial jurisdiction over the respondent, he, before certifying the nonavailability of lawyer counsel as contemplated herein, shall effect appropriate liaison with the officer who exercises general court-

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martial jurisdiction over the respondent. In every case where a certification of the nonavailability of a lawyer counsel is made, such certification will include the reasons for the determination of nonavailability.

b. Where the respondent desires to be represented by civilian counsel or is represented by military counsel of his choice, he may excuse any appointed military counsel.

c. If the respondent desires to be represented by civilian counsel, the convening authority shall cause it to be clearly explained to the respondent that civilian counsel will not be provided at any expense to the Government. The respondent will be given a reasonable opportunity to obtain civilian counsel without unduly delaying the administrative discharge board proceedings. If undue delay appears likely, the convening authority may require the respondent to proceed without the desired civilian counsel. In this latter event, the convening authority will set forth the full circumstances thereof in the record and will appoint available military counsel for the respondent or will permit the respondent to be represented by reasonably available military counsel of the respondent's choice.

d. Where the respondent requests a specific military counsel of his own selection, whether or not such counsel is a lawyer within the meaning of UCMJ, article 27(b)(1), and if the requested military counsel is reasonably available within the convening authority's command, such requested military counsel will normally be provided the respondent. Where requested military counsel is a member of a Marine Corps command not under the command of the convening authority, the convening authority will forward the respondent's request to the commanding officer of such requested military counsel, who will provide the requested counsel if he is reasonably available, or who will notify the convening authority of the unavailability of the requested counsel and the reasons therefor.

e. In determining if lawyer counsel is reasonably available, the same standards will be applied as are applicable when an accused who is to be tried by special court-martial requests to be represented by lawyer counsel. In determining if a specific military counsel of the respondent's own choice is reasonably available, the same standards will be applied as are applicable when an accused who is to be tried by special court-martial requests to be represented by a specific military counsel. In determining whether undue delay in administrative discharge board proceedings appears likely to result from either the respondent's efforts to obtain a civilian counsel, or from the availability of such civilian counsel only at a future date which would unduly delay the board's proceedings, the same standards will be applied as are applicable when an accused to be tried by special court-martial desires to be represented by civilian counsel.

f. Any necessary expenses incident to the authorized travel or per diem of a respondent's military counsel will be borne by the operation and maintenance allotment of the convening authority.

g. If counsel for the respondent is absent, the board shall not proceed until his return or until new counsel for the respondent is retained by the respondent

or appointed by the convening authority. However, the respondent may waive his right to have counsel present at the board's proceedings, provided the respondent understands his right to counsel and the effect of the waiver. The explanation of this right and any waiver thereof shall be reflected in the record.

7. Additional Rights of the Respondent. In addition to the rights of the respondent which are specifically listed elsewhere in this chapter, a respondent who has not waived a hearing before an administrative discharge board, and whose case is presented to such board, has the following rights:

a. Subject to his availability (i.e., not in civil confinement or on unauthorized absence), he may appear in person, with or without counsel, or in his absence be represented by counsel at all open proceedings of the board. However, where the respondent has been on continuous unauthorized absence for more than one year, this provision is not applicable since no administrative discharge board is required in such cases.

b. He or his counsel will be notified a reasonable time in advance of the hearing before the board of the time and place of the board's meetings and the names of all witnesses who are expected to be called to testify against him. Further, he will be given an opportunity to examine all documents, reports, and other evidence which it is expected that the board will consider. This latter examination will be permitted to the same extent that a defense counsel representing an accused before a court-martial is permitted to examine the files and other material in the hands of the prosecution.

c. He has the right, at his option, to submit or not submit to examination by the board. The provisions of UCMJ, article 31, will apply (see subparagraph 6024.3c). However, if he elects to testify on his own behalf, he will be considered to have waived the protection accorded him by article 31 and he may be examined by the recorder or by the board on any matters which are relevant to the board's proceedings, regardless of whether or not he testified to these matters on direct examination. Subject to the foregoing and the provisions of subparagraph 6024.3b, he may make or submit to the board any statements, sworn or unsworn, oral or written, on his own behalf.

d. Subject to his availability and the provisions of subparagraph 6024.3n, he has the right to examine all witnesses personally appearing before the board to testify on his behalf and the right to be confronted by and cross-examine all witnesses who personally appear before the board and testify against him. He or his counsel will be given a reasonable opportunity to cross-examine all absent witnesses whose statements are considered against him. This cross-examination may be accomplished by deposition, affidavit, correspondence or any other means which will elicit answers or statements from the absent witness in a form acceptable to the board. While the reasonable opportunity for such cross-examination must be provided, the fact that an absent witness cannot be located, or is dead or physically incapacitated, or refuses to submit to such cross-examination, or does not reply to communications from the respondent or his counsel will not be itself be a bar to the board's consideration of the absent witness' statements already in its possession. However, if the respondent or

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his counsel is not given the reasonable opportunity to cross-examine an absent witness whose statement is to be considered against him because the witness is an unidentified informant whose name or location an investigative agency refuses to divulge to the respondent or his counsel, then neither the board nor the convening or discharge authority will consider the witness' statement in connection with the respondent's case (see subparagraph 6024.3m(2)).

e. He may at any time before the board convenes, or during the proceedings, introduce or submit any evidence, answer, deposition, sworn or unsworn statement, affidavit, certificate, or stipulation. This includes but is not limited to depositions of witnesses not deemed to be reasonably available or witnesses unwilling to appear voluntarily.

f. He shall not be entitled, as a matter of right, to a copy of the board's proceedings, or report, or any endorsements thereon. However, the convening authority or discharge authority may authorize the delivery to and retention by a respondent of a copy of the board's proceedings or report, or any endorsements thereon, or any part or summary thereof.

g. Except as otherwise specifically provided herein, or except as otherwise directed by the convening or discharge authority, the respondent, as a matter of right, shall not be entitled to be notified of the recommendations made in his case by an administrative discharge board or by the convening authority thereof.

8. Subsequent Administrative Discharge Board Proceedings

a. No member will be subjected to administrative discharge board action based upon conduct which has previously been the subject of administrative discharge board proceedings when the evidence before the subsequent board would be the same as the evidence before the previous board, except in those cases where the findings of the previous board favorable to the respondent are determined by the discharge authority to have been obtained by fraud or collusion, or except in those cases wherein the discharge authority finds legal prejudice to the substantial rights of the respondent. Evidence before a subsequent board is not the same as evidence before a previous board where it includes acts or omissions on the part of the member which have not been considered by the previous board, or where it includes administrative or judicial determinations made with regard to the member which have not been considered by the previous board and which are, pursuant to the provisions of this paragraph, competent for the subsequent board to consider.

b. Conduct is considered to have previously been the subject of administrative discharge board proceedings when the previous board has submitted the record of its proceedings to the discharge authority, when the board records include one of the recommendations prescribed by subparagraph 6024.5.

c. When a subsequent board is convened, no voting member of the subsequent board shall have served on a previous board as a voting member or have been the recorder or assistant recorder of a previous board which considered the same matter. However, the recorder and/or the assistant recorder of the previous board may serve as the recorder and/or assistant recorder of the subsequent board.

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d. The record of the proceedings of the previous board may be furnished the subsequent board. However, the subsequent board will not be furnished the findings, opinions or recommendations of the previous board, nor the matter contained in the previous board which was considered by the discharge authority to have been prejudicial to the substantial rights of the respondent, nor any matter determined by the discharge authority to have been obtained by fraud or collusion, nor the specific comments of the convening authority or discharge authority concerning the previous board. Such excluded matter, however, should be furnished the recorder of the subsequent board in order that he may ensure that such matter is not permitted to be injected into the subsequent proceedings. While the subsequent board may consider the report of the previous board, it shall not be bound in any manner to return any finding, opinion or recommendation consistent with any finding, opinion or recommendation rendered by the previous board. The subsequent board shall submit its findings, opinions and recommendations, de novo. However, the subsequent board, in an appropriate case, may base its findings of fact, opinions and recommendations solely upon the evidence properly considered by the previous board.

e. When a discharge authority sets aside the findings and recommendations of a previous board, pursuant to the provisions of this paragraph, and appoints a subsequent board to hear the respondent's case, no further action is required prior to the subsequent board's hearing of the respondent's case other than the appointment of the subsequent board; notifying the respondent and his counsel of the appointment of the subsequent board and the reasons for setting aside the findings and recommendations of the previous board; and giving the respondent and his counsel timely notice of the time and place of the subsequent board hearing, of the witnesses to be heard, and of the evidence to be considered before the subsequent board.

f. Subject to the foregoing the rights of the respondent will be the same as those in existence when the case was initially heard.

g. The discharge authority may not approve findings or recommendations of the subsequent board which are less favorable to the respondent than those rendered by the previous board.

9. Action by the Convening Authority/Discharge Authority

a. The record of proceedings and the report of the board will be submitted to the convening authority. Where the convening authority is not the appropriate discharge authority, he will take such action with respect to the board's report as is prescribed in subparagraph 6017.8a.

b. Upon the receipt of the record of proceedings and report of the board, the discharge authority will refer such record and report to his staff legal officer for written review prior to taking his action thereon (see paragraph 6027). Upon completion of the foregoing, the discharge authority may take one of the following actions:

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(1) Approve the board's recommendations and direct their execution.

(2) Approve the board's recommendation for discharge and the general and specific bases therefor, but direct a change in the type and character of discharge recommended by the board to a more creditable one. Except as provided by paragraphs 6003 and 6004, the discharge authority, in upgrading a recommended undesirable discharge, normally should not direct discharge with any more creditable type of discharge than is otherwise warranted by the respondent's military record. Under no circumstances shall the discharge authority direct the respondent's discharge with a less creditable type of discharge than that recommended by the board.

(3) When the record indicates that such action would be appropriate, approve the board's recommendation for the respondent's discharge with the type and character of discharge recommended but direct that the general and specific bases of the recommended discharge be changed (see subparagraph 6001.5m(2)). It is desirable that the discharge authority, in directing a change to the bases for a recommended discharge, specify both the general and specific basis therefor and the specific subparagraph of this chapter applicable to the type of discharge he directs. However, where there is no specific subparagraph of this chapter which is applicable to the specific basis for the discharge, the discharge authority may merely specify the applicable general paragraph. For example, if the board recommends the respondent's discharge with a general discharge for the general basis of misconduct and for the specific basis of conviction by civil authorities of an offense involving moral turpitude, the discharge authority may direct the respondent's discharge with a general discharge, but may change the general basis therefor from misconduct to unsuitability and not specify a specific basis for the discharge. The discharge authority may not direct a change in the general basis of the recommended discharge which is less favorable to the respondent; i.e., he may not direct that the general basis for the respondent's discharge be changed to unfitness or misconduct when the board has recommended a discharge upon the general basis of unsuitability. See subparagraphs 6001.5m(2) and 6002.2.

(4) Combine the alternative actions permitted by subparagraphs (2) and (3) above. For example, approve the board's recommendation for the respondent's discharge but direct that the recommended type and character of the discharge be changed to a type and character more favorable to the respondent, and that the recommended bases therefor be changed to bases more favorable to the respondent. For example, if the board recommends that the respondent be discharged with an undesirable discharge with a general basis of unfitness and a specific basis of an established pattern for shirking, the discharge authority may approve the respondent's discharge, but may direct that the type of the discharge be changed to a general discharge; the the general basis therefor be changed to unsuitability; and that the specific basis therefor (depending upon the circumstances) be changed to either character and behavior disorders, or apathy, defective attitudes, and inability to expend effort constructively.

(5) Approve the board's recommendation for the respondent's discharge, with the type and bases therefor recommended by the board, but suspend the execution of the discharge for a specified period in accordance with the provisions of paragraph 6026.

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(6) Disapprove the board's recommendation for discharge and direct that the respondent be retained in the service.

(7) Disapprove the board's recommendation for the respondent's retention in the service and direct that the respondent be discharged with the type of discharge and the bases therefor warranted by the circumstances of the case. In this event however, the direct discharge must be with honor, or under honorable conditions, with either an honorable or general discharge, as warranted by the circumstances.

(8) Set aside the findings and recommendations of the board and refer the respondent's case to a subsequent board in accordance with the provisions of subparagraph 6024.8.

c. When final action is taken by a discharge authority other than the Commandant of the Marine Corps or the Secretary of the Navy, on any recommendation for discharge by reason of unsuitability in the case of a member with 8 or more years of continuous active duty or on any report of misconduct or recommendation for discharge by reason of unfitness, all papers shall be forwarded to the Commandant of the Marine Corps (Code DK) for review. See subparagraphs 6005.8 and 6016.4. These papers shall include the signature of the discharge authority recording the final action taken in the case and the date thereof.

6025 ADMINISTRATIVE DISCHARGE BOARD PROCEEDINGS

1. An administrative discharge may not be effected without administrative discharge board proceedings in the following cases:

a. Where a member is recommended for discharge under other than honorable conditions, or a member with 8 or more years of continuous active duty is recommended for discharge by reason of unsuitability, and:

(1) The member does not waive, in writing, as prescribed elsewhere in this chapter, the right to present his case before an administrative discharge board, or,

(2) The member waives, in writing, as prescribed elsewhere in this chapter, the right to present his case before an administrative discharge board, but such waiver is disapproved by the discharge authority who directs reference of the member's case to an administrative discharge board.

b. Where a member is recommended for a discharge for security reasons within the purview of the current edition of SECNAVINST 5521.6 and pursuant thereto, proceedings before Security Boards are required.

2. An administrative discharge may be effected without administrative discharge board proceedings in the following cases:

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a. Where a member is recommended for discharge under other than honorable conditions, or a member with 8 or more years of continuous active duty is recommended for discharge by reason of unsuitability, and:

(1) The member is beyond military control by reasons of a continuous, established unauthorized absence of more than 1 year, provided the provisions of subparagraphs 6005.3a, 6023.1b(2), and 6023.1d have been complied with; or

(2) In a case where a member requests discharge for the good of the service within the purview of paragraph 6021 and provided the provisions of subparagraphs 6021.1, 6023.1a, and 6023.1c have been complied with; or

(3) In a case where the member waives his right to board action under the conditions prescribed elsewhere in this chapter and such waiver is not disapproved by the discharge authority.

b. In any case where a member is recommended and processed for an honorable or general discharge, pursuant to the provisions of paragraphs 6009 and 6011 through 6016, except for those cases where a member with 8 or more years of continuous active duty is recommended for discharge by reason of unsuitability. In the latter cases, the provisions of subparagraphs 6025.1 or 6024.2a apply.

6026 SUSPENSION AND VACATION OF SUSPENSION OF APPROVED ADMINISTRATIVE DISCHARGES

1. The Commandant of the Marine Corps and all Marine commanders exercising general court-martial jurisdiction, prior to the expiration of a member's enlistment or period of obligated active service, may suspend the execution of any approved administrative discharge for a specified period of probation, not to exceed 1 year, if the circumstances in a case indicate a reasonable prospect for the member's rehabilitation. If a period of suspension in excess of 1 year is desired, permission therefor will be requested from the Commandant of the Marine Corps (Code DK). Such suspension may be conditions upon the member's approved request for an extension of his enlistment or period of obligated active duty. During the period of suspension, the member will be afforded an opportunity to demonstrate that he is qualified for retention in the service; i.e., that he is capable of behaving properly for an extended period under varying conditions, and that he can perform his assigned duties efficiently. In determining whether or not to suspend the execution of an approved administrative discharge, such factors shall be considered as: the member's maturity, the sincerity of the member's service motivation, the member's potential value to the Marine Corps, and the degree of risk of unsatisfactory performance in a continued term of service.

2. The following actions will be recorded on page 11 of the member's service record book:

a. The action initially suspending the execution of an approved administrative discharge, together with the date the specified period of suspension will be automatically remitted unless sooner vacated.

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b. Any subsequent action extending the initial period of suspension, together with the date such extended period of suspension will be automatically remitted unless sooner vacated. See subparagraph 6026.13.

c. The action taken to vacate a suspended administrative discharge and the ordering of its execution or the execution of a more favorable discharge in lieu thereof.

3. Except as provided by subparagraphs 6026.9 and 6026.10, upon the expiration of the probationary period, or upon the expiration of the member's enlistment or period of obligated active service, whichever occurs earlier, unless the suspension is sooner vacated, the unexecuted administrative discharge will be remitted without further action.

4. Additional misconduct or other act(s) or omission(s) which constitute substandard performance of duty, or which demonstrate(s) characteristics of unfitness or unsuitability on the part of the member occurring during the probationary period or extensions thereof, may establish the basis for one or more of the following actions:

a. Either punitive action under the Uniform Code of Military Justice, or new administrative action. Except where alleged violations of probations are required by subparagraph 6026.6 to be forwarded to the Commandant of the Marine Corps for final determination, either of these actions may be initiated and finally completed, notwithstanding the originally suspended administrative discharge. However, see subparagraphs 6002.13 through 6002.15, 6007.5, and 6026.5.

b. Vacation of the suspended administrative discharge and the ordering of its execution, or the execution of a more favorable discharge in lieu thereof.

c. Retention of the member, despite a violation of his probation, and either continuing the member's original period of probation or extending the original period of probation beyond its normal expiration date for any subsequent period not to exceed 1 year. If an extension of the original period of probation is desired for a subsequent period in excess of 1 year, permission therefor will be requested from the Commandant of the Marine Corps (Code DK).

5. Where a commanding officer or officer in charge does not exercise special court-martial jurisdiction over a member whose approved administrative discharge has been suspended, he shall make a report of a suspected or apparent violation of probation on the part of the member to the Marine officer next in the chain of command exercising special court-martial jurisdiction over the member. Included in this report will be all relevant and material documentary evidence pertaining to the case and the commander's specific recommendation for one or more of the actions described in subparagraph 6026.4. See subparagraph 6026.12a when a hearing is required prior to vacation of a suspended administrative discharge. Care should be taken in making any recommendation for punitive action under the Uniform Code of Military Justice, that in acting thereon, the officer exercising special court-martial jurisdiction, the officer exercising general court-martial jurisdiction, or higher authority, does not become an accuser, within the meaning of UCMJ, article 1(9). See MCM, 1951, chapter VII, and sub-

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paragraph 6002.14. After taking the action prescribed by subparagraph 6026.12 and/or any other action appropriate in the case, the commander exercising special court-martial jurisdiction over the member will forward the case, with his recommendations thereon, to the Marine commander exercising general court-martial jurisdiction over the member. Upon receipt of the report, the Marine commander exercising general court-martial authority over the member shall take one or more of the following actions:

a. Determine that no violation of probation has occurred and take no action in consequence thereof, continuing the member's original period of probation.

b. Return the entire report to the officer exercising special court-martial jurisdiction over the member concerned for whatever action such officer deems appropriate.

c. Take or cause appropriate action pursuant to Manual for Courts-Martial, 1951, paragraph 35, to be taken.

d. Determine that a violation of probation has occurred and, provided the prerequisite safeguards have been met and the prerequisite proceedings required by this chapter have been completed:

(1) Authorize or direct the action permitted by subparagraph 6026.4b or 6026.4c, where he is, pursuant to subparagraph 6026.6, empowered to take such action, or

(2) Authorize or direct the appropriate discharge of the member as a result of new administrative action taken pursuant to subparagraph 6026.4a.

e. Forward the report, together with such other matters as are required by subparagraph 6026.6 to the Commandant of the Marine Corps (Code DK or Code DMB, as appropriate) for disposition.

6. Only a discharge authority competent to initially authorize or direct the type of administrative discharge which has been suspended, and to initially authorize or direct an administrative discharge as a result of the act(s) or omission(s) which is the basis for the member's alleged violation of probation, may vacate a suspended administrative discharge, or direct the retention of a member despite a violation of his probation. Where the discharge authority competent to initially authorize or direct the type of administrative discharge which has been suspended is the Commandant of the Marine Corps or the Secretary of the Navy, or where a member's alleged violation of probation consists of act(s) or omission(s) for which the authority to authorize or direct any administrative discharge is reserved to the Commandant of the Marine Corps or the Secretary of the Navy, the Marine commander exercising general court-martial jurisdiction over the member, or the member's commanding officer when the member is not under the command of a Marine commander exercising general court-martial jurisdiction, will forward a full report of the member's alleged violation of probation, together with all documentary evidence pertaining thereto, and his recommendation as to whether or not the suspended discharge should be vacated, to the Commandant of

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the Marine Corps for final disposition thereof. In the event that the hearing provided for by subparagraph 6026.12 is required before vacation of the suspended discharge may be ordered, the full report of this hearing will be forwarded to the Commandant of the Marine Corps, together with the other documents required by this subparagraph.

7. Vacation of a suspended administrative discharge as authorized by subparagraph 6026.4b will not be effected unless the vacation is based upon additional misconduct, or other acts or omissions which constitute substandard performance of duty, or which demonstrate characteristics of unfitness or unsuitability on the part of the member during the probationary period, when considered in light of the member's entire military record during his current enlistment or obligated active service, including voluntary or involuntary extensions thereof, clearly demonstrates that the member is unqualified for retention.

8. Where a member whose approved administrative discharge has been suspended allegedly violates such probation and, as a consequence thereof, punitive action or new administrative action is initiated which does not result in the execution of a finally approved punitive or administrative discharge, vacation of the previously suspended administrative discharge, and its subsequent execution may nevertheless be effected. The provisions of subparagraph 6005.5 and 6021.8 do not apply to the foregoing, inasmuch as the administrative discharge resulting from the vacation proceedings is not a discharge based upon the member's act(s) or omission(s) which occasioned the vacation proceedings, but is, in effect, the original discharge which was initially approved and then subsequently suspended. Further, a suspended administrative discharge may be vacated notwithstanding the fact that a member may be in a disciplinary status. In making this decision, the commanding officer or the convening or discharge authority will ensure that, by his actions or decisions in this regard, he does not thereby become an accuser (see subparagraph 6026.5).

9. Unless prior to the expiration of a member's enlistment or period of obligated active service, including voluntary or involuntary extensions thereof, appropriate action is taken pursuant to MCM, 1951, paragraph 11d and UCMJ article 2(1), to effect a continuation of jurisdiction under the Uniform Code of Military Justice over the member, a member whose approved administrative discharge has been suspended on probation and who violates such probation as described herein, may not be retained on active duty for the purpose of vacating the suspended administrative discharge. In these cases the member will be separated with an honorable or general discharge, as warranted by his military record, in accordance with the provisions of paragraphs 6003 or 6004.

10. Except as provided in subparagraph 6026.9, a suspended administrative discharge may be vacated within a reasonable time after the expiration of the period of suspension where appropriate vacation action cannot be initiated and completed before the expiration of the period of suspension (see, however, subparagraph 6026.11). Examples of the applicability of this provision are cases in which the command fails to discover a member's violation of probation until after the expiration of the period of suspension; or in which a violation of probation, even though discovered, occurs too close to the expiration of the period of suspension to permit the initiation and completion of appropriate vacation action within such period.

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11. Except as provided by subparagraph 6026.12 the discharge authority may vacate the suspended administrative discharge and order its execution without further hearing or proceedings in these instances:

a. When the member has been beyond military control for 15 or more consecutive days, the discharge may be executed in absentia (see subparagraph 7002.2 and paragraph 7006).

b. When the member has not been beyond military control for 15 or more consecutive days, but the suspended discharge is other than:

(1) An undesirable discharge, or

(2) A discharge for reason of unsuitability in the case of a member with 8 or more years of continuous active military service.

12. Where a member whose approved administrative discharge has been suspended violates probation as described herein, and the suspended discharge is either an undesirable discharge, or a discharge for reason of unsuitability in the case of a member with 8 or more years of continuous active military service, the discharge authority may vacate such discharge and order its execution only in accordance with the following procedure:

a. Upon receipt of a report that a member has allegedly violated his probationally suspended administrative discharge, the Marine commander exercising special-court martial jurisdiction over such member will hold or cause to be held a hearing on the alleged violation of probation. Where the Marine commander exercising special court-martial jurisdiction over the member does not personally conduct such hearing, he shall appoint, as the hearing officer, an officer of the grade of major/lieutenant commander or higher, unless he certifies in the permanent record the nonavailability of an officer of such grade, together with the reasons for such nonavailability.

b. This hearing will be in the nature of a "show cause" proceeding. That is, the respondent will be given an opportunity to show cause why his alleged violation of probation should not result in the vacation of the suspended administrative discharge and the ordering of its execution. The respondent will be afforded an opportunity to be represented at this hearing by counsel as defined in subparagraph 6001.5j.

c. The Marine commander exercising special court-martial jurisdiction over the member will submit the report of the hearing, with his appropriate recommendations thereon, to the Marine commander exercising general court-martial jurisdiction. Unless otherwise provided by the commander exercising general court-martial jurisdiction over the member, the member is not entitled to be furnished a copy of the hearing report or the endorsements thereon.

d. The Marine commander exercising general court-martial jurisdiction over the member will take whatever action he deems appropriate and which he is empowered to take with regard to the alleged violation of probation (see subparagraphs 6026.4, 6026.5, and 6026.6).

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13. The running of any period of suspension of an administrative discharge, or extension thereof, will be interrupted by any occasion, event, occurrence or act which would interrupt the running of a period of suspension in the case of a sentence adjudged by a court-martial (see JAG Manual, section 0122b, and subparagraph 6026.2b).

14. Regardless of the type of administrative discharge which has been suspended, any discharge authority competent to vacate its suspension and order its execution may, in lieu of the execution of a specific suspended discharge being vacated, authorize or direct the member's discharge with an honorable or general discharge as warranted by the member's military record in accordance with the provisions of paragraphs 6003 and 6004.

6027 STAFF LEGAL OFFICER ACTION

1. A discharge authority shall cause the case to be reviewed by his Staff Legal Officer prior to taking his action with regard to:

a. The report of any administrative discharge board, or

b. A report of misconduct, a recommendation for discharge by reason of unfitness, or a request for discharge for the good of the service, which has not been the subject of administrative discharge board proceedings; or

c. Any administrative discharge matter which, under the provisions of this chapter, is forwarded to the Commandant of the Marine Corps for advice or final disposition:

2. Discharge authority may refer any other administrative discharge matter to the Staff Legal Officer for review.

3. The original or a signed copy of the review will be attached to the record of the case which is forwarded to the Commandant of the Marine Corps. The form and content of the Staff Legal Officer's review will be as required by the discharge authority. Normally a typed, stamped, or printed statement that the proceedings have been reviewed and found sufficient in law and in fact will constitute an adequate Staff Legal Officer's review as contemplated herein. If the Staff Legal Officer does not find the administrative discharge proceedings to be correct in law and fact, he should briefly set forth the facts and reasoning leading to such determination.

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CHAPTER 7

GENERAL INSTRUCTIONS FOR DISCHARGES

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CHAPTER 7

GENERAL INSTRUCTIONS FOR DISCHARGES

7001 TIME AND PLACE OF DISCHARGE

1. A Regular or reservist stationed within the continental limits of the United States will be discharged from the Marine Corps at the duty station to which assigned at the time he becomes eligible for such discharge.
2. Prior to expiration of enlistment or expiration of any extension of enlistment or when separation from active duty for any other reason is authorized, Marines serving on foreign shores and at sea, including such times as a ship may be in a United States port, who do not desire or are not eligible to reenlist or extend their enlistments will be transferred by the field commander concerned or commander of Marine detachment afloat to the Marine Corps activity nearest a port of entry within the continental United States except as provided in subparagraph 3, below. Transfer will be effected to ensure arrival not later than 10 days prior to the effective date of discharge or release.
3. Enlisted personnel who are eligible for separation and who are entitled to elect transportation to a destination outside the continental United States, shall be transferred to the Marine Corps activity nearest their destinations. Such transfer will be made in accordance with current directives and in sufficient time to allow those persons to arrive not later than 10 days prior to the effective date of separation.
4. Enlisted personnel becoming eligible to be separated under honorable conditions while serving outside the United States or its territories or possessions, in other than belligerent countries may, at their own request, be separated at their duty stations. Personnel shall indicate their election by executing on page 11 of the service record a request to be so separated. Such separation in the case of enlisted women becoming eligible to be separated by reason of pregnancy is contingent upon the individual's establishment of residence in the area in which the duty station is located or being married to a person who has such a residence.
 - a. Individuals desiring separation in a foreign country whether for the purpose of traveling or residing in a foreign area after separation from the service, at a time substantially prior to the normal date of separation, shall make application for a passport and for permission to remain in the foreign country or its possessions. These applications should be accompanied by statements from the commander relative to the date the person will be eligible for separation under honorable conditions.
 - b. In the case of enlisted personnel the commander shall, prior to separation of the individual, ascertain that he will be issued a passport and has been or will be granted permission to remain in the foreign area. In this connection, the commander may accept a written statement from the appropriate consular or diplomatic representative to the effect that the individual concerned has applied for a passport and that it appears that he is eligible to receive a passport upon

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his separation from the service. In general a consular or diplomatic representative will be in a position to make this latter statement upon receipt of proper proof of the individual's claim to United States citizenship or nationality. Permission to travel or reside in a foreign country may be substantiated by a written statement from the foreign government concerned that the individual has been granted or it is anticipated that he will be granted permission to remain in the foreign area in question.

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

7002 EFFECTIVE TIME OF SEPARATION

1. A discharge takes effect upon delivery of the discharge certificate. The release to inactive duty of members of the Regular Marine Corps who are transferred to the Marine Corps Reserve and concurrently released to inactive duty, takes effect upon delivery of the separation document.
2. In cases where discharge has been authorized or directed and the individual is unavailable due to his unauthorized absence or confinement in a civilian jail, prison, or institution and personal delivery of the certificate is not possible or feasible, the discharge will be effective on the date shown on the discharge certificate.
3. Title 38 USC, 106(c) provides that, for the purpose of entitlement to benefits administered by the Veterans' Administration, an individual discharged or released from a period of active duty shall be deemed to have continued on active duty during that period of time immediately following the date of such discharge or release from such duty determined in accordance with regulations to be required for him to proceed to his home by the most direct route, and in any event, until midnight of the date of such discharge or release. If a discharged member is injured while returning home and requires hospitalization, he may be eligible for benefits from the Veterans' Administration and should be advised to file an appropriate claim to that agency.
4. If discharge is being effected as a result of immediate entry or reentry into any component of the Armed Forces, the discharge will be dated as of the date preceding such entry or reentry.
5. The release from active duty of a reservist who was assigned to active duty as a reservist is effective at the expiration of authorized travel time. The discharge of a reservist as the result of expiration of enlistment or fulfillment of service obligation will be effective on the date shown on the discharge certificate.

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

7. Discharge certificates and final pay or a substantial portion thereof will be prepared and ready for delivery to the Marine concerned upon the date of discharge or release from active duty.

a. Delivery of discharge certificates will be made on the date of discharge to those Marines who have indicated that they do not desire to extend or reenlist.

b. Marines who desire to extend or reenlist will be required to execute their enlistment contracts or extensions of enlistment on the dates their current enlistment contracts expire, or prior thereto, to be effective on the date next succeeding the date of discharge or expiration of enlistment. Delivery of the discharge certificate must be accomplished on a date subsequent to the date of discharge.

c. Commanders are authorized to effect discharge, or to order a reservist home for release from active duty, as appropriate, on the last working day preceding a Saturday, Sunday, or holiday when the normal expiration of enlistment or date of detachment from the command in the case of a reservist, falls on one of those days, providing the individual Marine concerned consents in writing. The reason for discharge will be for convenience of the Government. Subparagraph 6012.1a and this subparagraph will be cited as authority. Personnel desiring to reenlist immediately will not be discharged early under this subparagraph. The following statement of consent will be entered on page 11 of the service record and signed by the Marine concerned:

"I hereby consent to be (discharged) (detached from my command) on _____ in lieu of my normal date of (expiration of enlistment) (detachment) on _____. I understand that entitlement to pay and allowances and credit for active Federal service ceases on the actual date of my separation from active service."

(1) The following instructions are applicable to personnel discharged or released early under authority contained in this subparagraph:

(a) Personnel shall be considered eligible for the Good Conduct Award in all instances where eligibility therefor would have been established through normal expiration of obligated active service.

(b) Recoupment of reenlistment bonus will not be made.

(c) In the event of future recall, personnel will be considered in the same status as those who have completed their enlistments or periods of extended active duty.

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7003 CATEGORIES FOR DISCHARGE AT DUTY STATIONS WITHIN THE UNITED STATES

1. Commanders will process and discharge, at their present stations, all enlisted personnel eligible for discharge who fall within one of the following categories (for personnel arriving in the United States from sea or foreign duty, the commander referred to is that of the post or station at or nearest the port or aerial port of entry):

- a. Those who have no obligated service under law and who will be discharged for reason of expiration of enlistment.
- b. Those who will be discharged for enlistment or reenlistment.
- c. Those whose discharge is directed by proper authority prior to expiration of enlistment.

2. Except for reenlistment or when discharge is otherwise directed by competent authority, enlisted personnel who have not completed their obligated service under law will not be discharged upon expiration of enlistment. They will be transferred to the Marine Corps Reserve in accordance with current directives.

7004 TRAVEL UPON SEPARATION

1. Detailed instructions relating to the travel of personnel upon separation from the service or release from active duty are contained in Joint Travel Regulations and in the U. S. Navy Travel Instructions.

2. If it is impossible to verify the place elected for the purpose of mileage from local records, the commander will accept a certificate from the individual as substantiation which will state the place elected for purpose of mileage and identify such place as the home of record, place from which ordered to active duty, the place of induction, or the place of entry into the service as he may elect. This certificate will be inserted in the service record book or officer's qualification record.

7005 RETENTION IN SERVICE TO LIQUIDATE INDEBTEDNESS

1. Neither Regular nor Reserve personnel will be retained on active duty for the purpose of liquidating indebtedness to the Government.

7006 PHYSICAL EXAMINATIONS, TREATMENT AND PROCEEDINGS

1. A complete physical examination shall be given to all enlisted personnel prior to discharge, transfer to Reserve, or release from active duty. Examinations in the cases of personnel being discharged or retired upon the approved report of a medical board, or a physical evaluation board shall be made in accordance with the Manual of the Medical Department and current directives. If as a result of such examination the enlisted person is found unfit for the performance of duty, his case shall be referred to an appropriate medical board.

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2. Discharge or release from active duty normally will not be effected when any of the following actions are being taken or contemplated (for further instructions see chapter 10):

a. Physical evaluation board processing. Such processing is not considered completed until the Secretary of the Navy has taken final action on the board proceedings and the Commandant of the Marine Corps has promulgated such action.

b. Medical board hearing, or;

c. Necessary medical or dental treatment.

3. An enlisted Marine on active duty whose term of enlistment expires while he is suffering from disease or injury incident to service and not due to his own misconduct, and who needs medical care or hospitalization, may be retained on active duty, with his consent, until he recovers to the extent that he is able to meet the physical requirements for reenlistment or until it is determined that recovery to that extent is impossible. (See paragraph 10001.)

7007 GOVERNMENT PROPERTY

1. Government property in possession of enlisted personnel or on charge to them will be recovered prior to discharge. In case of shortages, commanders will take appropriate action to determine responsibility in accordance with current instructions.

7008 UNIFORMS AND CLOTHING

1. The instructions relating to uniform clothing of personnel being discharged are contained in the current edition of MCO P10120.28, Individual Clothing Regulations.

2. A person discharged with a dishonorable, bad conduct, undesirable discharge or for reason of unsuitability or security shall have all uniform coats, overcoats, raincoats, liners, trousers, utility uniforms, caps and hats in his possession, together with all grade and branch of service insignia, service stripes, and brass or bronze buttons pertaining thereto, recovered by his commander prior to discharge, and if necessary, an outfit of civilian outer clothing will be issued to him in accordance with current instructions.

3. Uniforms recovered from Women Marines discharged as stated in subparagraph 2, shall be interpreted to mean all uniform coats, overcoats, skirts, dresses, utility uniforms, duffel bag, boots, handbag cover and strap, rain cap cover, hood for raincoat, neckties, scarfs, gloves, caps and hats, together with all grade and branch of service insignia, service stripes and uniform buttons thereto. They will be permitted to retain the raincoat, handbag and other items not specified above. If they do not possess an olive drab overcoat, the allowance of civilian clothing furnished shall include a civilian topcoat when weather conditions require.

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7009 ACCRUED LEAVE

1. Prior to discharge the leave account will be balanced to the date of discharge to determine the total amount of leave accrued. For instructions relative to settlements for leave upon separation see DOD Military Pay and Allowances Entitlements Manual, part 4, chapter 4.

7010 PAY ACCOUNTS

1. The disbursing officer carrying the individual's account will be notified at least 3 working days prior to date of discharge.

2. An enlisted person who is discharged for any reason with a dishonorable, bad conduct, or undesirable discharge and who would be otherwise without funds to meet his immediate needs, upon discharge, shall be paid a sum not to exceed \$25 or such portion thereof as, together with other funds available to the individual concerned, will total \$25. For detailed instructions regarding this cash allowance see Navy Travel Instructions, paragraph 5200.

7011 CAREER ADVISORY INTERVIEWS

1. Prior to discharge each individual will be interviewed by the post Career Advisory Officer, who will, if the individual is considered desirable for reenlistment, point out the benefits of continued service in the Marine Corps. If the individual has definitely decided not to reenlist, interest should be aroused in the Marine Corps Reserve by pointing out the benefits to be obtained.

2. Personnel should also be instructed to apply to the nearest recruiting officer, should they desire to reenlist at some subsequent date. Recruiting officers have all the necessary information and can answer questions in much less time than if inquiry is made direct to the Commandant of the Marine Corps. Recruiting officers may refer individual cases to the Commandant of the Marine Corps (Code DP) when necessary.

7012 ADDRESS OF MARINE CORPS DISTRICT DIRECTOR

1. Each individual discharged and not reenlisted in the Regular Marine Corps will be informed of the address of the director of the Marine Corps district nearest his prospective home address, and that on questions relative to Marine Corps service the director may be consulted.

7013 PREPARATION OF DISCHARGE CERTIFICATES

1. All enlisted discharge certificates will be prepared by the organization having custody of the service record book. The instructions contained in paragraph 13001 will govern custody and preparation of the discharge certificates.

7014 DELIVERY OF DISCHARGE CERTIFICATES

1. The delivery of the honorable discharge certificate will be made in person by an officer; in the case of a person who has completed his enlistment honorably or under honorable conditions, the delivery should be made by the post or

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regimental commander, or if that is impracticable, by the company commander, accompanied by the expression of a hope that the individual will reenlist or good wishes for a successful career.

7015 ARMED FORCES OF THE UNITED STATES REPORT OF TRANSFER OR DISCHARGE (DD 214)

1. The Armed Forces of the United States Report of Transfer or Discharge, DD 214, will be prepared and delivered to each person at the time of his separation from active service for reasons other than death.
2. Instructions contained in paragraph 11001 shall govern preparation and disposition of the Armed Forces of the United States Report of Transfer or Discharge.

7016 HONORABLE DISCHARGE BUTTONS AND PINS

1. Each enlisted person of the Marine Corps who is honorably discharged or discharged under honorable conditions from the service and does not reenlist will be issued a Marine Corps honorable discharge button, or pin in the case of women. Such devices will be worn only with civilian dress.
2. Each enlisted Reservist, who has served on continuous active duty for 30 days or more, will be issued one of these buttons upon honorable discharge or discharge under honorable conditions from the Marine Corps Reserve, provided he does not reenlist.

7017 WEARING OF UNIFORM AFTER DISCHARGE

1. Marines whose character of discharge is honorable or under honorable conditions except when discharge is for unsuitability or for reason of security, may retain and wear their uniforms from the place of discharge to their homes, within 3 months after date of discharge. The phrase "from the place of discharge to his home, within 3 months after the date of such discharge," refers to the period between the date of discharge and the date of the person's arrival at his home and does not permit the wearing of the uniform after arrival home, even though the 3-month period has not expired. If such personnel served during war; they shall, when not on active service, be entitled upon occasion of ceremony, to wear the uniform of the highest grade held by them during their war service.

7018 NATIONAL SERVICE LIFE INSURANCE AND INSURANCE UNDER THE INSURANCE ACT
OF 1951

1. In case an individual held National Service Life Insurance, he should receive the fourth copy of the notification of discontinuance of allotment for National Service Life Insurance, Form VA 365.
2. Each individual carrying National Service Life Insurance should receive explicit notice that he may pay premiums direct to the Veterans' Administration, District Office, P.O. Box 8079, Philadelphia, Pennsylvania 19101, if he wishes to continue his insurance.

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3. Each individual covered by the Insurance Act of 1951 should be carefully counseled regarding the postservice insurance available to him. The time limitation on applying for this insurance should be emphasized (38 USC 701-724, 781-784).

7019 BENEFIT PAMPHLET

1. Each individual separated will be given a copy of the DD Pamphlet "Once a Marine" (NAVMC 2537).

7020 WARNING TO INDIVIDUALS NOT ELIGIBLE FOR REENLISTMENT

1. Every person discharged who is not eligible for reenlistment will be informed that:

a. Fraudulent enlistment in any branch of the service will undoubtedly be detected by fingerprints, and

b. If concealment of his previous service and discharge results in his reenlistment, he will be subject to disciplinary action.

7021 CLOSING OUT SERVICE RECORD BOOK

1. The service record book of each person separated will be completed in accordance with the instructions contained in chapter 11.

7022 FORWARDING SERVICE RECORD BOOKS

1. In all cases where individuals have been discharged, the service record books will be forwarded in accordance with instructions contained in chapter 11.

2. In order to avoid confusion and delay in final settlement, no transfers will be made or authorized after an individual's accounts have been closed preliminary to discharge.

7023 DELIVERY OF BAGGAGE AND PERSONAL EFFECTS

1. The individual's baggage and personal effects, upon discharge, will be delivered to the railroad station or other point of departure by the command concerned.

7024 VOID ENLISTMENTS

1. The law prohibits the enlistment in the Marine Corps of a person who is:

a. A male and under 14 years of age;

b. A female and under 18 years of age;

c. Insane;

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d. Intoxicated; or

e. Has deserted in time of war from any of the Armed Forces unless, in time of war, his enlistment is permitted by such authority as the Secretary of the Navy designates (10 USC 5532).

2. An enlistment entered into by a person of one of the categories listed in subparagraph 1 is void.

3. All cases of enlistments apparently entered into in violation of the prohibition in 10 USC 5532 shall be reported to the Commandant of the Marine Corps (Code DGK) immediately. After investigation of the facts and subject to any provision of law pertinent thereto, the Commandant of the Marine Corps will direct the action to be taken and the disposition of the person concerned. The foregoing reporting requirement applies in addition to cases falling under subparagraph 1, to the following illegal enlistments:

a. Unauthorized execution of a contract of enlistment into the Marine Corps or Marine Corps Reserve while already a member of any component of any Armed Force of the United States or execution of such contract while on a retired list of any component of any Armed Force of the United States.

7025 NOTIFICATION TO IMMIGRATION AND NATURALIZATION SERVICE

1. Provision is made by law to revoke the citizenship of naturalized citizens who are discharged either dishonorably or under other than honorable conditions. The Immigration and Naturalization Service, Department of Justice, is responsible for the institution of proceedings for the revocation of citizenship in any such cases.

2. In the event any naturalized citizen who is a member of the Marine Corps is being discharged either dishonorably or under other than honorable conditions, the commander of the dischargee shall forward immediately to the Commandant of the Marine Corps (Code DK) a report of such case in order that the required certification may be prepared and transmitted to the Immigration and Naturalization Service upon the person's discharge for determination as to the propriety of revocation of citizenship. This report will include the fact of discharge and the date thereof. The report will also include whatever information is shown on the dischargee's service records with respect to naturalization.

7026 SEPARATION OF ALIENS

1. In any case where personnel who are not citizens of the United States are to be separated within the United States or its territories or possessions, the nearest district office of the Immigration and Naturalization Service, Department of Justice, shall be notified of such pending separation and prospective date thereof. Such notification shall be submitted in sufficient time to permit the immigration authorities to take such action as they may deem appropriate prior to the date on which the individual is to be separated.

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2. Section 328 of the Immigration and Nationality Act (8 USC 1439) provides for expeditious naturalization of permanent resident aliens upon completion of 3 full years' service in the Armed Forces of the United States provided certain other qualifications are met. In order not to jeopardize their eligibility for naturalization, permanent resident aliens serving on an enlistment or tour of extended duty of 3 years or more will not be discharged until completion of 3 full years' service, solely for the convenience of the Government under the provisions of any early release program. Further, the above provisions will be explained to any alien who makes application for discharge by reason of own convenience or hardship prior to completion of 3 years' service. Notwithstanding the foregoing, if any alien desires discharge for one of the above reasons, he may be discharged provided he makes the following signed statement on page 11 of the service record:

"I understand that my requesting discharge prior to completion of 3 full years of service may jeopardize my eligibility for expeditious naturalization under Title 8, USC 1439. However, understanding the above, I request early discharge."

3. The above policy should not be construed as giving aliens an entitlement to retention in service for at least 3 full years regardless of their military records. Adequate provisions are contained in this manual for the separation of personnel whose performance of duty or conduct does not justify their continued retention in the service.

4. Section 315 of the Immigration and Nationality Act (8 USC 1426) provides for permanent denial of eligibility to become a citizen of the United States to any alien who applies or has applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground that he is an alien, and is or was relieved or discharged from such training or service on such grounds. The above provisions will be explained to any alien who makes application for discharge by reason of own convenience on the grounds that he is an alien. Aliens accepting discharge solely on grounds of being an alien shall be required to make the following signed statement of understanding on page 11 of the service record:

"I understand that 8 USC 1426 provides that any alien who applies for discharge from the service of the United States on the ground that he is an alien, and is discharged from such service on such ground, shall be permanently ineligible to become a citizen of the United States."

5. Aliens separated under the foregoing conditions are not eligible and shall not be recommended for reenlistment.

7027 DISCHARGE OF ALIENS

1. Title 10 USC 651 provides that each male person who enlists in the Armed Forces prior to his 26th birthday incurs a military service obligation. Aliens accepted for enlistment are not exempt by law from the military service obligation, and upon separation from active service are normally transferred to or retained in an appropriate Reserve component to complete any remaining period of obligated service.

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2. Commanders are authorized to discharge an alien upon completion of a term of active service or from an inactive duty Reserve status, upon the written request of the individual concerned, provided the applicant indicates that immediately subsequent to discharge he will establish permanent residence in his native country or other country foreign to the United States.
3. Aliens who declare their intention to establish a permanent residence in the United States will not be relieved of their military service obligation.
4. Aliens who declare their intention to establish permanent residence outside the United States may be retained in an obligor status upon request.

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CHAPTER 8

PROCEDURES FOR DISCHARGE OF RESERVISTS ON INACTIVE DUTY

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PROCEDURES FOR DISCHARGE OF RESERVISTS ON INACTIVE DUTY

8001 GENERAL

1. The Commander, Marine Air Reserve Training Command; directors, Marine Corps districts and commanders of Organized Marine Corps Reserve units (hereafter termed commanders, where appropriate) are authorized to discharge enlisted reservists, on inactive duty under their command in accordance with regulations promulgated for discharge of Marines from the Regular Marine Corps, and for reasons set forth below as amplified by instructions contained in this chapter:

- a. For fulfillment of service obligation.
- b. For own request.
- c. For enlistment or appointment in the Regular Marine Corps or for appointment in the Marine Corps Reserve.
- d. For enlistment or appointment in the Regular Army, Navy, Air Force, or Coast Guard.
- e. For enlistment in another Reserve component of the Armed Forces.
- f. For failure to complete basic military training.
- g. For reason of erroneous assignment of military obligation.
- h. Lack of interest (Commander, Marine Air Reserve Training Command, and directors only are authorized to discharge for this reason).
- i. When classified in either a IV-F or I-Y status by the Selective Service System.

8002 DISCHARGE FOR FULFILLMENT OF SERVICE OBLIGATION

1. Commanders shall discharge reservists upon completion of the 6-year term of service required for fulfillment of service obligation under 10 USC 651, Universal Military Training and Service Act, except those serving on a definite term enlistment contract or extension which has not expired.

8003 DISCHARGE FOR OWN REQUEST

1. Commanders are authorized to discharge reservists on inactive duty under their command upon the reservist's written request under the following conditions:

- a. When the reservist is an alien resident of a foreign country. (See par. 7027)

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b. When a married enlisted woman has completed a minimum of 1 year of service and has served 6 months following any period of active duty for training. Requests for discharge under this subparagraph will be accompanied by documentary proof of marital status. (See par. 8014.)

8004 DISCHARGE FOR ENLISTMENT, INDUCTION OR APPOINTMENT IN THE REGULAR MARINE CORPS OR FOR APPOINTMENT IN THE MARINE CORPS RESERVE

1. The enlistment of a reservist is deemed to be automatically terminated upon his enlistment or induction in the Regular Marine Corps or upon his acceptance of appointment as an officer in the Marine Corps or Marine Corps Reserve. Upon receipt of official notification of such enlistment, induction, or appointment, commanders will close out the service record of the reservist concerned, showing the date of discharge as of the day prior to enlistment or induction in the Regular Marine Corps or of acceptance of appointment. The discharge certificate will be prepared and forwarded to, or retained by, the commander of the organization to which the individual will be assigned in his new status for delivery to the individual.

8005 DISCHARGE FOR ENLISTMENT OR INDUCTION IN THE REGULAR ARMY, NAVY, AIR FORCE, OR COAST GUARD

1. Upon receipt of official notification of the enlistment or induction of a reservist in the Regular Army, Navy, Air Force, or Coast Guard, commanders will effect the discharge of the reservist as of the day prior to such enlistment or induction, and forward the discharge certificate to his new organization, if known, otherwise to the Commandant of the Marine Corps (Code DGH) with a statement as to reason for nondelivery.

8006 DISCHARGE FOR ENLISTMENT IN ANOTHER RESERVE COMPONENT OF THE ARMED FORCES

1. Reservists not on active duty and having a military obligation under law who desire to enlist or accept appointment in another Reserve component of the Armed Forces of the United States, upon their application, or with their consent upon application to the Armed Force in which enlistment or appointment is desired, may be discharged by the commander concerned, subject to the following conditions and procedures:

a. Request may be approved and a conditional release granted if:

(1) The gaining Armed Force has a specific vacancy for the reservist in an Organized unit within a reasonable distance of his home or place of business, and there is no Organized Marine Corps Reserve unit similarly available to him; or

(2) The gaining Armed Force has a specific vacancy for the reservist in an Organized unit within a reasonable distance of his home or place of business, and the reservist has special experience or professional, educational, or technical background which is clearly of greater use to the gaining Armed Force, and which use outweighs the value of the reservist's previous training in the Marine Corps; or

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(3) The reservist will be enrolled in an officer training program of the gaining Armed Force. Where membership in the officer training program does not confer military status, discharge from the Marine Corps Reserve will be for the purpose of immediate enlistment in a Reserve component of the gaining Armed Force.

b. Determination as to whether the foregoing conditions are met will be made by the commander of the reservist concerned.

c. When a request is approved, the commander will furnish a conditional release to the originator of the request which shall contain the following elements:

(1) Statement that the request for discharge is approved, subject to the applicant's enlistment or acceptance of appointment in the gaining Armed Force, and will be effected upon notification to the approving authority of such enlistment or acceptance of appointment;

(2) Request that approving authority be notified by the gaining Armed Force of the effective date of such enlistment or acceptance of appointment;

(3) Date the reservist acquired his period of obligated service;

(4) Term of military obligation.

d. Upon receipt by the approving authority of evidence that the applicant has been enlisted or has accepted appointment in the gaining Armed Force, discharge will be effected as of the day prior to the date of such enlistment or acceptance of appointment. Discharge certificate will be forwarded to the gaining Armed Force for delivery to the reservist.

2. Discharge of reservists, who do not have a military obligation, to enlist or accept appointment in a Reserve component of another Armed Force will be in accordance with the criteria and procedures stated in subparagraph 1, unless the reservist is eligible for discharge at his own request. Conditional release in such cases will state that the reservist has no obligated service under law.

8007 DISCHARGE FOR FAILURE TO COMPLETE BASIC MILITARY TRAINING

1. Commanders will discharge reservists who have completed their obligated service, upon failure to complete the minimum military training requirements prescribed in the current edition of MCO P1001R.43, Marine Corps Reserve SOP (RESSOP), unless waiver and retention are authorized pursuant to such instructions as may be issued by the Commandant of the Marine Corps.

8008 DISCHARGE FOR ERRONEOUS ASSIGNMENT OF MILITARY OBLIGATION

1. The commanders are authorized to discharge enlisted Marines erroneously assigned a military obligation. The following is applicable to the discharge so effected:

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- a. Authority for discharge will be this paragraph.
- b. Character of discharge will be in accordance with the table shown in paragraph 6008 and the type which the Marine would have received if discharge had been effected upon expiration of enlistment/inductee service.
- c. Discharge will not be predated nor will a new DD 214 be issued.
- d. Do not effect discharge without affording the Marine an opportunity to reenlist in the U.S. Marine Corps Reserve provided he is qualified.

8009 DISCHARGE FOR LACK OF INTEREST

1. The Commanding General, Marine Air Reserve Training Command, and directors are authorized to discharge for lack of interest, a reservist on inactive duty under their command, provided the reservist concerned does not have a military obligation under existing law.
2. Lack of interest is defined as, and limited to one of the following:
 - a. Failure to answer official correspondence or to comply with the directives contained therein.
 - b. Failure to undergo a quadrennial physical examination when ordered.

8010 DISCHARGE OF RESERVISTS CLASSIFIED IV-F AND I-Y

1. Commanders will discharge those reservists assigned to their commands who are classified in either IV-F or I-Y status by the Selective Service System.

8011 RECOMMENDATIONS FOR DISCHARGE

1. Commanders may recommend to the Commandant of the Marine Corps (Code DMB) that reservists on inactive duty may be discharged for the following reasons:
 - a. Convenience of the Government
 - b. Own convenience
 - c. Hardship
 - d. Minority
 - e. Unsuitability
 - f. Unfitness
 - g. Misconduct
 - h. Security

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2. Recommendations will be prepared and processed in accordance with chapter 6.
3. Paragraph 6023 contains instructions for the advice to be given and the recording of such advice when a reservist on inactive duty is recommended for an undesirable discharge, or when such reservist has 8 or more years of continuous active duty and is recommended for discharge by reason of unsuitability.

8012 NOT PHYSICALLY QUALIFIED

1. Upon receipt of a report from a medical officer that an enlisted reservist who is not on active duty has been determined to be physically unqualified, the commander concerned will forward the Report of Medical Examination (SF 88) to the Commandant of the Marine Corps (Code DMB) via the Chief, Bureau of Medicine and Surgery, with recommendation as to retention, waiver, discharge, or transfer to another class.

2. The Commanding General, Marine Air Reserve Training Command, and directors are authorized to take the action described below upon being notified by the Commandant of the Marine Corps that an enlisted reservist not on active duty has been found by the Chief, Bureau of Medicine and Surgery, to be physically unqualified for retention in the Marine Corps Reserve.

a. If the reservist is a member of class II Reserve, transfer to class III Reserve.

b. Inform the reservist of his status providing the following information and an appropriate form letter for reply:

(1) Medical description of physical defect.

(2) That laws governing the Armed Forces require that any person who is not physically qualified for assignment to active duty be discharged or retired from the Marine Corps Reserve.

(3) That in view of the foregoing, he is requested to take one of the following courses of action:

(a) Submit a written request for discharge by reason of being physically unqualified.

(b) Request transfer to the Retired Reserve if eligible under existing regulations.

(c) Request a hearing before a physical evaluation board. Further, that expenses incurred incident to this hearing must be borne by the reservist concerned and that he would not be eligible to receive retired pay, severance pay or any other benefits as a result thereof. Additionally, that such hearings are expensive and that the physical evaluation board would be limited in its recommended findings only as to whether the Marine is physically qualified for active duty in the U. S. Marine Corps Reserve as set forth in NAVEXOS P-1990, Disability Separation Manual, paragraph 0428.

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(d) That if no reply is received within 30 days from the date of the letter of notification, it will be considered that the reservist does not desire a hearing and that action will be taken to discharge him involuntarily by reason of physical disqualification.

c. Upon completion of the foregoing, take such administrative action as may be indicated in accordance with the following instructions:

(1) Discharge the reservist upon receipt of his or her written request under authority contained in paragraph 6011.

(2) In the event the reservist requests a hearing, authorize his appearance before the nearest physical evaluation board at no expense to the Government in accordance with instructions contained in NAVEXOS P-1990. Such authorization will be prepared in accordance with the format contained in figure 8-1. The addresses of the physical evaluation boards are shown in figure 8-2.

8013 PREPARATION OF DISCHARGE CERTIFICATES

1. A reservist whether discharged in accordance with the instructions contained in chapter 8 or pursuant to the provisions of chapter 6 will be awarded a certificate of discharge of such type and character as is prescribed for this type of case. The discharge of reservists serving on active duty is governed by the provisions of chapter 6.

2. For instructions governing preparation of discharge certificates see paragraph 13001.

3. Upon transmittal of discharge certificates, inform each Marine that it is his responsibility to report his change of status to his local board of the Selective Service System.

8014 DISCHARGE OF WOMEN WHO BECOME PARENTS OR CUSTODIANS OF CHILDREN

1. Commanders shall discharge an enlisted woman in accordance with subparagraph 6012.3b when it is established that such woman comes within its purview.

8015 DISCHARGE OF INACTIVE DUTY RESERVISTS WHO BECOME OR DESIRE TO BECOME MINISTERS OF RELIGION

1. Members of the Marine Corps Reserve on inactive duty who have become regular or duly ordained ministers of religion or who desire to take final vows in a religious order may request separation as follows:

a. Officers will submit resignation of commission to the Secretary of the Navy through official channels via the Commandant of the Marine Corps (Code DMA).

b. Enlisted personnel will submit requests for discharge via official channels to the Commandant of the Marine Corps (Code DMB).

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From: Commanding General, Marine Air Reserve Training Command
To:
Via: Senior Member, Physical Evaluation Board (insert appropriate mailing address shown in figure 13-2)

Subj: Authorization to appear before a Physical Evaluation Board

Ref: (a) Disability Separation Manual (NAVEXOS P-1990)

Encl: (1) Statement of Rights (NAVS0 6100-14) in triplicate

1. When notified by the via addressee that the necessary records are available for presentation of your case, you are authorized to report to that officer for an evaluation of your present physical condition.
2. In the evaluation of your physical condition, the Physical Evaluation Board is directed to conduct the proceedings in all respects as provided for hearings in the case of active duty members except that it will make only the recommended finding that you are or are not physically qualified for active duty in the U. S. Marine Corps Reserve. The Board's attention is invited to paragraph 0428 of reference (a).
3. The above is authorized with the understanding that you will not be entitled to reimbursement for mileage or expense in connection therewith. In case you do not desire to bear this expense or if for any reason you fail to report to the Physical Evaluation Board on the date specified, you will regard paragraph 1 of this authorization as revoked.
4. You are advised that if for any reason you are unable to report in person to the Physical Evaluation Board on the date specified, you may waive your right to appear in person. If you waive your right to appear in person, your case will be submitted to the Physical Evaluation Board for an examination on the record. It is requested that you execute the enclosed Statement of Rights and return it to the via addressee prior to the date set for your examination.
5. Whether you appear in person or waive your right to appear in person, you may be represented by counsel if you so desire. You are advised that if you desire counsel to assist or represent you in presenting your case before the Physical Evaluation Board, competent legal assistance is available without expense to you. Should you desire to avail yourself of this service, you may apply to the Senior Member of the Physical Evaluation Board.
6. By endorsement hereon the via addressee is requested to notify you of the date and place you are to appear.

(Signature of Commanding General)

Copy to:
BuMed (Code 3351)
CMC (Code DMB)
Individual concerned -4

Figure 8-1.

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MAILING ADDRESSES OF PHYSICAL EVALUATION BOARDS

First Naval District
U. S. Naval Hospital
Chelsea, Massachusetts 02150

Third Naval District
U. S. Naval Hospital
St. Albans, L. I., New York 11425

Fourth Naval District
U. S. Naval Hospital
17th St. and Pattison Avenue
Philadelphia, Pennsylvania 19145

Fifth Naval District
U. S. Naval Hospital
Portsmouth, Virginia 23709

Sixth Naval District
U. S. Naval Hospital
U. S. Naval Base
Charleston, South Carolina 29408

Ninth Naval District
Building 1,
Great Lakes, Illinois 60088

Eleventh Naval District
U. S. Naval Hospital
San Diego, California 92134

Twelfth Naval District
U. S. Naval Hospital
Oakland, California 94627

Headquarters Marine Corps
Henderson Hall, Building #3
Washington, D. C. 22214

U. S. Naval Hospital
Camp Lejeune, North Carolina 28542

U. S. Naval Hospital
Camp Pendleton, California 92055

Note:

Address all correspondence to Senior Member.

EXAMPLE: Senior Member
Physical Evaluation Board
Headquarters, Ninth Naval District
Great Lakes, Illinois 60088

Figure 8-2.

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2. The following definitions apply for the purposes of this paragraph:

a. "Regular minister of religion," is defined as a person who as his customary vocation preaches and teaches the principles of religion of a church, a religious sect, or religious organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect or organization as a regular minister.

b. "Duly ordained minister of religion" is defined as a person who has been ordained in accordance with the ceremonial ritual, or discipline of a church, religious sect, or religious organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

c. The above definitions do not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or religious organization, or who may have been duly ordained a minister in accordance with the ceremonial rite, or discipline of a church, religious sect or religious organization, but who does not regularly, as a vocation, teach and preach the principles of religion and administer the ordinances of public worship as embodied in the creed or principles of his church, sect, or organization.

3. Resignation of a commission or application for discharge must be accompanied by a statement or certificate from an appropriate official of the church, religious sect, or religious organization attesting that the reservist is a regular or duly ordained minister of religion as defined in the foregoing paragraph, or if the reservist desires to take final vows in a religious order, his resignation or application for discharge must be accompanied by a statement or certificate from an appropriate official of the religious order showing that in order to proceed further with his acceptance into the religious order, it is required that the reservist be separated from any military status he may have.

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CHAPTER 9

RETIREMENT OF ENLISTED PERSONNEL AND TRANSFERS TO THE FLEET
MARINE CORPS RESERVE

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CHAPTER 9

RETIREMENT OF ENLISTED PERSONNEL AND TRANSFERS TO THE FLEET MARINE CORPS RESERVE

9001 RETIREMENT OF ENLISTED PERSONNEL AFTER THIRTY YEARS' ACTIVE SERVICE

1. An enlisted member serving in the Regular Marine Corps who applies for retirement after completing 30 or more years of active service in the Armed Forces shall be retired. Such retirements are normally approved by the Secretary of the Navy acting for the President. For this purpose, an enlisted member includes a member of the Regular Marine Corps who holds a permanent enlisted grade and a temporary appointment in a commissioned or warrant officer grade. Unless otherwise entitled to a higher grade, each member shall be retired in the grade in which serving at the time of retirement. Upon retirement, an enlisted member, unless otherwise entitled to a higher pay by reason of being advanced to a higher grade in which he served satisfactorily as an officer under temporary appointment, is entitled to retired pay at the rate of 75 percent of the basic pay to which he would be entitled if serving on active duty in the pay grade in which he was serving on the day before retirement (10 USC 6326 and 6151).

2. Service creditable for retirement includes active service, except active duty for training, in the Army, Navy, Air Force, Marine Corps, Coast Guard and Reserve components thereof, performed prior to 10 August 1956; and such active service, including active duty for training, performed on and after 10 August 1956. For the purpose of this paragraph, active service is defined as active duty and means full-time duty in the active military service of the United States.

3. In computing active service for retirement of enlisted members and for transfer to the Fleet Marine Corps Reserve, the following periods of time lost as defined and computed in accordance with Military Pay and Allowances Entitlements Manual, part 1, must be deducted from Regular Marine Corps enlistments or other periods of active service:

- a. Unauthorized absence.
- b. Confinement.
- c. Nonperformance of duty.
- d. Sickness misconduct.

e. There shall also be deducted from active service for retirement of enlisted members and for transfer to the Fleet Marine Corps Reserve:

(1) Time served under an enlistment which was voided by discharge on the ground that the member had perpetrated a fraudulent enlistment.

(2) Time held beyond expiration of enlistment or obligated active service while awaiting or undergoing trial by court-martial or awaiting completion of appellate review of such trial, unless:

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- (a) The trial resulted in acquittal of all charges involved,
 - (b) No finding of guilty was upheld upon appellate review, or
 - (c) The member was placed in a full duty status.
- (3) Time served under a sentence which included forfeiture of all pay and allowances, unless:
- (a) The sentence was disapproved or set aside upon appellate review, or
 - (b) The member was placed in a full duty status.
- (4) Periods of leave without pay granted in accordance with current instructions (SecNav Instruction 1050 series) to await completion of appellate review of court-martial sentences which included punitive discharge.
- (5) Service performed while under the minimum statutory age for enlistment, 10 USC 3254, 3256, 5533, 8254, 8256; 32 USC 313, regardless of whether the enlistment is terminated by reason of minority.

9002 PROCEDURE FOR EFFECTING VOLUNTARY RETIREMENT

1. Application for retirement shall be addressed to the Secretary of the Navy via the Commandant of the Marine Corps. The application shall be submitted so as to arrive at Headquarters Marine Corps not more than 6 months and not less than 3 months in advance of the desired retirement date and will have attached an SF 88, Report of Medical Examination, in duplicate indicating the individual is physically qualified for retirement.
2. Upon approval of the Secretary of the Navy, an authorization for transfer to the retired list will be forwarded to the commander by the Commandant of the Marine Corps. Transfer to the retired list will specify a date upon which transfer is to be effective. Transfer to the retired list by law must be effective on the date specified unless the Secretary of the Navy approves a change prior to the effective date. The provisions of 5 USC 47a require that such retirements take effect on the first day of a month.
3. In time of peace an individual will be released from active duty on the date preceding the effective date of retirement. Release from active duty takes effect at midnight on last of month immediately preceding date of retirement.
4. Discharge certificates will not be issued regardless of the reason for retirement.
5. Enlisted Marines contemplating voluntary retirement shall obtain a preretirement physical examination not more than 6 months and not less than 3 months prior to the desired retirement date in order to determine their fitness for voluntary retirement. If a disability is disclosed, the Marine may be subject to physical disability retirement in accordance with chapter 10. A request for retirement

a. Each enlisted member other than a former member of the Fleet Marine Corps Reserve, who is advanced on the retired list under the provisions of subparagraph 5, upon retirement after completion of 30 years of active service, is entitled to retired pay at the rate of 75 percent of the basic pay to which he would be entitled if serving on active duty in the grade to which advanced on the day before retirement.

b. Each former member of the Fleet Marine Corps Reserve who is advanced on the retired list under the provisions of subparagraph 5 is entitled to retired pay based upon the grade to which advanced. Such retired pay shall be at the rate of $2\frac{1}{2}$ percent of the basic pay of the grade to which advanced determined by the same period of service used to determine the basic pay of the grade upon which his retainer pay is based multiplied by the number of years of service creditable for his retainer pay at the time of retirement, but the retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based (10 USC 6151).

9005 ELIGIBILITY FOR TRANSFER TO THE FLEET MARINE CORPS RESERVE

1. An enlisted member of the Regular Marine Corps or Marine Corps Reserve who has completed 19 years and 6 months or more of active service in the Armed Forces, at his request, may be transferred to class I(d) of the Fleet Marine Corps Reserve. The approval or disapproval of a request for such transfer will be based on the needs of the service and the criteria in effect at the time the request is received (10 USC 6330).

a. Each member who is transferred to class I(d) of the Fleet Marine Corps Reserve is entitled, when not on active duty, to retainer pay at the rate of $2\frac{1}{2}$ percent of the basic pay that he received at the time of transfer multiplied by the number of years of active service in the Armed Forces. Retainer pay may be recomputed to include any active duty performed after transfer.

b. If the member has been credited by the Secretary of the Navy with extraordinary heroism in the line of duty, which determination by the Secretary is final and conclusive for all purposes, his retainer pay shall be increased by 10 percent. However, in no case may a member's retainer pay be more than 75 percent of the basic pay which the computation of retainer pay is based.

c. All active service as defined in subparagraph 9001.2 is included in computing service for transfer to class I(d). A completed minority enlistment in the Regular Navy is counted as four years of active service and an enlistment in the Regular Navy terminated within 3 months before the end of the term of enlistment is counted as active service for the full term. For the purpose of determining the number of years of service to be used as a multiplier in computing retainer pay, a part of a year that is 6 months or more is counted as a whole year and a part of a year that is less than 6 months is disregarded.

d. Deductions will be made for time lost in accordance with subparagraph 9001.3.

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e. A member must be serving on a valid contract of enlistment or extension thereof to be eligible for transfer to the Fleet Marine Corps Reserve. There is no existing authority for automatic retention beyond the expiration date of an enlistment contract solely for transfer to the Fleet Marine Corps Reserve. If a member is retained beyond the expiration of his enlistment for medical purposes, and is returned to a duty status as fit for duty, he must immediately extend his contract or reenlist, notwithstanding his expressed intention to transfer to the Fleet Marine Corps Reserve in the near future.

9006 APPLICATION FOR TRANSFER TO THE FLEET MARINE CORPS RESERVE

1. Requests for transfer to the Fleet Marine Corps Reserve shall be submitted to the Commandant of the Marine Corps (Code DMB) via official channels in sufficient time to arrive at Headquarters, U. S. Marine Corps, not earlier than 6 months and not later than 3 months prior to the requested effective date of transfer. Applications submitted requesting exception to the foregoing policy will be favorably considered only in cases involving genuine hardship. The requested effective date should be the last day of a month except when the requested date is the date of expiration of enlistment.

2. Requests for transfer should reference this paragraph and shall be submitted in the following form:

a. "1. In accordance with reference (a), it is requested that I be transferred to the Fleet Marine Corps Reserve on or about _____."

"2. I am eligible for assignment to Class I _____."

3. A Marine whose case is being considered, or has been processed by a physical evaluation board, and who desires to apply for transfer to the Fleet Marine Corps Reserve prior to final action of the Secretary of the Navy, will be advised that in order to be eligible for physical disability benefits he must be entitled to receive basic pay at the time the Secretary of the Navy makes the necessary physical disability determination and that any untimely separation may be prejudicial to his case. If he does not desire to withdraw his request for transfer to the Fleet Marine Corps Reserve, his application should also include the following paragraph:

"Having been informed of my rights under chapter 61, 10 USC, I agree to forego any disability benefits to which I may be entitled thereunder and I request transfer to the Fleet Marine Corps Reserve on _____."

4. When forwarding a request for transfer to the Fleet Marine Corps Reserve the commander will provide the following document and information with his endorsement:

- a. Any extraordinary heroism which occurred during the current enlistment.
- b. Future home mailing address.
- c. SF 88, Report of Medical Examination, in duplicate; see subparagraph 5.

- d. Time lost during current enlistment.
 - e. Report of courts-martial awarded during current enlistment. (Example: Summary Court approved CA 16 Sep 60.)
 - f. If enlistment contract has recently been extended or reenlistment effected, include date of execution and period for which extended or reenlisted.
5. Enlisted personnel who desire to request transfer to the Fleet Marine Corps Reserve shall be given a complete physical examination to determine if they are physically qualified for such transfer. Such examinations shall be given in accordance with the Manual of the Medical Department, U. S. Navy, and shall be completed not more than 4 months prior to the requested date of transfer. This examination will permit correction of minor physical defects, and if a disability is disclosed, the individual may be subject to disability retirement in accordance with chapter 10. A request for transfer to the Fleet Marine Corps Reserve should not be submitted until such time as the individual is found to be physically qualified for such transfer.
6. Applications, once submitted in the proper manner, will not normally be cancelled. However, when a request for cancellation is made by an enlisted person, due to unforeseen meritorious conditions, the case shall be referred to the Commandant of the Marine Corps with all pertinent facts, together with affidavits or other supporting documentary evidence showing changed conditions that could not be foreseen.
7. Applicants for transfer to the Fleet Marine Corps Reserve will be retained on active duty pending receipt of instructions from the Commandant of the Marine Corps in the following circumstances. A detailed message report of conditions involved will immediately be made to the Commandant of the Marine Corps (Code DMB).
- a. When the Marine loses time due to nonperformance of duty because of reasons listed in DOD Military Pay and Allowances Entitlements Manual, part 1, in the interim period between date of submission of request and authorized date of transfer.
 - b. When the individual is awaiting disciplinary action, serving sentence of a court-martial, to include a Marine serving in a probationary status as a result of an approved suspended sentence awarded by court-martial.
 - c. Where the applicant has applied to the Commandant of the Marine Corps for remission of indebtedness to the Government and is awaiting action on his case.
8. If after submission of an application for transfer to the Fleet Marine Corps Reserve, an individual's duty station is changed prior to receipt of the Commandant of the Marine Corps' action on his application, the Commandant of the Marine Corps shall be informed immediately by message making reference to this paragraph. In the event the authorization for transfer is subsequently received in the command from which the application was submitted, the authorization shall

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be forwarded promptly to the individual's new duty station by endorsement, with identifying data and a copy of the endorsement sent to the Commandant of the Marine Corps (Code DMB).

9007 TRANSFER TO THE FLEET MARINE CORPS RESERVE AND RELEASE FROM ACTIVE DUTY

1. Enlisted personnel shall be transferred to the Fleet Marine Corps Reserve only upon authority of the Commandant of the Marine Corps. Transfers shall be effected on the last day of the month and personnel will assume their status as members of the Fleet Marine Corps Reserve on the first day of the following month. Exceptions to the foregoing will be made only in those cases where transfer has been requested upon expiration of enlistment. In such cases transfers will be effected on the date the enlistment expires and the Marine concerned will assume status as a member of the Fleet Marine Corps Reserve on the following date. Except in time of war or national emergency, personnel transferred to the Fleet Marine Corps Reserve shall be released from active duty on date of such transfer, unless an order to the contrary has been received.
2. Transfer to the Fleet Marine Corps Reserve shall not be made on a date other than as contained in the authorization, unless the Commandant of the Marine Corps' authority for a change in the date is first obtained. When such a change is authorized by the Commandant of the Marine Corps, it will be attached to the original authorization for transfer. Any change must be authorized by the Commandant of the Marine Corps prior to the effective date of transfer.
3. If disease or injury occurs after the individual has submitted his request for transfer to the Fleet Marine Corps Reserve and it appears that he may be subject to retirement by reason of physical disability or he may require medical treatment beyond the requested date of transfer, the circumstances will be immediately reported to the Commandant of the Marine Corps (Code DMB). If the authorization for transfer has been received, it should be returned with the report. If the authorization is subsequently received, it should be returned by referencing the report. See chapter 10 for information regarding physical disability retirement.
4. Commands effecting an individual's transfer to the Fleet Marine Corps Reserve and release to inactive status shall see that the following procedure is complied with:
 - a. Forward two copies of the commander's order to the individual transferring him to the Fleet Marine Corps Reserve to the Commandant of the Marine Corps (Code DGH and CDH), and one copy to the director of the Marine Corps district to which transferred.
 - b. A new health record will be prepared for the enlisted person and the old health record shall be disposed of in accordance with current instructions from the Bureau of Medicine and Surgery.
 - c. Forward the service record and new health record to the director of the Marine Corps district to which transferred.

d. Fleet Marine Corps reservists will be instructed in writing by the commander that they must keep themselves in readiness for active service in the event of war or national emergency; that they must keep the Commandant of the Marine Corps (Code DGH) and the director of the Marine Corps district to which they are transferred informed of their current home mailing address in addition to any address they report for purposes of pay; that they must answer promptly all letters addressed to them by proper authority; and that they must inform the director of any change in health which might prevent service at sea or in the field in time of war. They shall also be informed that they may wear their uniform from place released to home if trip is made within 3 months after release date and on any other appropriate occasions when the wearing of the uniform is appropriate (see current edition of MCO P1020.34, Marine Corps Uniform Regulations).

e. Fleet Marine Corps reservists on inactive duty are entitled to medical treatment and hospitalization. When hospitalized in a naval hospital, they are entitled to a daily ration.

9008 RETIREMENT OF ENLISTED RESERVISTS

1. Additional provisions for retirement of enlisted reservists are set forth in chapter 4.

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CHAPTER 10

PHYSICAL DISABILITY RETIREMENT AND SEPARATION

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CHAPTER 10

PHYSICAL DISABILITY RETIREMENT AND SEPARATION

10001 GENERAL

1. Regulations promulgated by the Secretary of the Navy for administration of the provisions of law which pertain to physical disability separation and retirement of members of the naval service are contained in NAVEXOS P-1990, Disability Separation Manual, which should be consulted in each case. These regulations provide that no member of the naval service shall be separated or retired by reason of physical disability from an active duty status without a hearing before a physical evaluation board unless such hearing is waived by the member concerned; further, that no member of the naval service shall be separated or retired by reason of physical disability from an inactive duty status without a hearing before a physical evaluation board should a member demand it.

2. When doubt exists concerning the present state of health of any member of the Marine Corps or his ability to perform the duties of his rank, an appropriate medical board may be convened to examine him. The medical board shall make recommendations regarding the disposition of the member.

3. If the promotion of an enlisted member is effected on or after the date that the signature of the Secretary of the Navy has been affixed to the order directing retirement for physical disability, the promotion is without effect.

4. Final disposition of any case of a member of the Marine Corps whose case has been referred to a physical evaluation board shall be made only as directed by the Commandant of the Marine Corps, based on the final determination of the Secretary of the Navy.

5. Personnel who have disciplinary action pending, or who are being investigated for possible misconduct will not be ordered before a physical evaluation board without specific approval of the Commandant of the Marine Corps. See NAVEXOS P-1990 for detailed instructions.

6. In accordance with 10 USC 1218, a member of the Marine Corps may not be discharged or released from active duty because of physical disability until he:

a. Has made a claim for compensation, pension or hospitalization, to be filed with the Veterans' Administration, or has refused to make such a claim; or

b. Has signed a statement that his right to make such a claim has been explained to him, or has refused to sign such a statement. All commanding officers connected with activities designated to separate personnel will ensure that no person shall be discharged, retired, or released from active service by reason of physical disability until he has had explained to him his right to file a claim for compensation, pension, or hospitalization. Procedures relative to Veterans' Administration claims are contained in the proposed Marine Corps Civil Readjustment Manual.

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7. A member of the Marine Corps or Marine Corps Reserve who is separated or retired from the service by reason of physical disability may be eligible to elect either compensation from the Veterans' Administration or retired pay from the Marine Corps, or both, based on that disability. In no case may the total compensation received exceed the maximum granted by either the Marine Corps or the Veterans' Administration.

10002 VOLUNTARY SEPARATION PRIOR TO COMPLETION OF FINAL ACTION ON PHYSICAL
DISABILITY PROCEEDINGS

1. A member of the Regular Marine Corps entitled to basic pay who has been ordered to active duty for a period of more than 30 days, other than involuntary active duty for training for not more than 45 days pursuant to 10 USC 270 (b), should not be discharged or released upon expiration of active service if medical treatment or disability proceedings have not been completed. If such a member requests separation despite these circumstances, or prior to final action by the Secretary of the Navy, he will be instructed that the law, 10 USC, chapter 61, requires that in order to be eligible for physical disability retirement or severance pay, such a member must be in receipt of basic pay at the time the Secretary of the Navy makes the necessary physical disability determination and that separation prior to such time may prejudice his case. If after the explanation an enlisted member does not withdraw his request for separation or release, the following entry will be made in the service record:

"I request that I be discharged (released from active duty) despite the explanation which has been given me, that in order to be eligible for physical disability retirement or severance pay I must be entitled to receive basic pay at the time the Secretary of the Navy makes his determination in my case. Notwithstanding possible prejudice in my case, I still desire separation."

Such entry shall be signed by the individual and witnessed by an officer prior to effecting separation. If the Marine refuses to sign such a statement, an entry of such refusal shall be made, his separation effected and the Commandant of the Marine Corps (Code DMB) informed. In all cases involving transfer to the Marine Corps Reserve and/or release from active duty, a certified true copy of the Marine's statement will be forwarded to the Commandant of the Marine Corps (Code DMB) immediately upon separation.

2. In the case of officers, if orders for release from active duty, separation, or voluntary retirement have been received, the Commandant of the Marine Corps (Code DM) will be informed of the circumstances by message. However, involuntary separation or retirement which is mandatory under law cannot be deferred beyond the date specified by law, therefore a report is not required.

10003 DISPOSITION OF MARINE CORPS PERSONNEL AWAITING FINAL ACTION OF PHYSICAL
EVALUATION BOARD PROCEEDINGS

1. A member of the Marine Corps or Marine Corps Reserve on active duty in excess of 30 days who has been considered by a physical evaluation board which finds that the member is unfit for duty and that continued treatment is not indicated

may, subject to his consent, be ordered home to await orders pending action on the physical evaluation board proceedings. Commanding officers of naval hospitals, after appearance of a Marine before a physical evaluation board, will discharge such member to the organization to which administratively attached when his condition does not warrant continued treatment. Commanders will utilize the services of any member who does not desire to be ordered home to await action of physical evaluation board proceedings.

2. Commanders will issue permanent change of station orders directing a member to proceed to his home to await orders pending final action on physical evaluation board proceedings when the following conditions exist:

a. A physical evaluation board has arrived at a recommended finding that the member is unfit to perform the duties of his grade, and the member has signed a statement that he accepts the prima facie findings and does not demand a full and fair hearing or he has appeared in person and received a full and fair hearing before the board.

b. The commanding officer of the naval hospital considers that further hospitalization and treatment are not required.

c. The services of the member may not be utilized to advantage.

d. The member so ordered has agreed to permit any accumulated unused leave to be charged off while in such status.

3. Orders for officers coming within the purview of this paragraph will be requested by message addressed to the Commandant of the Marine Corps (Code DFA).

4. Enlisted members will be issued orders in accordance with the format contained in the proposed Assignment, Classification and Transfer System Manual (ACTS), figure 3-16, using this paragraph as the reference. If the orders would involve travel in Alaska, Hawaii, or outside the United States, instructions will be requested by message addressed to the Commandant of the Marine Corps (Code DMB).

5. Enlisted members ordered home or to point of selection to await action on physical evaluation board proceedings will be entitled to payment of basic allowance for subsistence for the period following the date and hour of arrival home to include the date of separation from active service. Members without dependents will be entitled to basic allowance for quarters from and including the date of arrival home to include the date of separation from active service. Members with dependents will continue to be entitled to basic allowance for quarters as prescribed by current regulations to include the date of separation from active service. The date of arrival home for the purpose of crediting subsistence and quarters allowances will be determined by the disbursing officer on the basis of the member's itinerary or constructive rail travel via the shortest usually traveled route, utilizing the one which requires the least travel time.

6. The unused leave balance of a member will be reduced for time spent at home awaiting orders, commencing the day following the date of actual arrival home or

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the date following the date of actual arrival home or the date following the constructive date of arrival home or the date following the constructive date of arrival based on the shortest usually traveled route, whichever is earlier.

7. Transportation of dependents and household effects is authorized under change of station orders issued in accordance with authority contained herein for the distance not to exceed that from the old station to the home of record only. However, members will be advised that since entitlement to transportation of dependents and household effects will not accrue unless and until the member's name is ultimately placed on the retired list or he is otherwise separated from the service, there is a possibility that claims for transportation for dependents and cost of the shipment of household effects paid prior to actual entitlement may be for checkage against the individual's account. Upon being placed on the permanent retired list, temporary disability retired list, or separated from the service, mileage and other transportation allowances, including transportation of dependents and household effects, will be settled or adjusted in accordance with the provisions of Joint Travel Regulations and Navy Travel Instructions.

8. A claim for reimbursement for travel performed by dependents incident to change of station orders issued under this authority will be submitted to the disbursing officer maintaining the Marine's pay record. A claim for reimbursement for travel performed by dependents incident to the member's retirement, placement on the temporary disability retired list, or discharge will be submitted to the Commandant of the Marine Corps (Code CD), and will be supported by the original and two certified copies of the change of station orders, plus the original and two certified copies of,

a. The retirement orders, or

b. The Transportation of Dependents and Household Effects Certificate (DD 706) which will be furnished him by the commander upon his discharge. At the time a member who has dependents is detached from his permanent duty station by orders issued under this authority, the disbursing officer will furnish him sufficient copies of DD 706 for his use in submitting claims for transportation of dependents, and will advise him of the procedure for submitting such claim.

10004 CURRENT ADDRESS AND RESIDENCE OF PERSONNEL RETIRED FOR DISABILITY

1. An officer or enlisted man who is retired for physical disability shall keep the Commandant of the Marine Corps (Code DGH) informed at all times of his current home mailing address where mail and messages addressed to him will be received. This report of current address is in addition to the report submitted to the Marine Corps Finance Center, Retired Pay Branch, Kansas City, Missouri 64197 or Veterans' Administration for pay purposes.

2. Subject to the above requirement, an officer or enlisted man who is retired for physical disability may change his residence in the United States or may reside abroad except in belligerent countries.

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CHAPTER 11

ARMED FORCES OF THE UNITED STATES REPORT OF TRANSFER OR DISCHARGE
(DD 214 MC) AND ARMED FORCES OF THE UNITED STATES WORKSHEET FOR
REPORT OF TRANSFER OR DISCHARGE (DD 214-ws)

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CHAPTER 11

ARMED FORCES OF THE UNITED STATES REPORT OF TRANSFER OR DIS-
CHARGE (DD 214 MC) AND ARMED FORCES OF THE UNITED STATES
WORKSHEET FOR REPORT OF TRANSFER OR DISCHARGE (DD 214-ws)

11001 INSTRUCTIONS

1. The DD 214-ws, Armed Forces of the United States Worksheet for Report of Transfer of Discharge, is provided to facilitate the separating activity's preparation of DD 214 MC. Upon completion of the DD 214 MC the worksheet may be destroyed or retained for not more than 6 months at the discretion of the completing activity.
2. The DD 214 MC is designed to provide:
 - a. The individual serviceman with a brief, clear-cut record of a term of active service with the Armed Forces at the time of his transfer, release, or discharge from that term of active duty, or when he undergoes a change of status or component while on active duty.
 - b. Various governmental agencies, including the Veterans' Administration, the Selective Service System, and the United States Employment Service of the Department of Labor, with an authoritative source of information which they require in the administration of Federal and State laws applying to personnel who have been discharged from active duty, otherwise released, or transferred to a Reserve component of the Armed Forces; and
 - c. The military services with a source of active service information for administrative purposes, to include determinations of eligibility for enlistment or reenlistment.
3. The DD 214 MC will be prepared and delivered to personnel upon:
 - a. Release from active service. Except as provided in subparagraph 4 below, DD 214 will be furnished to each person at the time of his separation from a period of active service with an Armed Force.
 - b. Release from a period of active duty for training of 90 days or more. However, personnel being separated for physical disability and those who have been serving on active duty for training under the 6-month program will be furnished DD 214 MC regardless of the length of time actually served on active duty.
 - c. Continuation of active service with one of the following changes in status:
 - (1) Discharge for immediate enlistment or reenlistment.
 - (2) Termination of enlisted status to accept an appointment to warrant or commissioned officer grade.

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(3) Termination of Reserve status to integrate into a Regular component of the Armed Forces.

(4) Termination of a temporary appointment to accept a permanent warrant or commission in the Regular or Reserve Marine Corps.

(5) Termination of an officer appointment in Marine Corps to accept appointment in one of the other Armed Forces.

4. The DD 214 MC will not be issued to:

a. Personnel found physically disqualified upon reporting for active duty, and who do not enter actively upon duties in accordance with orders.

b. Personnel separated from active duty by reason of death.

c. Personnel released from a period of less than 90 days' active duty for training except as specified in subparagraph 11001.3b.

d. Personnel appointed as temporary officers.

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

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

g. Officers dropped from the rolls in accordance with MCM, 1951, appendix 2, section 10 (now codified in 10 USC 1161(b) and 6408(b)).

h. Personnel appointed as cadets or midshipmen when the enlistment contract or period of obligated service has not expired.

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

5. General Instructions

a. The individual's copy of DD 214 MC will be delivered to him at the time discharge or transfer is effected. Distribution of the remaining copies will be made on the same day.

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

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

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(a) The activity responsible for administering the individual records and accounts will complete Items 1 through 10c, 16 through 21, 23a through 25, 27a through 29, and 31 through 34, in accordance with the instructions in subparagraph 6, below, prior to departure of the individual to his home.

(b) When retirement or discharge is directed by the Commandant of the Marine Corps, the remaining items will be completed and all copies of the form distributed.

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

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

(a) The activity administering the individual will complete Items 1 through 10c, 16 through 21, 23a through 25, 27a through 29, and 31 and 32, prior to transfer from the naval hospital in which the individual is hospitalized, and will forward the form to the Marine Corps activity responsible for maintenance of service records while he was a patient at the Veterans' Administration hospital.

(b) When retirement or discharge is directed by the Commandant of the Marine Corps, the remaining items will be completed and all copies of the form distributed. Copy 4 will be forwarded to the Veterans' Administration hospital in which the individual is a patient.

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

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

e. An entry will be made in each item. If no detailed entry is applicable, enter "None" or "Not Applicable." If information required to complete an item is not available, enter "Unknown." If more space is required to complete the item, the words "see remarks," will be entered in the space and the explanation or completion entered in Item 30.

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

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

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

(1) Corrections or changes made during the preparation of DD 214 MC will be neat and legible on all copies and initialed by the authenticating officer. Once the original has been delivered to the individual, no correction may be made to copies by the separating activity. (See subpar. h(2), below.)

(2) The person to whom DD 214 MC is issued will be cautioned not to make any changes or alterations on the form. To do so will render the form void. If an error is discovered by him after receipt of the form and after his departure from the separation point, and/or distribution of copies of the form have been made, correction or change will be made only by the Commandant of the Marine Corps on DD 215 (Correction of DD 214 MC). Requests for corrections to the form will be addressed to the Commandant of the Marine Corps (Code DGK), Headquarters, U. S. Marine Corps, Washington, D.C. 20380, and should include the individual's name, grade and pay grade, service number, and date of transfer or discharge.

(3) A lost or destroyed DD 214 MC shall be reported to the Commandant of the Marine Corps (Code DGK) and a duplicate (photostat) will be issued upon request and proper endorsement by the individual's commanding officer.

i. Special control. Care will be exercised to ensure that blank copies of DD 214 will be kept in the custody of the commander, who is responsible for their safekeeping, accountability, and proper issue. When an organization is disbanded, forms on hand will be forwarded by registered mail to the Marine Corps Supply Center, Albany, Georgia 31704.

6. Detailed Instructions

Item

1. LAST NAME, first name, middle name. Enter full name in order indicated, including "Jr.," "Sr.," "I," "II," etc. Where there is no middle name or letter, nothing will be entered. If the individual uses initials in lieu of a first or middle name, indicate by enclosing the initial or initials in quotation marks. Type last name in UPPER CASE letters.
2. SERVICE NUMBER. Self-explanatory.
3. SOCIAL SECURITY NUMBER. Self-explanatory.
4. DEPARTMENT, COMPONENT AND BRANCH OR CLASS. Enter component in which Marine was a member while on active duty. Ensure that component designator is included for USMCR enlistments. Examples: USMC, USMC-SS, FMCR, USMCR (K), etc.
- 5a. GRADE, RATE OR RANK. Enter the abbreviation for the grade in which separated.
- 5b. PAY GRADE. Enter this item for enlisted personnel only.

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6. DATE OF RANK. Enter date of rank as distinguished from date of appointment or promotion.
7. U. S. CITIZEN. Self-explanatory.
8. PLACE OF BIRTH (City and State or Country). Self-explanatory.
9. DATE OF BIRTH. Self-explanatory.
- 10a. SELECTIVE SERVICE NUMBER. Enter if available.
- 10b. SELECTIVE SERVICE LOCAL BOARD NUMBER, CITY, COUNTY, STATE AND ZIP CODE. Enter if available.
- 10c. DATE INDUCTED (Day, Month, Year). Self-explanatory.
- 11a. TYPE OF TRANSFER OR DISCHARGE. Enter one of the following:
 - Discharged.
 - Transferred to Marine Corps Reserve.
 - Transferred to Fleet Marine Corps Reserve.
 - Temporarily retired.
 - Retired.
 - Released from active duty.
 - Released from initial tour of active duty for training (in the case of reservists assigned to the Six Months' Training Program).
- 11b. STATION OR INSTALLATION AT WHICH EFFECTED. Enter reporting unit.
- 11c. REASON AND AUTHORITY

1. General: Completion of this item will be accomplished as set forth below. No deviation from instructions and entries as set forth herein is authorized except that applicable Marine Corps Orders, BUMED Instructions, CMC letters or messages, etc., will also be shown following the authorized entry. Particular attention is invited to the number or number and letter preceding the descriptive reason for transfer or discharge. This number and letter must be entered in every case as a code designator furnished to the Veterans' Administration and Selective Service to enable them to determine the specific reason for separation.

2. Officer

a. If "Type of Transfer or Discharge" in Item 11a is indicated by "Discharged," "Temporarily Retired," or "Retired," the Commandant of the Marine Corps will issue specific instructions for completion of this item.

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b. If "Type of Transfer or Discharge" in Item 11a is indicated by "Released from Active Duty," this item will be completed as follows:

(b)(2) Expiration of active duty commitment. Current edition of MCO 1900.1 (other pertinent authority as appropriate)."

3. Enlisted

a. If "Type of Transfer or Discharge" in Item 11a is indicated by "Discharged," enter one of the following remarks as appropriate:

(b)(2) Convenience of the Government. Paragraph 6012.1f, Marine Corps Separation and Retirement Manual, and SECNAVINST 1910.3, paragraph 3b(22)." (To take final vows in religious order precluding membership in the Armed Forces.)

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual." (General demobilization, reduction in authorized strength, or by an order applicable to all members of a class of personnel specified in the order.)

(b)(2) Convenience of the Government. Paragraph 6012.1f, Marine Corps Separation and Retirement Manual and applicable paragraph of SECNAVINST 1910.3." (Separation for other good and sufficient reasons when published by the Secretary of the Navy.)

(b)(2) Expiration of Enlistment. Paragraph 6009, Marine Corps Separation and Retirement Manual."

(b)(2) Expiration of active obligated service. Paragraph 6009, Marine Corps Separation and Retirement Manual."

(b)(2) Fulfillment of service obligation. Paragraph 8002, Marine Corps Separation and Retirement Manual."

(b)(2) Convenience of the Government. Paragraph 6012.1b, Marine Corps Separation and Retirement Manual." (To accept an appointment as a commissioned officer in the Marine Corps/Marine Corps Reserve, or to accept recall to active duty as a commissioned officer in the Marine Corps Reserve.)

(b)(2) Convenience of the Government. Paragraph 6012.1b, Marine Corps Separation and Retirement Manual." (To accept an appointment as a warrant officer in the Marine Corps/Marine Corps Reserve, or to accept recall to active duty as a warrant officer in the Marine Corps Reserve.)

(b)(2) Convenience of the Government. Paragraph 6012.1b, Marine Corps Separation and Retirement Manual." (To accept commission or appointment in another branch of the Armed Forces of the United States.)

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(b)(2) Convenience of the Government. Paragraph 6012.1e, Marine Corps Separation and Retirement Manual." (Erroneous enlistment or induction.)

(b)(2) Convenience of the Government. Paragraph 6012.3a, Marine Corps Separation and Retirement Manual." (Married enlisted women not able to be stationed near duty station or residence of husband.)

(b)(2) Convenience of the Government. Paragraph 6012.1c, Marine Corps Separation and Retirement Manual." (Pregnancy-enlisted women.)

(b)(2) Convenience of the Government. Paragraph 6012.3b, Marine Corps Separation and Retirement Manual." (Parenthood-enlisted women.)

(b)(2) Minority. Paragraph 6015, Marine Corps Separation and Retirement Manual."

(b)(2) Dependency. Paragraph 6014, Marine Corps Separation and Retirement Manual."

(b)(2) Hardship. Paragraph 6014, Marine Corps Separation and Retirement Manual."

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual and Marine Corps Order 1300.24__." (Sole surviving son.)

(b)(2) Own Convenience. Paragraph 6013, Marine Corps Separation and Retirement Manual."

(b)(2) Physical disability with entitlement to receive severance pay. VA Code ____. Paragraph 6011, Marine Corps Separation and Retirement Manual."

(b)(2) Physical disability without severance pay. Paragraph 6011, Marine Corps Separation and Retirement Manual and BUMEDINST 1910.2__." (Established by Medical Board and individual made application for discharge by reason of physical disability.)

(b)(2) Sentence of General Court-martial. Paragraph 6019, Marine Corps Separation and Retirement Manual."

(b)(2) Sentence of Special Court-martial. Paragraph 6019, Marine Corps Separation and Retirement Manual."

(b)(2) Convenience of the Government. Paragraph 6012.1h, Marine Corps Separation and Retirement Manual (when directed by the Secretary of the Navy)."

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual, and Marine Corps Order _____. (Early separation under an authorized program or circumstances.)

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(b)(2) Alien without legal residence in U. S. Paragraph 7027, Marine Corps Separation and Retirement Manual." (See also paragraph 6012.1f, Marine Corps Separation and Retirement Manual and SECNAVINST 1910.3, paragraph 3b(24).)

(b)(2) Convenience of the Government. Paragraph 6012.1d, Marine Corps Separation and Retirement Manual." (For reasons of national health, safety or interest.)

(b)(2) Convenience of the Government. Paragraph 6012.1f, Marine Corps Separation and Retirement Manual and SECNAVINST 1910.3, paragraph 3b(27)." (Separation pursuant to writ of habeas corpus-lack of jurisdiction.)

(b)(2) Convenience of the Government. Paragraph 6012.1g, Marine Corps Separation and Retirement Manual." (To accept public office.)

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual and Marine Corps Order 1306.16__." (Conscientious objector.)

(b)(2) Convenience of the Government. Paragraph 6012.2a, Marine Corps Separation and Retirement Manual and BUMEDINST 1910.2__." (Did not meet medical fitness standards at time of induction or enlistment.)

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual and Marine Corps Order 1910.23__." (Early separation of overseas returnees.)

(b)(2) Convenience of the Government. Paragraph 6012.1f, Marine Corps Separation and Retirement Manual and SECNAVINST 1910.3.3b(21) or paragraph 6012.1a, Marine Corps Separation and Retirement Manual and Marine Corps Order 1910.24__." (To enter or return to college, university, or equivalent educational institution.)

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual." (Early release for Christmas.)

b. If "Type of Transfer or Discharge" in Item 11a is indicated by "Discharged" and the reason for discharge is "Unsuitability," "Unfitness," "Misconduct," or "Security," DO NOT enter the descriptive reason or remarks for separation. Enter the appropriate code and authority as shown below:

X (b)(2) Paragraph 6017.2b, Marine Corps Separation and Retirement Manual." (Unfitness-frequent involvement in incident of a discreditable nature with civil or military authorities.)

(b)(2) Paragraph 6016.1d, Marine Corps Separation and Retirement Manual." (Unsuitability-financial irresponsibility-based on individual evaluation.)

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(b)(2) Paragraph 6017.2e, Marine Corps Separation and Retirement Manual."
(Unfitness-an established pattern for showing dishonorable failure to pay just debts.)

(b)(2) Paragraph 6017.2f, Marine Corps Separation and Retirement Manual."
(Unfitness-dishonorable failure to support dependents.)

(b)(2) Paragraph 6016.1d, Marine Corps Separation and Retirement Manual."
(Unsuitability-financial irresponsibility-based on approved recommendation of administrative discharge board.)

(b)(2) Paragraph 6017.2g, Marine Corps Separation and Retirement Manual."
(Unfitness-unsanitary habits.)

(b)(2) Paragraph 6016.1e, Marine Corps Separation and Retirement Manual."
(Unsuitability-apathy, defective attitudes and inability to expend effort constructively-based on approved recommendation of administrative discharge board.)

(b)(2) Paragraph 6016.1e, Marine Corps Separation and Retirement Manual."
(Unsuitability-apathy, defective attitudes and inability to expend effort constructively-based on individual evaluation.)

(b)(2) Discharge by reason of request for discharge for the good of the service. Paragraph 6021, Marine Corps Separation and Retirement Manual." (Undesirable discharge.)

(b)(2) Paragraph 6016.1a, Marine Corps Separation and Retirement Manual."
(Unsuitability. Inaptitude-based on approved recommendation of administrative discharge board.)

(b)(2) Paragraph 6016.1a, Marine Corps Separation and Retirement Manual."
(Unsuitability-inaptitude-based on individual evaluation.)

(b)(2) Paragraph 6016.1b, Marine Corps Separation and Retirement Manual."
(Unsuitability. Enuresis-based on individual evaluation.)

(b)(2) Paragraph 6016.1c, Marine Corps Separation and Retirement Manual."
(Unsuitability-character and behavior disorders-based on approved recommendation of administrative discharge board.)

(b)(2) Paragraph 6016.1c, Marine Corps Separation and Retirement Manual."
(Unsuitability-character or behavior disorders-based on individual evaluation.)

(b)(2) Physical Disability without severance pay. Paragraph 6011, Marine Corps Separation and Retirement Manual." (Intentional misconduct or willful neglect incurred during period of unauthorized absence.)

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(b)(2) Paragraph 6018.2b, Marine Corps Separation and Retirement Manual."
(Misconduct-fraudulent enlistment, induction, or period of service.)

(b)(2) Paragraph 6018.2a, Marine Corps Separation and Retirement Manual."
(Misconduct-Continuous unauthorized absence of more than one year.)

(b)(2) Paragraph 6018.2c, Marine Corps Separation and Retirement Manual."
(Misconduct-convicted or adjudged a juvenile offender by a civil court during current term of active military service.)

(b)(2) Paragraph 6016.1f, Marine Corps Separation and Retirement Manual."
(Unsuitability-alcoholism including intemperate use-based on approved recommendation of administrative discharge board.)

(b)(2) Paragraph 6016.1f, Marine Corps Separation and Retirement Manual."
(Unsuitability-alcoholism, including intemperate use-based on individual evaluation.)

(b)(2) Paragraph 6016.1g, Marine Corps Separation and Retirement Manual."
(Unsuitability. Homosexual or other aberrant sexual tendencies-based on individual evaluation.)

(b)(2) Paragraph 6016.1g, Marine Corps Separation and Retirement Manual."
(Unsuitability. Homosexual or other aberrant sexual tendencies-based on approved recommendation of administrative discharge board.)

(b)(2) Paragraph 6017.2d, Marine Corps Separation and Retirement Manual."
(Unfitness-drug addiction or habituation, or the unauthorized use or possession of narcotics, marijuana, hypnotics, sedatives, tranquilizers, depressants or stimulant drugs, hallucinogens and other similar drugs, chemicals or substances known to be habit forming or to have a potential for abuse.)

(b)(2) Paragraph 6017.2c, Marine Corps Separation and Retirement Manual."
(Unfitness-an established pattern for shirking.)

(b)(2) Paragraph 6017.2a(2), Marine Corps Separation and Retirement Manual." (Unfitness, sexual perversion, homosexual acts.)

c. If "Type of Transfer or Discharge" in Item 11a is indicated by "Transfer to Marine Corps Reserve," enter one of the following remarks as appropriate:

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual." (General demobilization or by an order applicable to all members of a class of personnel specified in the order.)

(b)(2) Expiration of Enlistment. Paragraph 6009, Marine Corps Separation and Retirement Manual."

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(b)(2) Expiration of active obligated service. Paragraph 6009, Marine Corps Separation and Retirement Manual."

(b)(2) Dependency. Paragraph 6014, Marine Corps Separation and Retirement Manual."

(b)(2) Hardship. Paragraph 6014, Marine Corps Separation and Retirement Manual."

(b)(2) Own convenience. Paragraph 6013, Marine Corps Separation and Retirement Manual."

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual." (Early separation under an authorized program or circumstances.)

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual and Marine Corps Order 1910.23__." (Early separation of overseas returnees.)

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual, and Marine Corps Order 1910.24__." (To enter or return to college, university or equivalent educational institution.)

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual." (Early release for Christmas.)

d. If "Type of Transfer or Discharge" in Item 11a is indicated by "Transferred to the Fleet Marine Corps Reserve," enter one of the following remarks as appropriate:

(b)(2) Transfer to the Fleet Marine Corps Reserve. Paragraph 9007, Marine Corps Separation and Retirement Manual."

(b)(2) Released from EAD and reverted to FMCR. Paragraph 9007, Marine Corps Separation and Retirement Manual."

(b)(2) Released from EAD. Retired under 10 U. S. Code, 1131-1337 in lieu of receiving severance pay."

e. If "Type of Transfer or Discharge" in Item 11a is indicated by "Temporarily Retired," enter the following remark:

(b)(2) Placed on Temporary Disability Retired List. VA Code_____. Paragraph 10001, Marine Corps Separation and Retirement Manual."

f. If "Type of Transfer or Discharge" in Item 11a is indicated by "Retired," enter one of the following remarks as appropriate:

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(b)(2) Voluntary retirement (30 years' service). Paragraph 9001, Marine Corps Separation and Retirement Manual."

(b)(2) Permanently retired by reason of physical disability. VA Code __. Paragraph 10001, Marine Corps Separation and Retirement Manual."

g. If "Type of Transfer or Discharge in Item 11a is indicated by "Release from Active Duty," enter one of the following remarks as appropriate:

(b)(2) Expiration of active obligated service. Paragraph 6009, Marine Corps Separation and Retirement Manual."

(b)(2) To enter NROTC Program. Title 10 U. S. Code, Section 2107."

(b)(2) Dependency. Paragraph 6014, Marine Corps Separation and Retirement Manual."

(b)(2) Hardship. Paragraph 6014, Marine Corps Separation and Retirement Manual."

(b)(2) Avoidance of enlistment or induction. Paragraph 6015.3, Marine Corps Separation and Retirement Manual."

(b)(2) Own convenience. Paragraph 6013, Marine Corps Separation and Retirement Manual."

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual and Marine Corps Order 1910.23 __." (Early separation of overseas returnees.)

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual, and Marine Corps Order 1910.24 __." (To enter or return to college, university, or equivalent educational institution.)

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual." (Early release for Christmas.)

h. If "Type of Transfer or Discharge" in Item 11a is indicated by "Released from Initial Tour of Active Duty for Training," enter one of the following remarks as appropriate:

(b)(2) Expiration of active obligated service. Paragraph 6009, Marine Corps Separation and Retirement Manual, and Marine Corps Order 1900.1 __."

(b)(2) Dependency. Paragraph 6014, Marine Corps Separation and Retirement Manual."

(b)(2) Hardship. Paragraph 6014, Marine Corps Separation and Retirement Manual."

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i. In all cases involving separation by reason of disability, insert Veterans' Administration Diagnostic Code numbers if shown on the Commandant of the Marine Corps letter authority directing discharge, temporary disability retirement, or retirement for reason of disability."

- 11d. EFFECTIVE DATE. The entry in this item will be the date release of discharge from active military service is effective. In the case of personnel granted travel time incident to separation from active service, construct the effective date to include such travel time. For personnel accepting appointment to warrant officer or commissioned grade and officers changing component by acceptance of appointment, the date of discharge shown will be the date prior to the date of acceptance of such appointment.
12. LAST DUTY ASSIGNMENT AND MAJOR COMMAND. Enter the last unit, or similar element, to which assigned for duty rather than the element of which individual was a part while moving to a separation point. Assignments to units for the purpose of transfer from an overseas command to the United States are considered part of the movement to a separation point. The title and/or number of the organization will be precisely as indicated in the service record. Example: A Marine is being processed for separation at Marine Barracks, Treasure Island, California. He returned from an overseas command aboard the USNTS Benjamin Harrison. His overseas duty assignment was with Company B, 1st Battalion, 4th Marines (Reinf), 3d Marine Division, Fleet Marine Force, Pacific. The entry for Item 12 would show: Co B, 1st Bn, 4th Mar (Reinf), 3rd MarDiv, FMFPac, and Item 11b would show: Casual Co, Marine Barracks, Treasure Island, California. However, a Marine permanently assigned duty at Marine Barracks, Treasure Island, California, upon being separated, would have that activity entered in Item 12 as last duty assignment and major command.

13a. CHARACTER OF SERVICE

OFFICERS:

Enter in capital letters "HONORABLE," "UNDER HONORABLE CONDITIONS," "UNDER CONDITIONS OTHER THAN HONORABLE," as appropriate, consistent with the reason and authority for separation.

ENLISTED:

Enter in capital letters one of the following, consistent with the reason and authority for separation:

HONORABLE
UNDER HONORABLE CONDITIONS
UNDER CONDITIONS OTHER THAN HONORABLE (includes undesirable and bad conduct discharge)
DISHONORABLE

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"Character of service" for personnel who are not discharged at the time of separation but are retired, assigned or transferred to the Reserve, or released from initial tour of active duty for training in the case of reservists assigned to the Six Months' Training Program will be determined by separately computing the average of conduct and proficiency markings assigned during current tour of active duty and applying the same criteria as if the individual were being discharged. Average markings in these cases will not be entered in the service record. In any case where doubt exists as to the correct "character of service" to be awarded, instructions shall be requested from the Commandant of the Marine Corps (Code DM).

- 13b. TYPE OF CERTIFICATE ISSUED. Enter the numbers of certificates issued (other than DD 214); e.g., "DD 256-MC," "DD 257-MC."
14. DISTRICT AREA COMMAND OR CORPS TO WHICH RESERVIST TRANSFERRED. Self-explanatory.
15. REENLISTMENT CODE. Enter the appropriate code from the following table to provide specific information concerning eligibility for reenlistment.

5 U.S.C. 552(b)(2) HIGH

Recommended for reenlistment.
 Recommended for reenlistment, but ineligible. This will be used for members whose status would make them ineligible for reenlistment; e.g., Fleet Marine Corps reservist, retired (except for disability), commissioned officer (permanent), etc.
 Recommended for reenlistment upon removal of disqualifying factor. This code will be followed by a letter that indicates the factor involved, as follows:

5 U.S.C. 552(b)(2) HIGH

(b)(2)

Hardship-dependency
 Physical
 Underage
 Rank reappointment restriction
 Sole surviving son

RE-4 Not recommended for reenlistment.

16. TERMINAL DATE OF RESERVE/UMT&S OBLIGATION. Enter terminal date of reserve obligation under the Universal Military Training and Service Act. If the individual has no obligated service remaining, enter "None."
17. CURRENT ACTIVE SERVICE OTHER THAN BY INDUCTION
- 17a. SOURCE OF ENTRY. Type an "X" in the appropriate block. The block designated as "Other" would be marked when a Marine entered on active duty by direct commission, or appointment as a warrant officer, or by recall to active duty, etc.

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- 17b. TERM OF SERVICE (years). Enter term of service in years, or enter the word "Indefinite" in the case of officers.
- 17c. DATE OF ENTRY. Enter the date of entry on current tour of active duty.
- 18. PRIOR REGULAR ENLISTMENT. Enter in the space the number of prior Regular Marine Corps enlistments only. Do not include Regular enlistments in other branches of the Armed Forces.
- 19. GRADE, RATE OR RANK AT TIME OF ENTRY INTO CURRENT ACTIVE SERVICE. For enlisted. Enter also the pay grade, in parentheses.
- 20. PLACE OF ENTRY INTO CURRENT ACTIVE SERVICE (City and State). Self-explanatory.
- 21. HOME OF RECORD AT THE TIME OF ENTRY INTO ACTIVE SERVICE (Street, RFD, City, County, State and ZIP Code). Enter home of record as recorded on the enlistment contract or the appointment acceptance and record.
- 22. STATEMENT OF SERVICE
 - 22a. CREDITABLE FOR BASIC PAY PURPOSES.
 - 22a(1) NET SERVICE THIS PERIOD. Enter total service this period, less time lost as defined in current directives.
 - 22a(2) OTHER SERVICE. Enter all prior service, excluding any service shown in Item 22a(1).
 - 22a(3) TOTAL (line 1 plus line 2). Self-explanatory.
 - 22b. TOTAL ACTIVE SERVICE. Includes all active service, including present period, if available from the service record book or officer's qualification record. If information is not available, so state.
 - 22c. FOREIGN AND/OR SEA SERVICE. Include only time spent on foreign and/or sea service during current period of active duty. Service performed outside the continental United States while on maneuvers will not be included in this item.
- 23a. SPECIALTY NUMBER AND TITLE. Enter primary military occupational number and title recorded in the officer's qualification record or enlisted service record.
- 23b. RELATED OCCUPATION AND DOT NUMBER. If the specialty represented by the number entered in 23a has a related civilian occupation, enter the job title and Dictionary of Occupational Titles code number from the Dictionary of Occupational Titles or related civilian DOT Titles shown in MCO P1200.7, Military Occupational Specialty Manual, as appropriate. If no related

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SEPARATION AND RETIREMENT MANUAL

civilian occupation, enter "None." The job title and DOT code number assigned to first sergeants and sergeants major should be that the primary MOS held by the individual at the time of promotion to the grade of first sergeant.

24. DECORATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED. Enter all decorations, medals, badges, commendations, citations, campaign ribbons awarded or authorized during current tour of active duty, omitting authorities therefor. For campaign or expeditionary medals, include the area of operation. (Example: Vietnam, Dominican Republic.)
25. EDUCATION AND TRAINING COMPLETED. The first item in this block will show the highest civilian education level obtained by the individual. Then enter those formal school courses successfully completed during current tour of active duty to which individual was assigned by official orders. Enter also all off-duty courses successfully completed during current tour of active duty, such as MCI and Marine Corps Extension School courses, USAFI courses and tests and courses completed through accredited high schools and colleges. In each case, list school and course, the dates (From-To) of the course, and, if appropriate, the major course of study.
- 26a. NONPAY PERIODS/TIME LOST (preceding 2 years). This item applies only to the current tour of active duty. Moreover, time lost prior to the last 2 years of the current tour will not be shown. Give inclusive dates for each period of time lost or nonpay period which is not time lost (e.g., excess leave). Each entry will reflect the category; i.e., TL, EXLV, etc. The item will not be left blank; if there are no periods to report, enter "None."
- 26b. DAYS ACCRUED LEAVE PAID. Entries for this item will be made in the following form:
- (1) If lump-sum leave settlement is paid for a certain number of days, enter the number of days; e.g., "24 days."
 - (2) If no lump-sum leave settlement is due, enter the words "None due."
 - (3) If a lump-sum leave settlement is due but has not yet been settled, enter the words "Due-Not Settled."
- 27a. INSURANCE IN FORCE (NSLI or USGLI). If the individual has government life insurance (National Service Life Insurance or United States Government Life Insurance), enter an "X" in the "YES" block. (This includes those who have applied for waiver of NSLI premiums.) If the individual has indemnity protection only, enter an "X" in the "NO" block.
- 27b. AMOUNT OF ALLOTMENT. Enter amount of allotment if insurance premiums are currently being paid by allotment; otherwise enter "N/A".

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- 27c. MONTH ALLOTMENT DISCONTINUED. If individual has an allotment currently in effect, enter month and year of discontinuance; otherwise enter "N/A."
28. VA CLAIM NUMBER. The claim number is as important to the Veterans' Administration as the service number is to the Armed Forces. If one has been assigned to the individual, it may be obtained from any correspondence which he has received in connection with benefits for which he has previously applied.
29. SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE (\$10,000, \$5,000, None). Enter an "X" in the appropriate block.
30. REMARKS. Continue in this space items that cannot be completed within the space provided. In such cases cross-references must be used to indicate the item being continued. (Example: 26a, continued.) If more space is required, enter the words "Continued on reverse" in the last line of this space and complete the entries on the reverse of the form.
- a. If discharge for physical disability is effected as the result of the approved findings of a physical evaluation board, with severance pay, insert under Item 30 the following appropriate entry: "Paid \$ (amount) disability severance pay." If not entitled to disability severance pay, insert "Not entitled to severance pay."
- b. Enter the additional military occupational specialty number and title and its related occupation and DOT number, if any.
- c. Enter any special qualifications, i.e. Aerial Gunner, (UH-1E, CH-46, CH-34); Military Motor Vehicle Operator's Permit (2½ ton or larger and Special Equipment).
- d. Enter the following remarks as appropriate:
- (1) Enlisted in the United States Marine Corps/Reserve.
 - (2) Reenlisted in U. S. Marine Corps/Reserve.
 - (3) Is undecided about reenlistment.
 - (4) Accepted Regular commission/warrant.
 - (5) Not available for signature.
 - (6) Good Conduct Medal period commences (date).
 - (7) Certain Marine Corps Orders require entries to be made under "Remarks." Ensure that those appropriate entries are made.

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e. The following notations will be made for personnel who are released or separated from active duty training under 10 USC 511 (d), formerly "Reserve Forces Act of 1955 Six-Months Active Duty for Training."

(1) "6 MO AD TNG"

(2) "Not a Final Discharge"

31. PERMANENT ADDRESS FOR MAILING PURPOSES AFTER TRANSFER OR DISCHARGE (Street, RFD, City, County, State and ZIP Code). Information for this item shall be obtained by interview with the individual being separated. The individual's complete home address, that is, the place where he intends to reside permanently following separation, shall be entered in this item. If the permanent address for mailing purposes is the same as the home of record, "See Item 21" may be inserted.
32. SIGNATURE OF PERSON BEING TRANSFERRED OR DISCHARGED. The signature of the individual being separated should be signed with a black ink ball-point pen or indelible pencil to ensure that all copies bear a legible signature. If not available for signature, enter "See Remarks."
33. TYPE NAME, GRADE AND TITLE OF AUTHORIZING OFFICER. Self-explanatory.
34. SIGNATURE OF OFFICER AUTHORIZED TO SIGN. This item will be signed by the officer responsible for preparation of the form. A black ink ball-point pen or indelible pencil will be used to ensure that the signature appears on all copies.

7. Distribution Instructions

a. Distribution will be made as indicated below (mailing addresses for certain activities are listed in subpar. b, below):

Copy No. 1 (INDIV): Deliver to the individual being separated.

Copy No. 2 (SR/OQR or HQMC): Place this copy in closed-out SRB or OQR of each person who is discharged, retired, or reenlisted. For each Marine released or transferred to reserve status, forward this copy to CMC (Code DGH).

Copy No. 3: Forward to appropriate recruiting officer via the Marine Corps district indicated by the address shown in Item 31 of the form.

Copy No. 4: Forward to the VA Regional Office having jurisdiction over the permanent address of the individual being separated unless he has either applied to the VA for compensation/pension or been transferred to a VA hospital. In the latter case, Copy No. 4 should accompany his health records forwarded to that hospital. It should be stressed to members who plan to apply for veterans' compensation or pension that faster processing generally may be expected if application to the VA is completed at time of separation. If an individual completed VA Form 21-526e, Veterans Application for Compensation or Pension

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at Separation from Service, Copy No. 4 should accompany his medical records when they are forwarded to the VA Regional Office. In case of immediate reenlistment, insert Copy No. 4 as a document in the service record book.

Copy No. 5 (STATEDIRSS): Forward this copy to the State Director of Selective Service System of the state shown in Item 10b, if shown; otherwise as in Item 21.

Copy No. 6 (VAWASHDC): Forward this copy to the Veterans' Administration (0340), Central Office, Washington, D.C. 20420. (Destroy this copy if individual reenlists immediately.)

Copy No. 7 (MCD): Forward this copy to the appropriate Marine Corps district indicated by the address shown in Item 31 or to the Fourth Marine Aircraft Wing/ Marine Air Reserve Training. However, for personnel being transferred to inactive duty whose records will be forwarded to Marine Corps Automated Services Center, 1500 East Bannister Road, Kansas City, Missouri 64131, insert this copy as a document in the SRB or OQR for concurrent forwarding.

b. Addresses for distribution of DD 214 MC

(1) Part I. List of Marine Corps districts showing jurisdiction:

Director, 1st Marine Corps District
605 Stewart Avenue, Garden City,
Long Island, New York 11533

Maine, New Hampshire, Vermont,
Massachusetts, Rhode Island,
Connecticut, New York, New Jersey,
(Counties of Monmouth, Middlesex,
Hunterdon, Morris, Sussex, Somerset,
Union, Warren, Essex, Passaic,
Bergen, and Hudson)

Director, 4th Marine Corps District
1100 South Broad Street
Philadelphia, Pennsylvania 19146

Pennsylvania, Delaware, Maryland,
West Virginia, Kentucky,
Ohio
(Less counties shown in the 9th
District)
New Jersey
(All other counties not included
in the 1st District)
North Carolina
(Counties of Gates, Pasquotank,
Camden, Currituck, Chowan and
Perquimans)
District of Columbia, Virginia,
Indiana (Counties of Dearborn, Ohio,
Gibson, Dubois, Crawford,
Jefferson, Warrick, Posey,
Harrison, Switzerland, Pike,
Perry, Clark, Spencer,
Vanderburgh and Floyd)

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Permanent address situated outside the continental United States or its territorial possessions and is not within a designated Marine Corps district.

Director, 6th Marine Corps District
50 Seventh Street, N. E.
Atlanta, Georgia 30323

South Carolina, Georgia, Florida,
Alabama, Tennessee, Mississippi,
North Carolina
(All other counties not included
in the 4th District)

Director, 8th Marine Corps District
Federal Office Building (Loyola)
701 Loyola Avenue
New Orleans, Louisiana 70113

Louisiana, Arkansas, Oklahoma,
Texas, New Mexico

Director, 9th Marine Corps District
1500 East Bannister Road
Kansas City, Missouri 64131

Michigan, Illinois, Wisconsin,
Minnesota, Iowa, Missouri, North
Dakota, South Dakota, Nebraska,
Kansas, Colorado, Wyoming,
Ohio
(Counties of Ottawa, Sandusky,
Lucas, Wood, Fulton, Henry,
Williams, and Defiance)
Indiana
(All other counties not included
in the 4th District)

Director, 12th Marine Corps District
100 Harrison Street
San Francisco, California 94106

Arizona, California, Utah, Nevada,
Washington, Oregon, Idaho, Montana,
Alaska

Director, 14th Marine Corps District
Marine Barracks
U. S. Naval Base
FPO, San Francisco 96610

Hawaii

Commanding General, Marine Air
Reserve Training Command
U. S. Naval Air Station
Glenview, Illinois 60026

(Individuals possessing aviation
MOS's regardless of the separatee's
permanent address)

(2) Part II: Jurisdiction and addresses of Veterans' Administration
Regional Offices:

TERRITORY ALLOTTED TO

VA REGIONAL OFFICE

ALABAMA
All cities and counties

Aronov Building
474 South Court Street
Montgomery, Alabama 36104

MARINE CORPS
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ALASKA			Goldstein Building
Entire state			Juneau, Alaska 99801
ARIZONA			Federal Building
All cities and counties			230 North First Avenue Phoenix, Arizona 85025
ARKANSAS			Federal Office Building
All cities and counties			700 West Capital Avenue Little Rock, Arkansas 72201
CALIFORNIA			
Counties:			
Inyo	San Bernardino)	
Kern	San Diego)	1380 S. Sepulveda Blvd.
Imperial	San Luis Obispo)	Los Angeles, California 90073
Los Angeles	Santa Barbara)	
Orange	Ventura)	
Riverside			
Alpine	Modoc)	Veterans' Administration Center
Lassen	Mono)	1000 Locust Street Reno, Nevada 89504
All other counties			49 Fourth Street San Francisco, California 94103
CANAL ZONE			Veterans' Benefits Office
Entire Zone			2033 M Street, N. W. STOP 339 Washington, D. C. 20421
COLORADO			Denver Federal Center
All cities and counties			Denver, Colorado 80225
CONNECTICUT			450 Main Street
All cities and counties			Hartford, Connecticut 06103
DELAWARE			1601 Kirkwood Highway
All cities and counties			Wilmington, Delaware 19899 (Mailing address: P.O. Box 1266)
DISTRICT OF COLUMBIA			Veterans' Benefits Office
Entire District			2033 M Street, N. W. STOP 339 Washington, D. C. 20421
FLORIDA			P. O. Box 1437
All cities and counties			St. Petersburg, Florida 33731

MARINE CORPS
SEPARATION AND RETIREMENT MANUAL

GEORGIA
All cities and counties

441-449 W. Peachtree St., N. E.
Atlanta, Georgia 30308

GUAM AND HAWAII
Entire islands

680 Ala Meana Blvd.
Honolulu, Hawaii 96801
(Mailing Address: P.O. Box 3198)

IDAHO
All cities and counties

Fifth and Fort Streets
Boise, Idaho 83707

ILLINOIS
All cities and counties

2030 W. Taylor Street
Chicago, Illinois 60612

INDIANA
Counties:

Lake)
La Porte)
Porter)

2030 W. Taylor Street
Chicago, Illinois 60612

All other cities and counties

36 S. Pennsylvania Street
Indianapolis, Indiana 46209

IOWA
All cities and counties

Veterans' Administration Center
Des Moines, Iowa 50308

KANSAS
Counties:

Atchison	Doniphan)
Brown	Douglas)
Jackson	Leavenworth)
Jefferson	Namaha)
Johnson	Wyandotte)

Federal Building
Room 4705
1520 Market Street
St. Louis, Missouri 63103

All other counties

Veterans' Administration Center
5500 East Kellogg
Wichita, Kansas 67218

KENTUCKY
All cities and counties

1405 W. Broadway
Louisville, Kentucky 40201

LOUISIANA
All parishes

701 Loyola Avenue
New Orleans, Louisiana 70113

MAINE
All cities and counties

Veterans' Administration Center
Togus, Maine 04333

MARINE CORPS
SEPARATION AND RETIREMENT MANUAL

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MARYLAND
Counties:

Montgomery)
Prince Georges)

2033 M Street, N. W.
STOP 339
Washington, D. C. 20421

All other counties

St. Paul & Fayette Streets
Baltimore, Maryland 21202

MASSACHUSETTS
Cities and towns-Bristol County:

East)
Mansfield)

Veterans' Administration Regional
Office
John Fitzgerald Kennedy Federal Bldg.
Government Center
Boston, Massachusetts 02203

All other cities and towns in
Bristol County:

Federal Building
Kennedy Plaza
Providence, Rhode Island 02903

Cities and towns-Plymouth County:

Carver Middleboro)
Lakesville Rochester)
Marion Wareham)
Mattapoisett

Federal Building
Kennedy Plaza
Providence, Rhode Island 02903

All other cities and towns in
Plymouth County:

Veterans' Administration Regional
Office
John Fitzgerald Kennedy Federal Bldg.
Boston, Massachusetts 02203

Counties:

Barnstable Nantucket)
Dukes)

Federal Building
Kennedy Plaza
Providence, Rhode Island 02903

All other counties

Veterans' Administration Regional
Office
John Fitzgerald Kennedy Federal Bldg.
Boston, Massachusetts 02203

MICHIGAN
All cities and counties

210 Gratiot Avenue at Library
Detroit, Michigan 48231

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MINNESOTA
Counties:

Becker	Norman)
Beltrami	Otter Tail)
Clay	Pennington)
Clearwater	Polk)
Kittson	Red Lake)
Lake of the Woods	Roseau)
Mahnomen	Wilkin)
Marshall		

Veterans' Administration Center
Fargo, North Dakota 58102

All other counties

Fort Snelling
St. Paul, Minnesota 55111

MISSISSIPPI
All cities and counties

1500 East Woodrow Wilson Dr.
Jackson, Mississippi 39216

MISSOURI
All cities and counties

Federal Building
Room 4705
1520 Market Street
St. Louis, Missouri 63103

MONTANA
All cities and counties

Veterans' Administration Center
Ft. Harrison, Montana 59636

NEBRASKA
All cities and counties

220 South 17th Street
Lincoln, Nebraska 68508

NEVADA
Counties:

Clark)
Lincoln)

1380 South Sepulveda Blvd.
Los Angeles, California 90073

All other counties

1000 Locust Street
Reno, Nevada 89504

NEW HAMPSHIRE
All cities and counties

497 Silver Street
Manchester, New Hampshire 03103

NEW JERSEY
All cities and counties

20 Washington Place
Newark, New Jersey 07102

NEW MEXICO
All cities and counties

517 Gold Avenue, S. W.
Albuquerque, New Mexico 87101

MARINE CORPS
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NEW YORK
Counties:

Albany	Otsego)
Bronx	Putman)
Clinton	Queens)
Columbia	Rensselaer)
Deleware	Richmond)
Dutchess	Rockland)
Essex	Saratoga)
Franklin	Schenectady)
Fulton	Schoharie)
Greene	Suffolk)
Hamilton	Sullivan)
Kings	Ulster)
Montgomery	Warren)
Nassau	Washington)
New York	Westchester)
Orange		

252 Seventh Avenue
New York, New York 10001

Other counties

Allegany	Niagara)
Broome	Oneida)
Cattaraugus	Onondaga)
Cayuga	Ontario)
Chautauqua	Orleans)
Chemung	Oswego)
Chenango	St. Lawrence)
Cortland	Schuyler)
Erie	Seneca)
Genesee	Steuben)
Herkimer	Tioga)
Jefferson	Tompkins)
Lewis	Wayne)
Livingston	Wyoming)
Madison	Yates)
Monroe		

1021 Main Street
Buffalo, New York 14203

NORTH CAROLINA
All cities and counties

310 W. Fourth Street,
Winston-Salem, North Carolina 27102

NORTH DAKOTA
All cities and counties

Veterans' Administration Center
Fargo, North Dakota 58102

OHIO
All cities and counties

Cuyahoga Building
216 Superior Avenue
Cleveland, Ohio 44114

OKLAHOMA
All cities and counties

Second and Court Streets
Muskogee, Oklahoma 74401

OREGON
All cities and counties

208 S. W. Fifth Avenue
Portland, Oregon 97204

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PENNSYLVANIA

Counties:

Adams	Lycoming)
Berks	Mifflin)
Bradford	Monroe)
Bucks	Montgomery)
Cameron	Montour)
Carbon	Northhampton)
Centre	Northumberland)
Chester	Perry)
Clinton	Philadelphia)
Columbia	Pike)
Cumberland	Potter)
Dauphin	Schuylkill)
Delaware	Snyder)
Franklin	Sullivan)
Juniata	Susquehanna)
Lackawanna	Tioga)
Lancaster	Union)
Lebanon	Wayne)
Lehigh	Wyoming)
Luzerne	York)

5000 Wissahickon Avenue
Philadelphia, Pennsylvania 19101
(Mailing Address: P. O. Box 8079)

All other counties:

Allegheny	Fulton)
Armstrong	Greene)
Beaver	Huntingdon)
Bedford	Indiana)
Blair	Jefferson)
Butler	Lawrence)
Cambria	McLean)
Clarion	Mercer)
Clearfield	Somerset)
Crawford	Venango)
Elk	Warren)
Erie	Washington)
Fayette	Westmoreland)
Forest)

1000 Liberty Avenue
Pittsburgh, Pennsylvania 15222

PHILIPPINES, Republic of the entire
islands

1131 Roxas Blvd.
Manila, Philippine Islands
(Mailing Address: APO, San
Francisco 96528)

PUERTO RICO, Commonwealth of Puerto
Rico, including Virgin Islands

520 Ponce de Leon Ave.
San Juan, Puerto Rico 00901

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RHODE ISLAND
All cities and counties

Federal Building
Kennedy Plaza
Providence, Rhode Island 02903

SAMOA
Entire island

Veterans' Benefits Office
2033 M Street, N. W.
STOP 339
Washington, D. C. 20420

SOUTH CAROLINA
All cities and counties

1801 Assembly Street
Columbia, South Carolina 29201

SOUTH DAKOTA
All cities and counties

Veterans' Administration Center
Sioux Falls, South Dakota 57101

TENNESSEE
All cities and counties

U. S. Courthouse
801 Broadway
Nashville, Tennessee 37203

TEXAS
City of:

Texarkana

Federal Office Building
700 West Capitol Avenue
Little Rock, Arkansas 72201

Counties:

Angelina	Fort Bend)
Aransas	Frio)
Atascosa	Galveston)
Austin	Gillespie)
Bandera	Goliad)
Bee	Gonzales)
Bexar	Grimes)
Blanco	Guadalupe)
Brazoria	Hardin)
Brewster	Harris)
Brooks	Hays)
Caldwell	Hidalgo)
Calhoun	Houston)
Cameron	Jackson)
Chambers	Jasper)
Colorado	Jefferson)
Comal	Jim Hogg)
Crockett	Jim Wells)
De Witt	Karnes)
Dimmit	Kendall)
Duval	Kenedy)
Edwards	Kerr)

515 Rusk Avenue
Houston, Texas 77061

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SEPARATION AND RETIREMENT MANUAL

Kimble	Sabine)
Kinney	San Augustine)
Kleberg	San Jacinto)
La Salle	San Patricio)
Lavaca	Schleicher)
Liberty	Shelby)
Live Oak	Starr)
Mason	Sutton)
Matagorda	Terrell)
Maverick	Trinity)
McCulloch	Tyler)
McMullen	Uvalde)
Medina	Val Verde)
Menard	Victoria)
Montgomery	Walker)
Nacogdoches	Waller)
Newton	Washington)
Nueces	Webb)
Orange	Wharton)
Pecos	Willacy)
Polk	Wilson)
Real	Zapata)
Refugio	Zavala)

515 Rusk Avenue
Houston, Texas 77061

Anderson	Clay)
Andrews	Cochran)
Archer	Coke)
Armstrong	Coleman)
Bailey	Collin)
Bastrop	Collingsworth)
Baylor	Comanche)
Bell	Concho)
Borden	Cooke)
Bosque	Coryell)
Bowie	Cottle)
Brazos	Crane)
Briscoe	Crosby)
Brown	Culberson)
Burleson	Dallam)
Burnet	Dallas)
Callahan	Dawson)
Camp	Deaf Smith)
Carson	Delta)
Cass	Denton)
Castro	Dickens)
Cherokee	Donley)
Childress	Eastland)
Ector	Lampasas)
Ellis	Lee)
El Paso	Leon)

1400 North Valley Mills Drive
Waco, Texas 76710

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Erath	Limestone)
Falls	Lipscomb)
Fannin	Llano)
Fayette	Loving)
Fisher	Lubbock)
Floyd	Lynn)
Foard	Madison)
Franklin	Marion)
Freestone	Martin)
Gaines	McLennan)
Garza	Midland)
Glasscock	Milam)
Gray	Mills)
Grayson	Mitchell)
Gregg	Montague)
Hale	Moore)
Hall	Morris)
Hamilton	Motley)
Hansford	Navarro)
Hardeman	Nolan)
Harrison	Ochiltree)
Hartley	Oldham)
Haskell	Palo Pinto)
Hemphill	Panola)
Henderson	Parker)
Hill	Parmer)
Hockley	Potter)
Hood	Presidio)
Hopkins	Rains)
Howard	Randall)
Hudspeth	Reagan)
Hunt	Red River)
Hutchinson	Reeves)
Irion	Roberts)
Jack	Robertson)
Jeff Davis	Rockwall)
Johnson	Runnels)
Jones	Rusk)
Kaufman	San Saba)
Kent	Scurry)
King	Shackelford)
Knox	Sherman)
Lamar	Smith)
Lamb	Somerville)
Stephens	Upton)
Sterling	Van Zandt)
Stonewall	Ward)
Swisher	Wheeler)
Tarrant	Wichita)

1400 North Valley Mills Drive
Waco, Texas 76710

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Taylor	Wilbarger)	
Terry	Williamson)	
Throckmorton	Winkler)	1400 North Valley Mills Drive
Titus	Wise)	Waco, Texas 76710
Tom Green	Wood)	
Travis	Yoakum)	
Upshur	Young)	
UTAH			125 South State Street
All cities and counties			Salt Lake City, Utah 84111
VERMONT			Veterans' Administration Center
All cities and counties			White River Junction
			Vermont 05001
VIRGINIA			
Cities:			
Alexandria			Veterans' Benefits Office
			2033 M Street, N. W.
			STOP 339
			Washington, D. C. 20420
Counties:			
Arlington)			Veterans' Benefits Office
Fairfax)			2033 M Street, N. W.
			Washington, D. C. 20420
All other cities and counties			211 W. Campbell Avenue
			Roanoke, Virginia 24011
VIRGIN ISLANDS			520 Ponce de Leon Avenue
(Listed under Commonwealth of			San Juan, Puerto Rico 00901
Puerto Rico)			
WASHINGTON			Sixth and Lenora Building
All cities and counties			Seattle, Washington 98121
WEST VIRGINIA			
Counties:			
Brooke	Marshall)	1000 Liberty Avenue
Hancock	Ohio)	Pittsburgh, Pennsylvania 15222
All other counties			502 Eighth Street
			Huntington, West Virginia 25701
WISCONSIN			342 N. Water Street
All cities and counties			Milwaukee, Wisconsin 53202

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WYOMING
All cities and counties

2360 East Pershing Blvd.
Cheyenne, Wyoming 82001

(3) Part III: Addresses of State directors, Selective Service System.
(Note: The number shown in parentheses following the State name is a code used by the Selective Service System which will be used in addition to the address when preparing and mailing DD 889, STANDBY RESERVE CONTROL.)

ALABAMA (1)
474 South Court Street
Montgomery, Alabama 36104

DISTRICT OF COLUMBIA (49)
916 G Street, N. W.
Washington, D. C. 20001

ALASKA (51)
Post Office Box No. 1608
Juneau, Alaska 99801

FLORIDA (8)
19 McMillan Street
(P. O. Box 1988)
St. Augustine, Florida 32084

ARIZONA (2)
1014 North Second Street
Phoenix, Arizona 85004

GEORGIA (9)
901 West Peachtree Street, N. E.
Atlanta, Georgia 30309

ARKANSAS (3)
Federal Office Building
Little Rock, Arkansas 72201

GUAM (55)
Post Office Box No. 3036
Agana, Guam 96910

CALIFORNIA (4)
Federal Building
805 Eye Street
Sacramento, California 95814

HAWAII (52)
Post Office Box No. 4006
Honolulu, Hawaii 96812

CANAL ZONE (56)
Post Office Box No. 2014
Balboa Heights, Canal Zone
APO New York, New York 09825

IDAHO (10)
Post Office Box No. 800
Boise, Idaho 83701

COLORADO (5)
Railway Exchange Building
Room 308, 909 17th Street
Denver, Colorado 80204

ILLINOIS (11)
405 E. Washington Street
Springfield, Illinois 62701

CONNECTICUT (6)
Post Office Box No. 1558
Hartford, Connecticut 06101

INDIANA (12)
Century Building
36 South Pennsylvania Street
Indianapolis, Indiana 46209

DELAWARE (7)
Prices Corner
3202 Kirkwood Highway
Wilmington, Delaware 19808

IOWA (13)
Building 68
Fort Des Moines, Iowa 50315

KANSAS (14)
Masonic Temple Building
10th and Van Buren Streets
Topeka, Kansas 66612

MARINE CORPS
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KENTUCKY (15)
220 Steele Street
Frankfort, Kentucky 40601

LOUISIANA (16)
Building TB 309
Jackson Barracks
New Orleans, Louisiana 70140

MAINE (17)
Federal Building
40 Western Avenue
Augusta, Maine 04330

MARYLAND (18)
Fifth Regiment Armory
Hoffman and Bolton Streets
Baltimore, Maryland 21201

MASSACHUSETTS (19)
John Fitzgerald Kennedy Federal Bldg.
Government Center
Boston, Massachusetts 02203

MICHIGAN (20)
Post Office Box No. 626
Lansing, Michigan 48913

MINNESOTA (21)
100 East Tenth Street
St. Paul, Minnesota 55101

MISSISSIPPI (22)
Post Office Building
Jackson, Mississippi 39201

MISSOURI (23)
411 Madison Street
Jefferson City, Missouri 65102

MONTANA (24)
Post Office Box No. 1183
Helena, Montana 59601

NEBRASKA (25)
Terminal Building, 10th Floor
941 O Street
Lincoln, Nebraska 68508

NEVADA (26)
Post Office Box No. 644
301 West Washington Street
Carson City, Nevada 89701

NEW HAMPSHIRE (27)
Post Office Box No. 427
Concord, New Hampshire 03302

NEW JERSEY (28)
402 East State Street
Trenton, New Jersey 08608

NEW MEXICO (29)
Post Office Box No. 5175
Santa Fe, New Mexico 87502

NEW YORK (30)
Old Post Office Building
Albany, New York 12207

NEW YORK CITY (50)
11th Floor, 205 E. 42nd Street
New York, New York 10017

NORTH CAROLINA (31)
Post Office Box No. 9513
Morgan Street Station
Raleigh, North Carolina 27603

NORTH DAKOTA (32)
Federal Building
Post Office Box No. 1417
Bismarck, North Dakota 58502

OHIO (33)
34 North High Street
Columbus, Ohio 43215

OKLAHOMA (34)
407 Federal Building
Oklahoma City, Oklahoma 73102

OREGON (35)
Post Office Box No. 4288
Portland, Oregon 97208

PENNSYLVANIA (36)
Post Office Box No. 1921
Harrisburg, Pennsylvania 17105

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PUERTO RICO (53)
Post Office Box No. 4031
San Juan, Puerto Rico 00905

RHODE ISLAND (37)
1 Washington Avenue
Providence, Rhode Island 02905

SOUTH CAROLINA (38)
1801 Assembly Street
Columbia, South Carolina 29201

SOUTH DAKOTA (39)
Post Office Box No. 1872
Rapid City, South Dakota 57702

TENNESSEE (40)
Room 500, 1717 West End Bldg.
Nashville, Tennessee 37203

TEXAS (41)
Room 515, Western Republic Bldg.
702 Colorado Street
Austin, Texas 78701

UTAH (42)
102 Soldiers Circle
Fort Douglas, Utah 84113

VERMONT (43)
Federal Building
Post Office Box 308
Montpelier, Vermont 05602

VIRGINIA (44)
New Federal Office Building
400 North 8th Street
Richmond, Virginia 23240

VIRGIN ISLANDS (54)
Post Office Box No. 360
St. Thomas, Virgin Islands 00802

WASHINGTON (45)
Washington National Guard Armory
Tacoma, Washington 98405

WEST VIRGINIA (46)
Federal Office Building
Charleston, West Virginia 25301

WISCONSIN (47)
Post Office Box No. 2157
1220 Capitol Court
Madison, Wisconsin 53701

WYOMING (48)
Post Office Box No. 2186
Cheyenne, Wyoming 82002

MARINE CORPS
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CHAPTER 12

RESERVE RETIREMENT CREDIT REPORT

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CHAPTER 12

RESERVE RETIREMENT CREDIT REPORT

12001 INSTRUCTIONS

1. The Reserve Retirement Credit Report is designed for recording credits earned toward eligibility for retirement under the provisions of 10 USC 1331-1337, commonly referred to as the Reserve Retirement Act.

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

3. The term unit commander as used within this paragraph, refers to the Marine Corps district director; the Commanding General, Marine Air Reserve Training Command; the Commanding Officer, Marine Corps Reserve Forces (Class III); or to the commanding officer, Organized Reserve unit, on whose rolls the reservist is carried. It does not refer to any commander of a Regular Marine Corps organization since the Reserve Retirement Credit Report is prepared only by Reserve organizations.

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

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

a. End of the anniversary year.

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

(2) A Code 1 anniversary report will show a summary of all points earned by the member during his anniversary year in each individual column. In addition, the anniversary year summary blocks will show the recapitulation total of the individual column on the report. (See figure 12-1. NAVMC 798a only is shown; however, NAVMC 798 is prepared the same way as shown for NAVMC 798a.)

b. Detachment or transfer (including assignment to EAD).

c. Upon unit mobilization.

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

e. Transfer to Inactive Status List, or retirement.

f. Upon joining a Reserve unit following a period of extended active duty if one or more anniversary dates elapsed while on active duty. Report will reflect

RESERVIST/CMC COPY

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credits earned from date of last anniversary year reported, by anniversary years, to end of anniversary year prior to release from active duty. The next scheduled report, transfer, end of anniversary year, etc., will include credits earned from end of last anniversary year to end of reporting period.

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

6. Reports will be accomplished as follows:

a. All reports will be prepared in triplicate and receive distribution as follows:

(1) Original (NAVMC 798) to service record book or officer's qualification record.

(2) Duplicate of all reports, officer and enlisted (NAVMC 798a) to Commandant of the Marine Corps (Code DMR).

(3) Triplicate (NAVMC 798a) to individual to be retained for determination of total credits earned.

b. The original will become a chronological record for permanent retention in the service record book or officer's qualification record and will reflect all credit earned since entry on current period of continuous service. Upon discharge for immediate reenlistment or appointment to officer grade, the original report will be transferred to the new service record book or officer's qualification record. No entry to reflect discharge and reenlistment or appointment is required. No NAVMC 798 will be prepared for members carried on the Inactive Status List. However, such periods will be covered in the next report submitted as noted in subparagraph 6i, below.

c. For subsequent reports, the original (NAVMC 798) will be removed from the service record book or officer's qualification record. Two copies of blank forms (NAVMC 798a) will be inserted in the typewriter with the original. Entry for the period to be covered will be made on the line immediately following the last entry on the original. Therefore, the duplicate and triplicate copies will only reflect credits for the specific period covered.

d. When all spaces on the original report have been filed, it should be numbered "1"; additional pages inserted and numbered "2", "3", etc.

e. Preparation of entries will be made in accordance with the instructions on the form, except in case where entry is not required under any column, the space will be checked X to indicate that it was not overlooked.

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f. Should an erroneous entry be discovered after submission, the unit commander will make a new report covering the same period. The erroneous entry on original will be lined out and initialed. Each copy will be marked "corrected copy." Corrected reports which are submitted later than 2 years following the end of the anniversary year for which submitted shall be forwarded with full justification to the Commandant of the Marine Corps (Code DMR) for approval.

g. A unit commander may delegate the authority to certify records of Reserve retirement credits to appropriate officer of his headquarters.

h. The original and all copies of the report will bear the signature of the authenticating officer.

i. Each report will cover the entire period since the last report was submitted. However, in the case of end of anniversary year, this report will be a summation of all previous reports submitted during the anniversary year. If the member has been carried on the Inactive Status List, inclusive dates will be entered, the letters "ISL" will be entered in the column indicating occasion for report, and no points will be credited for such period.

j. On the Commandant of the Marine Corps copy of all reports which have credited periods of active duty or active duty for training, enter on the line below the anniversary year report, the inclusive dates of all such duty to include travel time.

7. Certain substantiating records and reports are necessary to the accomplishment of the Reserve Retirement Credit Report.

a. For all types of equivalent instruction, other than correspondence courses and equivalent instruction or duty for drills (EIOD), a report of performance must be made by the reservist to his unit commander on NAVMC 799, Equivalent Instruction Report, as follows:

(1) Members of Volunteer training units and members performing associate duty may submit such reports quarterly, indicating the date each meeting was attended or period of associate duty was performed and the number of credits claimed for each. Such members may submit a report at any time during the quarterly period when necessary to assure that points are credited within the current anniversary year. It is the responsibility of the commanding officer concerned to maintain attendance records and to verify these periodic reports when submitted.

(2) Members who perform periods of equivalent instruction other than as indicated above, upon completion of each such period, will prepare NAVMC 799 and submit it to their unit commander for approval.

(3) Approved reports submitted on NAVMC 799 will be retained by the unit commander as a supporting document for the preparation of NAVMC 798 and for at least 3 months thereafter.

b. Credits for correspondence courses will be taken from reports furnished by the Marine Corps Institute or Extension School, Marine Corps Development and Education Command.

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(1) Reports to Reserve unit commanders by the Marine Corps Institute or Extension School, Marine Corps Development and Education Command, will:

(a) Be prepared for each reservist having successfully completed correspondence work for which retirement credits are earned;

(b) Be prepared annually as of the anniversary date of the individual reservist (the correspondence schools are responsible for obtaining anniversary date upon enrollment), and/or on other appropriate occasions (e.g., completion of all courses and disenrollment);

(c) Be submitted promptly on the anniversary date of the individual reservist;

(d) Be made in letter or machine report form as appropriate;

(e) Show the total number of credits earned during the reporting period. In determining the total, the effective date as of which points shall be credited to the individual for the satisfactory completion of a lesson shall be the date of receipt of the completed lesson by the school. Detailed reports indicating the date that each credit is earned will be made only upon special request by the reservist's commanding officer.

(f) Not be submitted for work completed while the reservist is serving on extended active duty. When the school cannot determine whether the individual is serving on active duty, a report will be submitted.

(2) Unit commanders will retain the correspondence school report as a supporting document for the preparation of the Reserve Retirement Credit Report.

(3) Unit commanders will not include in the Reserve Retirement Credit Report credits for correspondence work completed while on extended active duty.

(4) It is the responsibility of the student to keep the school informed of the identity of his current commander for reporting purposes. The return address form submitted by the inactive reservist for each lesson will contain both the reservist's address and the unit designation of his Reserve unit commander.

c. To provide Reserve organizations with accurate information concerning those reservists who perform a period of extended active duty and then rejoin a Reserve organization, the following procedures apply:

(1) A copy of the reservist's orders to extended active duty with all endorsements will be placed in his qualification jacket or service record book and retained until he rejoins a Reserve organization.

(a) If the reservist is discharged and reenlisted in the Reserve while on extended active duty, the orders will be transferred to his new service record book and retained until he rejoins a Reserve organization.

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(b) If the reservist is discharged while on extended active duty and reenlisted in the Regular Marine Corps, or if he does not reenlist in any component of the Marine Corps, the orders will be forwarded with his closed-out service record book.

(c) Should the situation stated in subparagraph c(1)(b), above, occur and the individual later reenlist in the Marine Corps Reserve, the unit which joins him will commence Reserve retirement reporting from date of reentry.

(2) When the Reserve Retirement Credit Report entries showing the period of active Federal service have been made and copies submitted, as provided above by the Reserve unit, the orders will be forwarded to Headquarters Marine Corps (Code DGH).

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CHAPTER 13

ENLISTED DISCHARGE CERTIFICATES (DD 256 MC THROUGH DD 260 MC)

CONTENTS

13001 INSTRUCTIONS



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

7-15-69

MCO P1900.16 Ch 1
DM-nh
18 Jun 1969

MARINE CORPS ORDER P1900.16 Ch 1

From: Commandant of the Marine Corps
To: Distribution List

Subj: Marine Corps Separation and Retirement Manual
(Short Title: MARCORSEPMAN)

Encl: (1) New page inserts to MCO P1900.16

1. Purpose. To transmit new page inserts to the subject Manual.
2. Action. Remove and destroy present page iii and chapter 10 and replace with new page iii and chapter 10 (pages 10-1, 10-3 through 10-25, 10-27 through 10-37, 10-39 through 10-42) contained in enclosure (1) hereto.
3. Information. Chapter 10 is a complete new rewrite of the existing chapter and encompasses information and administrative instructions relative to the physical disability evaluation system. Emphasis is placed upon counseling and administrative separation procedures to ensure that the treatment accorded disabled Marines will be fair, equitable, and expedient.
4. Filing Instructions. This promulgation page shall be filed immediately following the signature page of the basic Manual.
5. Certification. Reviewed and approved this date.

E. E. ANDERSON
By direction

DISTRIBUTION: "DY"

CMC CENTRAL FILES
ADMINISTRATIVE DIVISION

MARINE CORPS
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◆ CHAPTER 10

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▶ CHAPTER 10

PHYSICAL EVALUATION FOR SEPARATION AND RETIREMENT

10001 GENERAL

1. The laws pertaining to physical disability retirement or separation must be administered expeditiously, fairly, equitably and with due regard for the interest of both the Marine and the Government.
2. Disability retirement pay and severance pay authorized by chapter 61, Title 10, U. S. Code, are benefits provided for Marines who, if otherwise qualified, become unfit to perform duty because of physical disability while on active duty or inactive duty training.
3. Marines who, during active service, incur disabilities which impair their earning capacity for civil occupations but do not preclude performance of full military duties may be eligible for compensation under laws administered by the Veterans Administration even though they do not qualify for disability retirement or severance pay through the military disability system.
4. The fact that a Marine is determined to be unfit for duty while on active duty is not sufficient, in itself, to entitle him to disability benefits. There must be a determination that this unfitness incurred while entitled to receive basic pay. "While entitled to receive basic pay" encompasses all types of duty which entitled the Marine to receive active duty pay and any duty without pay which by law, may be counted as duty with pay.
5. The fact that a Marine was accepted as being physically qualified for active duty is not conclusive that the disability was incurred after acceptance. It is one piece of evidence to be considered with all of the medical evidence. In the case of Marines with more than three years of service, any increase in the severity of a pre-existing disease or injury will be considered as evidence of service aggravation.
6. Marines who are eligible for nondisability retirement are entitled to the same consideration under disability laws that is accorded to Marines with lesser amounts of service.
7. NAVEXOS P1990, Disability Separation Manual (DSM), and the current edition of SECNAVINST 1850.3, provides administrative procedures for the implementation of the law pertaining to physical disability separation and retirement for members of the Naval Service. This chapter implements, within the Marine Corps, those procedures and establishes additional and more detailed instructions.
8. The delegated authority conferred by provisions of this chapter is permissive and does not preclude referral of any case to the Commandant of the Marine Corps (Code DM) for final disposition.

10002 DEFINITIONS AND INTERPRETATIONS

1. For the purpose of this chapter the definitions and interpretations set forth in this paragraph will apply.

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2. Statutory authority. Chapter 61, Title 10, U. S. Code. (See subparagraph 10001.2.)
3. Regulatory authority. Disability Separation Manual (NAVEXOS P1990), and current edition of SECNAVINST 1850.3.
4. Physical disability. Any manifest or latent impairment of function due to disease or injury, regardless of the degree, which reduces or precludes a Marine's actual or presumed ability to engage in gainful or normal activity. The term "physical disability" includes mental disease but not inherent defects as behavior disorders, personality disorders, and primary mental deficiency.
5. Accepted medical principles. Accepted medical principles are fundamental deductions consistent with medical facts which are so reasonable and logical as to create a virtual certainty that they are correct.
6. Unfit because of physical disability. A Marine is unfit because of physical disability when he is unable because of disease or injury to perform the duties of his office, grade, rank, or military occupational specialty in such a manner as to reasonably fulfill the purpose of his employment on active duty. (See Disability Separation Manual, paragraph 0215.)
7. Optimum hospital improvement (for disposition purposes). The point during hospitalization when the patient's medical fitness for further active service can be determined, and it is considered probable that further treatment for a reasonable period in a military hospital will not result in material change in the patient's condition which would alter his ultimate type of disposition or amount of separation benefits.
8. Line of duty
 - a. General rule. Disease or injury suffered by Marines shall be considered to have been incurred in line of duty unless one of the following exceptions are applicable.
 - b. Exceptions. Disease or injury suffered by Marines shall not be considered to have been incurred in line of duty where found to have been incurred under any one of the following circumstances:
 - (1) As a result of the individual's misconduct, or
 - (2) While avoiding duty by desertion or absence without leave, or
 - (3) While confined under sentence of a court-martial which involved an unremitted dishonorable discharge, or
 - (4) While confined under sentence of a civil court following conviction of an offense which is defined as a felony by the law of the jurisdiction where convicted.

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c. Presumption. It is presumed, in the absence of clear and convincing evidence to the contrary, that disease or injury was incurred in the line of duty.

9. Misconduct

a. Elements of misconduct. Misconduct is wrongful conduct. Simple or ordinary negligence or carelessness, standing alone, does not constitute misconduct.

b. Presumption. In the absence of clear and convincing evidence to the contrary, it is presumed that disease or injury suffered by a Marine is not the result of his misconduct.

c. Special rules. See Disability Separation Manual, paragraph 0218.

10. Aggravation by service. Disease or injury noted prior to service or shown by clear and convincing evidence, including accepted medical principles, to have had its inception prior to service, will be conceded to have been aggravated when such disability underwent an increase in severity during the service unless such increase in severity is shown by clear and convincing evidence including medical facts and principles, to have been due to the natural progress of the disease. In the case of Marines with more than three years of service, any increase in severity of a pre-existing disease or injury will be considered as evidence of severe aggravation.

11. Promotion. Promotions cannot be authorized on or after the date the Secretary of the Navy directs retirement for physical disability or transfer to the Temporary Disability Retired List. Promotions authorized prior to the Secretary's action may be effected at any time.

12. Processing time. Handling of all aspects of the disability evaluation processing (see figure 10-1). Processing time must be expeditious for the achievement of economy and efficiency within the system and for fair treatment of disabled Marines. Continuous vigorous effort must be exerted at all echelons to accomplish expeditious processing time. Processing time specifically includes:

- a. Date medical board convened.
- b. Date of action by convening authority of medical board.
- c. Date medical board received by the physical evaluation board.
- d. Date statement of service received, if requested.
- e. Date medical records, if any, received from Bureau of Medicine and Surgery.
- f. Date case considered under prima facie stipulation.
- g. Date prima facie findings forwarded to the Marine concerned.
- h. Date of Marine's statement of acceptance or demand for full and fair hearing received.

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PHYSICAL DISABILITY EVALUATION SYSTEM

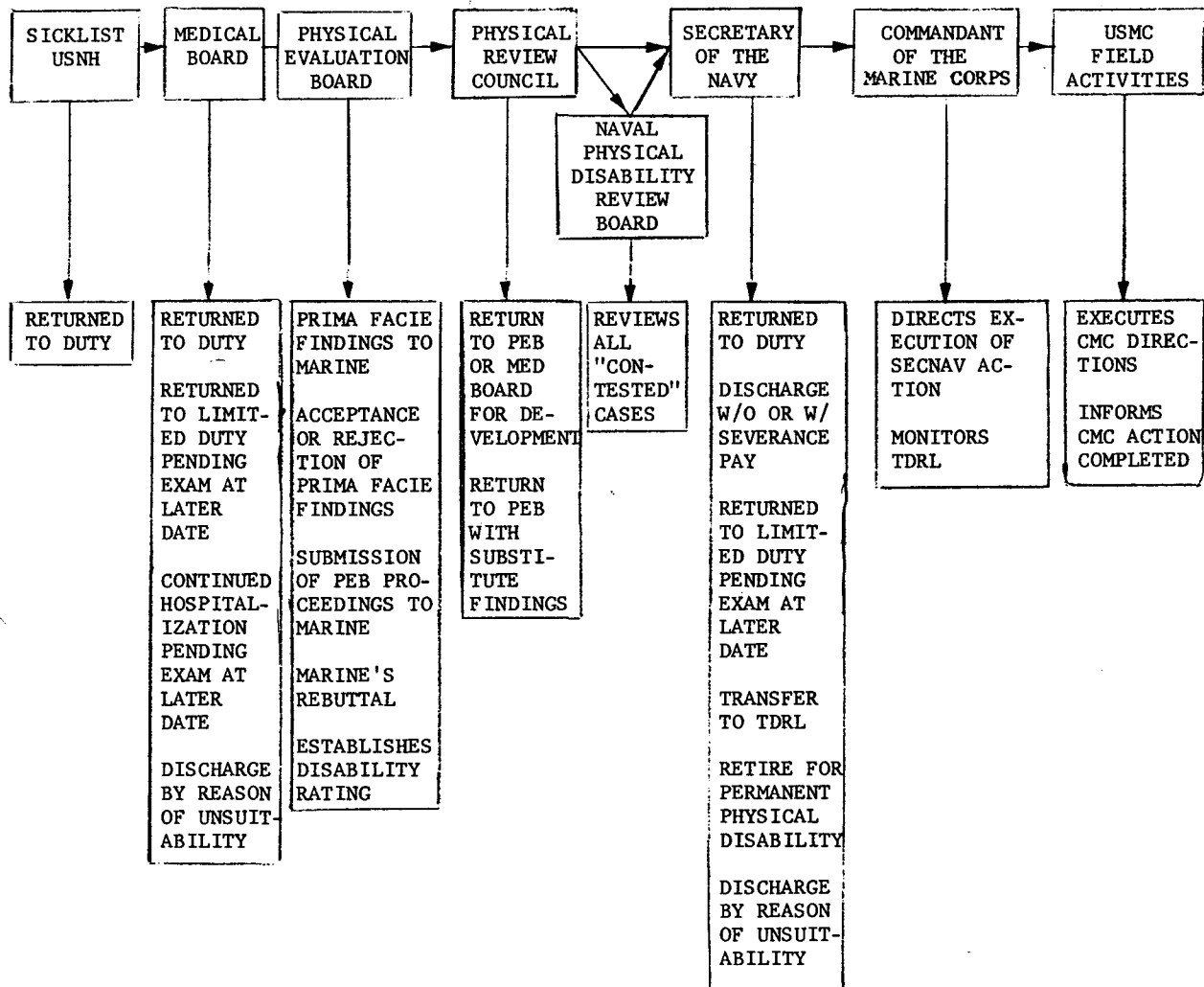


Figure 10-1

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i. Date case heard by a physical evaluation board, when full and fair hearing is held.

j. Date record of proceedings or prima facie findings forwarded to the Physical Review Council.

k. Date case referred to Naval Physical Disability Review Board for further consideration or date referred to Secretary of the Navy for final action.

l. If applicable, date Marine notified of time and place of hearing by Naval Physical Disability Review Board.

m. If applicable, date of review or hearing by Naval Physical Disability Review Board.

n. If applicable, date case forwarded to the Judge Advocate General for transmission to the Secretary.

o. Date Secretary of the Navy directs final action. This action is commonly referred as "Indexed" or "EnBloc".

p. Date the Commandant of the Marine Corps directs execution of the Secretary's action.

q. Date field activity reports to the Commandant of the Marine Corps that the Secretary's action has been accomplished.

13. Released from active duty. Released from active duty includes;

a. Marines transferred to the Temporary Disability Retired List (TDRL), and

b. Marines retired by reason of permanent disability.

c. Marines discharged by reason of physical disability with severance pay or without severance pay.

10003 COUNSELING

1. Each Marine will be counseled throughout the course of disability evaluation processing by an officer-lawyer or other officer conversant with physical evaluation procedures. The object of counseling is to ensure that the Marine fully understands the significance of all findings and recommendations made by the medical board, physical evaluation board, Physical Review Council, and Naval Physical Disability Review Board concerning his case, and of the benefits to which he may become entitled as a result of any physical disability which he may have incurred.

2. Counseling is provided at the following stages of the physical disability evaluation process:

a. When the approved findings and recommendations of the medical board are made known to the Marine.

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b. When an enlisted Marine appears eligible for discharge for disabilities existing prior to service.

c. When the member's case is to be considered by the physical evaluation board.

d. When the findings and recommendations of the physical evaluation board are announced.

e. When the findings and recommendations of the Physical Review Council are made known to the Marine.

f. When the findings and recommendations of the Naval Physical Disability Review Board are made known to the Marine.

3. The Marine should be specifically counseled as to his rights to rebuttal at all of the foregoing stages of processing.

4. Additionally, commanding officers must ensure that no Marine is discharged, retired or released from active duty until:

a. He has been counseled concerning veterans' benefits, and

b. He has submitted a "Veterans's Application for Compensation or Pension at Separation from Service, VA Form 21-56e", or has refused to submit, and

c. An appropriate entry has been entered in his officer qualification record or service record book concerning his receipt of counseling and desires to submit or not submit an application for benefits from the Veterans Administration.

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PART A: PHYSICAL DISABILITY EVALUATION SYSTEM

10101 GENERAL

1. The Naval Service physical disability evaluation system is composed of physical evaluation boards, the Physical Review Council, and the Naval Physical Disability Review Board. Purpose, composition, responsibilities, policies and procedures pertinent to these agencies are described in succeeding paragraphs of this part. Medical boards play an important part within the system in that approved medical board recommendations are generally the basis for entry of a Marine into the physical disability evaluation system.

2. A Marine found unfit to perform the duties of his office, grade, rank or military occupational speciality because of physical disability will be eligible for disability evaluation processing and disposition as follows:

a. For determination of eligibility for processing see Table 10-1, Eligibility Index Table.

b. For disposition of physically unfit Regular Marines and Marine Reserves on active duty for more than 30 days refer to Table 10-2, Eligibility Index Table for Regular Marines and Reservists on Active Duty for More Than 30 Days.

c. For disposition of physically unfit Marine Reservists on active duty for 30 days or less see Table 10-3, Eligibility Index Table for Reservists on Active Duty for 30 Days or Less.

3. A member of the Marine Corps or Marine Corps Reserve who is discharged or released from active duty by reason of physical disability may be eligible to elect either compensation from the Veterans' Administration or retired pay from the Marine Corps, or both. In no instance may the total compensation received exceed the maximum granted by either the Marine Corps or the Veterans' Administration.

10102 MEDICAL BOARDS

1. General. Manual of the Medical Department, chapter 18, section III and Disability Separation Manual, chapter 3 contain full instructions relevant to medical boards. The following paragraphs contain information applicable to medical boards pertaining to the disability evaluation system and only that part of that information required by the commanding officer so that he may be conversant in the execution of his responsibilities.

2. Purpose. A medical board is convened to examine a Marine when doubt exists concerning his state of health. A medical board reports his exact physical condition and will recommend one of the following dispositions to the convening authority.

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TABLE
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ELIGIBILITY INDEX TABLE

R U L E	A	B
	IF THE MEMBER IS PHYSICALLY UNFIT BY REASON OF PHYSICAL DISABILITY AND	THE ACTION IS-----
1	the disability was the result of his intentional misconduct or willful neglect, or was incurred during a period of unauthorized absence	discharge without benefits (10 USC 1207)
2	he is a member of the Regular Marine Corps	(Go to table 10-2.)
3	he is a Marine Reservist on active duty more than 30 days except compulsory 45-day involuntary training	(Go to table 10-2.)
4	he is a Marine Reservist on active duty for 30 days or less, inactive duty training or is on active duty for compulsory 45-day involuntary training.	(Go to table 10-3.)

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TABLE 10-2

ELIGIBILITY INDEX TABLE FOR REGULARS AND RESERVISTS
ON ACTIVE DUTY FOR MORE THAN 30 DAYS (NOTE 1)

	A	B	C	D	E	F
R U L E	If the Marine is entitled to basic pay, and disability was incurred while he was entitled to basic pay	and if he has at least 20 years of creditable service	and the percentage of his disability is	and based upon accepted Medical principles the disability is	and the disability was incurred in time of war or national emergency (Note 2)	THE ACTION IS--
1	no					discharge other than physical disability
2	yes	yes	0-100	Perm		permanent retirement (10 USC 1201)
3	yes	yes	0-100	may be perm		transfer to TDRL (10 USC 1202)
4	yes	no	30-100	perm	yes	permanent retirement (10 USC 1201)
5	yes	no	30-100	may be perm	yes	transfer to TDRL (10 USC 1202)
6	yes	no (Note 3)	less than 30	yes		discharge with disability severance pay (10 USC 1203) Note 4)

NOTE 1. Except those reservists undergoing compulsory 45-day involuntary training pursuant to 10 USC 270 (b).

NOTE 2. The national emergency proclaimed by the President on 16 December 1950 has not been terminated. Until it is terminated, it is not necessary to determine whether the Marine has completed at least 8 years of service or whether the disability is the proximate result of performing active duty in cases covered by this table.

NOTE 3. A Marine who has less than six months active service at separation is not entitled to disability severance pay.

NOTE 4. If a Reservist is eligible under 10 USC 1209 (has more than 20 years of satisfactory Federal service), he may elect to be transferred to the Retired Reserve instead of being separated with disability severance pay.

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TABLE 10-3

ELIGIBILITY INDEX TABLE FOR RESERVIST ON ACTIVE DUTY FOR 30 DAYS OR LESS; INACTIVE DUTY TRAINING OR COMPULSORY 45-DAY ACTIVE DUTY INVOLUNTARY TRAINING

R U L E	A If the disability was due to an injury	B and was proximate result of performing active duty	C and the member has at least 20 years of creditable service	D and the percentage of his disability is	E and based upon accepted medical principles the disability is	F THE ACTION IS--
1	no					discharge other than for physical disability
2	yes	no				
3	yes	yes	yes	0-100	perm	permanent retirement (10 USC 1204)
4	yes	yes	yes	0-100	may be perm	transfer to TDRL (10 USC 1205)
5	yes	yes	no	30-100	perm	permanent retirement (10 USC 1204)
6	yes	yes	no	30-100	may be perm	transfer to TDRL (10 USC 1205)
7	yes	yes	no (NOTE 1)	less than 30		discharge with severance pay (10 USC 1206) (NOTE 2)

NOTE 1. A Marine who has less than six months active service at separation is not entitled to disability severance pay.

NOTE 2. If member is eligible under 10 USC 1029 (has more than 20 years of satisfactory Federal service), he may elect to be transferred to the Retired Reserve instead of being discharged with severance pay.

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- a. Return to duty.
- b. Return to limited duty pending further examination at a later date.
- c. Continued hospitalization pending another examination at a later date.
- d. Discharge by reason of physical disability upon determination that such disability existed prior to entry and not aggravated.
- e. Discharge by reason of unsuitability. See current edition of BUMEDINST 1910.2.
- f. Referral of the case to a physical evaluation board (PEB).

3. Convening authority. A medical board may be appointed by the Commandant of the Marine Corps, commanding generals of Fleet Marine Force Commands or commanding officers of a shore field activity of the Department of the Navy. Normally, medical boards are convened by commanding officers of the naval hospitals at which the Marine is a patient. No Marine on active duty shall be referred to a medical board until he has been admitted to the sicklist.

4. Composition. A medical board, whenever practicable, shall consist of three medical officers of the Navy, otherwise, the board may consist, in whole or in part, of medical officers of the Army, Navy, Air Force, or of the Public Health Service. When the Marine before the board is a reservist, the membership of the board shall include Reserve representation, if available.

5. Procedure. The board shall meet to consider and report upon the case of a Marine who is referred to it by competent authority. There are no specific statutes or administrative holdings prescribing the procedure to be followed by medical boards. Hence, meetings and proceedings may be conducted informally and it is not required that the information upon which the findings of the board are based meet standards of admissibility, as evidence in a judicial proceeding.

6. Report. The medical board report shall be submitted to the convening authority. The facts should be presented briefly and concisely but in sufficient detail to permit subsequent processing on the record.

7. Action by the convening authority.

- a. If the indicated disposition is appearance before a physical evaluation board and the convening authority concurs and is the commanding officer of a naval hospital or the Commandant of the Fourteenth Naval District he shall endorse and forward the medical board report to the nearest physical evaluation board. (See figure 10-2.)

- b. When the convening authority of the medical board is other than the above and appearance before a physical evaluation board is the indicated disposition, the board report should be forwarded to the Commandant of the Marine Corps via the Chief, Bureau of Medicine and Surgery (BUMED) for appropriate action.

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MAILING ADDRESSES OF PHYSICAL EVALUATION BOARDS

First Naval District
U. S. Naval Hospital
Chelsea, Massachusetts 02150

Third Naval District
U. S. Naval Hospital
St. Albans, L. I., New York 11425

Fourth Naval District
U. S. Naval Hospital
17th St. and Pattison Avenue
Philadelphia, Pennsylvania 19145

Fifth Naval District
U. S. Naval Hospital
Portsmouth, Virginia 23709

Sixth Naval District
U. S. Naval Hospital
U. S. Naval Base
Charleston, South Carolina 29408

Ninth Naval District
Building 1,
Great Lakes, Illinois 60088

Eleventh Naval District
U. S. Naval Hospital
San Diego, California 92134

Twelfth Naval District
U. S. Naval Hospital
Oakland, California 94627

Headquarters Marine Corps
Henderson Hall, Building #3
Washington, D. C. 22214

U. S. Naval Hospital
Camp Lejeune, North Carolina 28542

U. S. Naval Hospital
Camp Pendleton, California 92055

Note:

Address all correspondence to Senior Member.

EXAMPLE: Senior Member
Physical Evaluation Board
Headquarters, Ninth Naval District
Great Lakes, Illinois 60088

Figure 10-2

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c. When the indicated disposition is appearance before a physical evaluation board and the convening authority of the medical board does not concur the convening authority shall advise the Marine concerned and afford him an opportunity to submit a statement in rebuttal. The convening authority shall then forward the medical board report with statements to the Commandant of the Marine Corps via the Chief, Bureau of Medicine and Surgery for determination.

d. Should the senior member of the physical evaluation board advise the convening authority of the medical board in a case where the Marine is retained on the sicklist pending physical evaluation proceedings, and that Marine has requested personal appearance before the physical evaluation board, the convening authority shall issue orders without delay directing the member to appear before the board.

e.- The issuance of orders and subsequent entitlement to travel and transportation allowance is dependent upon the medical status of the Marine. As long as the Marine remains on the sicklist and is properly classified as a patient he is entitled to transportation through medical channels; e.g., the DOD established Armed Services Medical Regulating Office (ASMRO). Marines whose cases have been referred to a physical evaluation board shall not be retained on the sicklist solely for the purpose of appearance before a physical evaluation board. If further hospitalization is not indicated, the Marine shall be discharged from the sicklist and transferred to an appropriate administrative command. In those instances and when such orders involve entitlement to travel and transportation allowance and transportation is not available through medical channels, the orders shall be issued in accordance with MCO P5000.3, Marine Corps Personnel Manual, chapter 5.

f. Provided the medical board so recommends and the convening authority of the medical board concurs commanding generals and commanding officers of Marine Corps activities within the United States (less Hawaii and Alaska) are authorized to discharge Marines on active duty including active duty for training by reason of physical disability. See paragraph 10404 of this chapter.

g. Provided the medical board so recommends and the convening authority of the medical board concurs commanding generals and commanding officers of Marine Corps Activities within the United States (less Alaska and Hawaii) are authorized to discharge Marines for character and behavior disorders of intelligence. See paragraph 10405 of this chapter.

8. Statement of Service. The authority responsible for directing the Marine to appear before a physical evaluation board shall request a statement of service for the Marine from his administrative command.

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10103 PHYSICAL EVALUATION BOARDS

1. General. Disability Separation Manual chapter 4, contains full instructions relevant to physical evaluation boards. The following paragraphs contain information applicable to the administrative responsibilities of commanding officers in the cases of Marines appearing before physical evaluation boards.

2. Purpose. Physical evaluation boards are constituted to afford a full and fair hearing incident to evaluate on of the physical fitness of Marines and former Marines to perform the duties of their office, grade, rank or military occupational specialty; to investigate the nature, cause, degree and probable permanency of disabilities presented by such members and to make recommended findings appropriate thereto. No Marine shall be separated or retired because of physical disability from an active duty status without a hearing before a physical evaluation board unless such hearing is waived by the Marine concerned. No Marine shall be separated or retired because of physical disability from an inactive duty status without a hearing before a physical evaluation board should the Marine demand it. Physical evaluation boards are not a function of the Bureau of Medicine and Surgery, but a function of the naval service as a whole. The board is not a part of the hospital at which it meets although the hospital administratively supports the needs of the physical evaluation board.

3. Convening authorities. The Secretary of the Navy and such officers as he may designate may convene physical evaluation boards. The following officers are among those so designated:

- a. Commandant of the Marine Corps.
- b. Commandant of the First, Third, Fourth, Fifth, Sixth, Eighth, Ninth, Eleventh, Twelfth and Thirteenth Naval Districts.
- c. Commanding General, Marine Corps Base, Quantico, Virginia.
- d. Commanding General, Marine Corps Base, Camp Pendleton, California.
- e. Commanding General, Marine Corps Base, Camp Lejeune, North Carolina.
- f. Commanding General, Marine Corps Recruit Depot, Parris Island, South Carolina.

4. Composition. A physical evaluation board is composed of three competent and mature commissioned officers, one of whom is a medical officer and two of whom are Marine field grade officers who are familiar with physical evaluation procedures, regulations and instructions of physical evaluation boards. When the Marine is a Reserve, a majority of the members of the board shall be Reserve officers, if available. When the Marine is a female, a female Marine officer shall be substituted for a male Marine officer.

5. Counsel. The counsel for the physical evaluation board and the counsel for the Marine shall be competent, mature officers of sound judgement, familiar with procedures, regulations and instructions relating to the physical evaluation

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board. Where counsel for the board is a member of the bar of a Federal court or the highest court of a state, counsel for the party shall be an officer or civilian with similar qualifications.

6. Proceedings. The proceedings of physical evaluation boards shall be conducted in accordance with Disability Separation Manual, chapter 4 and the Judge Advocate General Manual, chapter IV, insofar as practicable except that oath or affirmation need not be administered to the members of the board or the counsel.

7. Personal appearance. When the Marine concerned demands a full and fair hearing he shall appear personally before the board unless there is an opinion by a medical board or a determination by the physical evaluation board that to do so would be detrimental to his health. In addition to the fact that it may constitute a military offense, failure to appear when so directed or authorized shall be considered as a waiver of the Marine's right to appear before the board unless it is reasonably shown that such failure was through no fault of the Marine. The board may at its discretion, however, waive the appearance of the Marine if so requested in writing by the Marine. Such request must be appended to the record of proceedings of the board.

8. Prima facie findings. In all cases except wherein the Marine is mentally incompetent the physical evaluation board shall review all pertinent documentary evidence and make prima facie recommended findings which shall be referred to the Marine. The Marine shall be allowed two working days to advise the physical evaluation board, in writing, whether the prima facie findings are acceptable to him. If the Marine accepts the prima facie findings and states in writing that he does not demand a full and fair hearing, the board, without conducting further proceedings, shall forward all records, together with the Marine's statement of acceptance and the prima facie findings, to the Physical Review Council. In the event that the prima facie findings are not acceptable to the Marine, and he so demands, he shall be afforded a full and fair hearing before the board.

9. Recommended findings. The physical evaluation board shall make recommended findings. The Marine shall be advised that recommended findings are advisory only and are not final or conclusive until disposition of the case has been effected pursuant to the direction of the Secretary of the Navy. The recommended findings may be:

- a. Fit for duty
- b. Physically unfit to perform duties, and if so, the board will further find:
 - (1) Conditions rendering the Marine unfit and constituting the physical disability.
 - (2) If disability incurred while entitled to basic pay.
 - (3) If disability is not due to intentional or willful neglect and was not misconduct nor incurred during a period of unauthorized absence.

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(4) If disability is the proximate result of active duty, or was incurred in line of duty in time of war or national emergency in cases of Marines with less than 3 years service.

(5) The percentage of disability.

(6) If disability either is permanent or may be permanent.

10. Rebuttal. The Marine will be given a copy of the physical evaluation boards proceedings which will be explained to him by his counsel. The Marine shall be afforded five days, exclusive of Sundays and holidays, in which to file a rebuttal.

11. Forwarding record of proceedings. The complete proceedings record of the physical evaluation board, together with all documents which were before the board shall be submitted to the Physical Review Council.

12. Pending disciplinary action. Personnel who have disciplinary action pending or who are being investigated for possible misconduct must not be ordered before a physical evaluation board without specific approval of the Commandant of the Marine Corps (Code DMB).

13. Marines declared mentally incompetent while in hands of civil authorities. Occasionally, Marines in hands of civil authorities will be declared, by those civil authorities, not responsible for their acts because of mental incompetency. These Marines, may or may not be referred to a civil mental institution for confinement or treatment. In any event, these cases are to be referred to the Commandant of the Marine Corps (Code DMB) for determination of disposition. Normally, the Commandant of the Marine Corps will refer these cases to a physical evaluation board for a hearing on the record. Any information obtained from the civil authorities which is pertinent to the Marine's present state of health should be included in the report to the Commandant of the Marine Corps (Code DMB).

14. Reservists on inactive duty. The law, section 1204, Title 10, U. S. Code, provides that a reservist found physically unfit as a proximate result of active duty will be accorded rights and benefits as a Marine on active duty. These cases should be processed in accordance with paragraph 8012 of this manual. While injury incurred on inactive duty training for any period of time is normally considered a proximate result of active duty, each determination must depend upon the facts of the particular case. Accordingly, sufficient evidence must be presented so as to permit a prudent determination in respect to the resolution of the "proximate result" question. Upon receipt of the case, the Commandant of the Marine Corps will determine the method of disposition based upon the foregoing and the recommendation of the Chief, Bureau of Medicine and Surgery.

10104 PHYSICAL REVIEW COUNCIL

1. Purpose. The Physical Review Council reviews the proceedings and recommended findings of physical evaluation boards.

2. Convening authority. The Secretary of the Navy shall convene the Physical Review Council.

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3. Composition. When reviewing cases involving Marine Corps personnel, the membership of the Physical Review Council shall consist of the Director of Personnel, Marine Corps, the Chief, Bureau of Medicine and Surgery, and the Judge Advocate General or their designated representatives. It is the duty of each member to advise the other members of the Council concerning those aspects of the proceedings and recommended findings of a physical evaluation board which fall within his area of responsibility or technical specialty.

4. Procedures. Each record of physical evaluation board proceedings referred to the Physical Review Council is reviewed. No Marine ever appears in person before the Physical Review Council. The Physical Review Council may take any one of the following actions.

a. If the Council agrees that the physical evaluation board findings are correct, the case is forwarded to the Secretary of the Navy for final action.

b. In the event the Council agrees that the physical evaluation board findings are not correct and that substitute findings as determined by the Council are not substantially detrimental to the Marine, the case is forwarded to the Secretary of the Navy for final action.

c. The council may request further information, in which instance, the case is returned directly to the physical evaluation board.

d. The Council may forward any case to the Naval Physical Disability Review Board for further consideration.

5. Action relative to the Temporary Disability Retired List. The Council also serves to review and evaluate the physical fitness of Marines on the Temporary Disability Retired List. See part C, this chapter.

10105 NAVAL PHYSICAL DISABILITY REVIEW BOARD

1. Purpose. The Naval Physical Disability Review Board is established to review disability cases which are referred by the Physical Review Council and certain other cases of former Marines. For further information see Disability Separation Manual, chapter 6. The board considers the issues before it in conformity with accepted medical principles, pertinent law and regulation and established personnel policies. The Board will take one of the following actions and forward the case to the Judge Advocate General for transmission to the Secretary of the Navy.

a. Concur with Physical Review Council.

b. Concur with recommendations of the Physical Evaluation Board.

c. Concur with the requests contained in the rebuttal submitted by the Marine being evaluated.

d. Specify new findings and recommendations.

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2. Convening Authority and Composition. The Secretary of the Navy shall convene the Naval Physical Disability Review Board. The Board consists of five commissioned officers, two of whom shall be medical officers, and when considering cases involving Marines, three Marine officers of lieutenant colonel or colonel ranks. A recorder also serves with the Board.

10106 ACTION BY THE SECRETARY OF THE NAVY

1. The findings and the recommendations with respect to the physical disability evaluation system pursuant to statutory authority have no legal effect until approved by the Secretary of the Navy. The Judge Advocate General, the deputy Judge Advocate General, the Assistant Judge Advocate General (Civil Law), or the Deputy Assistant Judge Advocate General (P & R) may, for the Secretary, approve the findings in the majority of the cases processed. This authority is permissive and does not prevent the referral of any case to the Secretary.

2. Normally the effective date of retirement is specified by the Commandant of the Marine Corps, but the date shall be no later than the first day of the month following the month during which final disposition was directed by the Secretary.

3. Relief from the executed final disposition may be granted by the Secretary of the Navy. The filing of a petition for relief must be in accordance with Disability Separation Manual, chapter 7 and shall have no effect upon the case until the Secretary so directs.

10107 DISPOSITION OF PERSONNEL AWAITING FINAL DETERMINATION OF PHYSICAL
DISABILITY

1. A Regular or a reservist on active duty for more than 30 days whom a physical evaluation board finds unfit for duty and that continued treatment is not warranted may, subject to his consent, be ordered home to await final disposition of his physical evaluation board proceedings. Commanders should utilize, consistent with his disability, the services of any Marine who does not desire to be ordered home to await disposition.

2. Commanders will issue permanent change of station orders directing an enlisted Marine to proceed to his home to await final disposition of his physical evaluation board proceedings provided these conditions exist:

a. A physical evaluation board has recommended that the Marine be found unfit to perform the duties of his grade and the member has signed a statement that he accepts the prima facie findings and does not demand a full and fair hearing or that he has already appeared in person at a full and fair hearing.

b. The commanding officer of the naval hospital at which the board is held considers that further hospitalization and treatment are not required.

c. The Marine so ordered home agrees to liquidation of accrued leave while he is home awaiting final disposition.

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3. Orders for officers desiring to be ordered home to await final action will be requested by message from the Commandant of the Marine Corps (Code DFA).

4. Enlisted Marines will be issued orders in accordance with the format contained in figure 10-3 and the provisions of Disability Separation Manual, chapter 5. This paragraph will be used as the authority. Orders involving travel in Alaska, Hawaii, or outside the United States will be requested by message from the Commandant of the Marine Corps (Code DMB).

5. Enlisted Marines ordered home or to a point of selection to await final disposition shall be entitled to payment of basic allowance for subsistence for the period following the date and hour of arrival home to include the date of separation from active duty. Marines without dependents will be entitled to basic allowance for quarters from and including the date of arrival home to include the date of separation from active duty. Marines with dependents will continue to be entitled to basic allowance for quarters as prescribed by current regulations to include the date of separation from active duty. The date of arrival home for the purpose of crediting subsistence and quarters allowances will be determined by the disbursing officer on the basis of the Marine's itinerary or constructive rail travel via the shortest usually traveled route, utilizing the one which requires the least travel time. For more comprehensive information consult the Military Pay and Allowances Entitlements Manual.

6. The unused leave balance of a Marine's record will be reduced for time spent at home awaiting final disposition, commencing the day after the date of actual arrival home or the date following the constructive date of arrival home based on the shortest usually traveled route, whichever is earlier.

7. Transportation of dependents and household effects is authorized under change of station orders issued pursuant to the authority provided by this paragraph for a distance not to exceed that from the old station to the home of record. Marines must be advised that since entitlement to transportation of dependents and household effects will not accrue unless and until the Marine is retired either permanently or temporarily or otherwise separated, that transportation allowance for dependents and cost of the shipment of household effects may be at his expense should the Secretary of the Navy ultimately find him fit for duty. Mileage and other transportation allowances, including transportation of dependents and household effects, are settled or adjusted in accordance with the provisions of Joint Travel Regulations and Navy Travel Instructions upon actual separation or retirement, permanent or temporary.

8. A claim for reimbursement for travel performed by dependents incident to change of station orders issued under this authority will be submitted to the disbursing officer maintaining the Marine's pay record. A claim for reimbursement for travel performed by dependents incident to the Marine's retirement, permanent or temporary, or separation will be submitted to the Examination Division, Marine Corps Finance Center, Kansas City, Missouri 64197 and will be supported by the original and two certified copies of the change of station orders, plus the original and two certified copies of:

a. The retirement orders, or

b. The Voucher or Claim for Dependent Travel and Dislocation or Trailer allowance (DD Form 1351-4). When a Marine who has dependents is detached from his permanent duty station by orders issued pursuant to this authority, the disbursing officer will advise him of the procedures for submitting claims for transportation of dependents and will furnish sufficient copies of DD Form 1351-4.

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9. Commanders will collect and destroy the Marine's identification card (DD Form 2MC) and issue, in lieu thereof, an identification card (DD Form 2MC) valid for 120 days. Should final disposition exceed 120 days, commanders will issue at the request of the Marine and subsequent to the expiration date of the card another identification card valid for 60 days. If appropriate, a retired identification card (DD Form 2MC (Ret)) will be issued at the time of separation in accordance with the instructions of MCO P1070.8, IRAM, paragraph 2004.

10108 VOLUNTARY SEPARATION PRIOR TO COMPLETION OF FINAL DISPOSITION ON PHYSICAL
DISABILITY PROCEEDINGS

1. A Regular or a reservist who has been ordered to active duty for more than 30 days, excluding involuntary active duty training for 45 days, should not be discharged or released upon expiration of active duty if medical treatment or disability proceedings have not been completed. If such a Marine requests separation despite this circumstance and prior to final action by the Secretary of the Navy, he will be instructed that the law, chapter 61 Title 10 U. S. Code requires that to be eligible for physical disability retirement or discharge with severance pay, he must be in receipt of basic pay at the time the Secretary of the Navy makes the necessary physical disability determination and that separation prior to that time may prejudice his case. If after this explanation the Marine still persists in his request for separation, the following entry will be made in the service record book on page 11:

"I request that I be discharged (released from active duty) despite the explanation which has been given me, that in order to be eligible for physical disability retirement or discharge with severance pay I must be entitled to basic pay at the time the Secretary of the Navy makes his determination in my case. Notwithstanding possible prejudice in my case, I still desire separation."

a. This entry must be dated and signed by the individual and witnessed by an officer prior to actual separation. If the Marine refuses to sign such a statement, an entry of such refusal shall be made prior to the time that his separation is effected and the Commandant of the Marine Corps (Code DMB) informed. In all cases involving transfer to the Marine Corps Reserve and/or release from active duty a certified true copy of the Marine's statement will be forwarded to the Commandant of the Marine Corps (Code DMB) immediately upon separation.

b. Any Marine who is contemplating waiving his rights pursuant to this paragraph should be counseled by an officer-lawyer.

2. In the case of officers, if orders for voluntary separation or retirement have been received, the Commandant of the Marine Corps (Code DMA) will be informed of the circumstances by message. Separation or retirement which is mandatory under the law cannot be deferred beyond the date established by law; therefore, a report in those cases is not required.

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10109 ACTIVE DUTY FOR PHYSICALLY RESTRICTED PERSONNEL

1. The Commandant of the Marine Corps may recommend to the Secretary of the Navy that a Marine, particularly one with over 18 but less than 20 years of active service, be permitted to continue on active duty in an appropriate limited assignment. A Marine so continued on active duty must be unfit because of physical disability with a basically stabilized condition, or one in which accepted medical principles indicate a slow progression of the disabling condition. He must be able to maintain himself in a normal military environment, without adversely affecting his health or the health of other Marines, or requiring an inordinate amount of medical care. Additionally the Marine must request in writing that he be retained.
2. Marines, particularly those with over 20 years of active service, will not be continued on active duty solely to increase their monetary benefits, nor will they be continued unless their employment is justified as being of value to the Marine Corps.
3. A Marine continued on active duty under these provisions shall be closely observed to assure that further continuance, or conversely, separation, is consonant with the best interests of the Marine and Marine Corps. When a Marine becomes unable to perform his duties in a limited duty assignment, he shall be admitted to a naval hospital for observation, treatment, and appropriate disposition.
4. Marines retained on limited duty pending reevaluation at a later date will be assigned in accordance with the specific instructions contained in the Commandant's endorsement of the medical board report. Care must be exercised to ensure that the Marine is reevaluated within the month designated by the Commandant.

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BOARD PROCEEDINGS

UNIT HEADING

DATE

From: Commanding Officer
To: Staff Sergeant James DOE 914141/0369 USMC
Subj: Orders to proceed home pending final disposition of Physical Evaluation Board proceedings
Ref: (a) MCO P1900.16
Encl: (1) Form for reporting itinerary of travel (DD Form 1351-2)
(2) Form for reporting itinerary of travel (DD Form 1351-2)

1. In accordance with authority contained in reference (a), and upon discharge from treatment at the U. S. Naval Hospital, you will stand detached from your present station and duties; will proceed to your home or such other place as you may select (MCC W95) and await orders pending final disposition on the physical evaluation board proceedings in your case. Your home of record is shown as Boston, Massachusetts.* You will continue to be carried on the rolls of this organization. You will at all times keep your commander informed of your current address. (Any travel performed by you in excess of that from your last duty station to your home of record will be at your own expense.)

2. When placed on the retired list or when discharged, your leave record will be balanced as of the day prior to the date you are placed on the retired list, or to include the date of your discharge. Time spent awaiting orders will be debited to your leave record. You will be entitled to cash settlement of any balance of unused leave remaining to your credit after deduction for the period of time spent awaiting orders.

3. Your pay record will be retained by the Disbursing Officer (mailing address of disbursing officer carrying pay record), during the period while you are at home awaiting final action on your case. In order that the disbursing officer may properly adjust your pay record and make reimbursement for travel performed, you will, upon arrival at destination, complete enclosure (1) and return it to the disbursing officer maintaining your pay record. During the period while awaiting final action on your case, all correspondence on matters relating to your pay and allowances will be addressed to the disbursing officer maintaining your pay record.

4. In the event you are notified by your commander that you have been found fit for duty, or if your commander notifies you to return to your station of duty for further hearing, these orders will remain in effect for the return travel involved. Upon completion of return travel, you will complete enclosure (2) submitting it together with the original and two (2) certified copies of these orders to the disbursing officer maintaining your pay record.

Figure 10-3

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DATE

5. **TravChar appn 1781105.2754, MPMC-68, BCN 45690, AAA 27, CC 74123 enl tvl, 74160 depns tvl (enl entl), 74162 trans HHE (enl entl).

J. K. SMITH
By direction

* When the individual elects to proceed to a place other than home of record, the second sentence of paragraph 1 will be modified to read: "Your home of record is shown as Boston, Massachusetts, and you have elected to proceed to Washington, D. C."

**See Marine Corps Order 7301 series for accounting date for subsequent fiscal year.

Figure 10-3--Continued.

MARINE CORPS
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PART B: PHYSICAL DISABILITY RETIREMENTS

10201 AUTHORITY

1. Sections 1201 and 1204, Title 10, U. S. Code provide that the Secretary of the Navy may retire certain members who are considered unfit to perform duties of their office, grade, rank or rating because of a permanent physical disability. See table 10-2 for eligibility determination.

10202 DISPOSITION INSTRUCTIONS

1. General

a. Expeditious handling of the administrative procedures attendant to the separation or retirement of disabled Marines is an integral part of the Marine Corps policy and it is incumbent upon each commander to exercise such policy with utmost consideration for the Marine.

b. In order not to inadvertently deprive Marines from receiving maximum benefits, it is necessary that action be accomplished to effect retirements at the earliest practicable date as Veterans' Administration compensation for Marines with high disability ratings may substantially exceed active duty pay or physical disability retired pay.

c. Prior to retirement a Marine may be authorized hospitalization at a Veterans' Administration hospital. Inasmuch as this authorization is based upon the provision that the Marine must be on active duty at time of admission, premature retirement may preclude this hospitalization. It becomes imperative that retirement of such personnel be held in abeyance and the Commandant of the Marine Corps be immediately notified.

d. The Commandant of the Marine Corps (Code DM) will direct by message the cognizant command and the Marine Corps Finance Center to effect disability separation. This notification will contain the Marine's service number, date of release from active duty, date of retirement or transfer, date active pay and allowances terminate, percent of disability and appropriation data.

2. Specific. To effect retirement of Marines for permanent physical disability, commanding officers will accomplish the instructions outlined below:

a. If the Marine is not attached to the local command, immediately readdress message to his current command for appropriate action. An information copy must be provided to the Commandant of the Marine Corps (Code DM) and the Marine Corps Finance Center.

b. If the Marine is a member of the local command commence separation processing without delay.

(1) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is prior to the date of retirement, provide date required by subparagraph 2a above, and readdress the retirement message from the Commandant of the Marine Corps to the Marine's new administrative command for action.

MARINE CORPS
SEPARATION AND RETIREMENT MANUALFORMAT FOR ACKNOWLEDGING CMC MESSAGES DIRECTING RETIREMENT BY REASON OF
PHYSICAL DISABILITY

FROM: (ORGANIZATION)

TO: MCFC KSC

INFO: CMC

UNCL

FOR CODE DMB

1. CMC (DATE TIME GROUP) REFERS
2. A. NAME
- B. GRADE
- C. SERNO/MOS
- D. PAY ENTRY BASE DATE
- E. YEARS OF ACTIVE SERVICE (YEARS, MONTHS, DAYS)
- F. CURRENT MAILING ADDRESS.

OR

2. (NAME SERNO) NOT A MBR THIS COMMAND. YOUR (DATE TIME GROUP)
READDRESSED TO (ORGANIZATION)

OR

2. SEPARATION INFO REQUIRED. NO SRB AVAILABLE.
3. ABOVE MBR(S) HAVE BEEN RETIRED (OR TRANSFERRED TO THE TEMP DISABILITY
RETIRED LIST) AS DIR THIS DATE.

OR

3. PLEASE FORWARD RETIREMENT TO THIS COMMAND ASAP IN ORDER THAT PERSONAL
DELIVERY AT APPROPRIATE RETIREMENT CEREMONY ON (DATE OF RETIREMENT)
MAY BE ACCOMPLISHED.

Figure 10-4

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SEPARATION AND RETIREMENT MANUAL

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(2) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is subsequent to the date of retirement, immediately advise the Commandant of the Marine Corps (Code DM) of the effective date of transfer to the Veterans' Administration hospital.

c. On the date of retirement or transfer, provide the Marine Corps Finance Center, with the Commandant of the Marine Corps (Code DM) as an information addressee, with required personal data of the Marine, using the appropriate message format contained in figure 10-4. Items of information required are:

- 1 Name
- 2 Grade
- 3 Service Number/MOS
- 4 Pay Entry Base Date
- 5 Years, Months and Days of Active Service
- 6 Current Mailing Address
- 7 Date of Retirement or Transfer to TDRL

d. Issue retirement orders using the format contained in figure 10-5. Furnish the local disbursing officer settling the pay account a copy of the Commandant of the Marine Corps' notification message and two copies of the retirement orders immediately upon issuance. Additionally furnish the leave record and any other administrative information necessary to close the active duty pay account to the disbursing officer. The effective date of retirement is the day following the last day of active duty. Disability retirements are governed by law and must be effected as directed. Effecting a disability retirement on any date other than that directed is not authorized.

e. Notify those Marines who have been ordered home to await disposition of physical evaluation proceedings of the effective date of retirement, by message, on or before the effective date, and immediately mail the retirement orders direct to the individual.

f. In the event the service record book is not available, request from the Commandant of the Marine Corps (Code DM) in accordance with MCO P1070.8, IRAM, paragraph 4002, the required disability separation information utilizing the format contained in figure 10-4. Only disability separation information will be requested from the Commandant of the Marine Corps (Code DM). All other separation information will be requested from the Commandant of the Marine Corps (Code DGK).

10203 RETIRED PAY PROCEDURES

1. The Commanding Officer, Marine Corps Finance Center administers retired pay.
2. To terminate credit of active duty pay and allowances for those Marines retired for physical disability, the disbursing officer will:

a. Be furnished one copy of the notification message of the retirement from the Commandant of the Marine Corps by the cognizant commanding officer.

b. On or before the effective date of retirement, be furnished two copies of retirement orders and the Marine's leave record by the cognizant commanding officer.

MARINE CORPS
SEPARATION AND RETIREMENT MANUALFORMAT FOR ORDERS TRANSFERRING PERSONNEL TO THE RETIRED LIST

From:

To: Marine concerned

Subj: Retirement by Reason of Permanent Physical Disability

Ref: (a) 10 USC 1201 (or 1204)
(b) CMC msg _____
(c) MCO P1070.8 IRAM, par 2004

1. The Secretary of the Navy has determined that you are physically unfit to perform the duties of your grade and has directed that you be permanently retired by reason of physical disability under the provisions of references (a) and (b). You are released from all active duty at 2400 on _____, and transferred to the Retired List of the Marine Corps/Marine Corps Reserve effective _____. Your active duty pay accounts will be settled to include, _____. Your pay entry base date is _____. On (last day of active duty) you will have completed _____ years, _____ months and _____ days of active service.
2. Your disability is rated _____ percentum in accordance with the Schedule for Rating Disabilities in current use by Veterans' Administration, VA Code (s) _____.
3. Your home of record is _____.
4. Please keep the Commandant of the Marine Corps (Code DGH) informed of any change in your mailing address. This report is in addition to that required to be submitted for retired pay purposes. Detailed information based on provisions of law which are applicable in your case will be forwarded to your home address by the Commandant of the Marine Corps (Code DMB).
5. An identification card has been issued in accordance with reference (c).
6. Two copies of these orders should be furnished to the disbursing officer carrying your pay accounts. Your records indicate unused (excess) leave in the amount of _____ days on date of separation.
7. Expenditures under these orders are chargeable to appropriation _____.

Copy to:

CMC (Code DMB)

DisbO (2)

MCFC KSC (2)

NOTE: All items indicated by asterisk are contained in reference (b).

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TABLE 10-4

COMPUTING DISABILITY RETIRED PAY

R U L E	A	B	C
	If the Marine is being	take the higher monthly basic pay --	and multiply by
1	permanently retired (10 USC 1202 or 1204)	(1) of the highest temporary or permanent grade satisfactorily held, or (2) of the grade held on the day before he was retired or placed on the TDRL	2½ times the years of service credited to him or the per- centage of his disability on the date he retired or transferred to the TDRL (NOTE 2)
2	transferred to the TDRL (10 USC 1202 or 1205) (NOTE 1)		
3	removed from the TDRL and permanently retired (10 USC 1201 or 1204)		2½ times the years of service credited to him or the percentage of his disability at the time his name is removed from the TDRL (NOTE 2)

NOTE 1. For as long as the Marine is carried on the TDRL his retired pay will not be less than 50 percent of his monthly basic pay on which the computation is made.

NOTE 2. Six months service or more is credited as a whole year, less than six months service is disregarded.

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c. Contact the Marine retiree, by person or mail, to arrange for termination or continuation of allotments, as may be authorized.

d. Effect final settlement of all active duty pay and allowances.

e. After final verification and audit, transmit the active duty pay record by the most expeditious means to the Retired Pay Division, Marine Corps Finance Center, Kansas City, Missouri 64197.

3. To establish the Marine's retired pay account, the Marine Corps Finance Center will:

a. Be an information addressee for all messages of notification of retirements from the Commandant of the Marine Corps to the cognizant commanding officers.

b. Be an action addressee for all messages from the cognizant commanding officer furnishing personal data of the retiree.

c. Be furnished two copies of all retirement orders issued by the cognizant commanding officers.

d. Based on information provided by messages pertaining to retirements, prepare a Retired Pay Data Form (NAVMC HQ 613) for each disability retirement. The form will be forwarded direct to the retiree at his current mailing address for his election and completion. Correspondence relative to retired pay matters should be addressed to the Retired Pay Division.

4. A very basic computation of retired pay is presented in Table 10-4, Computing Disability Retired Pay.

10204 RETIREMENT DOCUMENTS

1. The Commandant of the Marine Corps will prepare and forward retirement documents as soon as possible which is normally 10 days after the Commandant has directed the field command to separate the Marine concerned.

2. In the event the Marine is physically present at a post or station the commander will so inform the Commandant of the Marine Corps (Code DM) utilizing the format shown in figure 10-4 requesting retirement documents to be forwarded to the post or station for delivery and appropriate ceremony. See subparagraph 13001.4 of this manual.

10205 RETIREMENT HONORS

1. Appropriate retirement honors will be extended to Marines retired for physical disability, particularly those with more than 20 years active service.

10206 CURRENT ADDRESS AND RESIDENCE

1. A Marine who is retired shall keep the Commandant of the Marine Corps (Code DGH) informed at all times of the address where mail and messages addressed to him will be received. This report of current address is in addition to the report submitted to the Marine Corps Finance Center, Retired Pay Branch, Kansas City, Missouri 64197 or Veterans' Administration for pay purposes.

2. Subject to the above requirement, a retired Marine may change his residence in the United States or may reside abroad except in belligerent countries.

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PART C: TEMPORARY DISABILITY RETIRED LIST (TDRL)

10301 AUTHORITY

1. Section 1376, Title 10, U. S. Code, requires the Secretary of the Navy to maintain a Temporary Disability Retired List (TDRL) containing the names of Marines transferred to the TDRL pursuant to sections 1202 and 1205, 10 U.S. Code.

10302 COMPOSITION

1. The Commandant of the Marine Corps (Code DM) is responsible for maintaining the TDRL. The list consists of Marines found to be unfit for performance of military duty because of physical disability which may be permanent, but which has not sufficiently stabilized to permit an accurate evaluation of a permanent degree of severity.

10303 TRANSFER TO THE TDRL

1. General

a. Expeditious handling of the administrative procedures attendant to the transfer to the Temporary Disability Retired List of disabled Marines is an integral part of Marine Corps policy and it is incumbent upon each commander to exercise such policy with utmost consideration for the Marine.

b. In order not to inadvertently deprive Marines from receiving maximum benefits, it is necessary that action be accomplished to effect retirements at the earliest practicable date as Veterans' Administration compensation for Marines with high disability ratings may substantially exceed active duty pay or physical disability retired pay.

c. Prior to transfer to the Temporary Disability Retired List a Marine may be authorized hospitalization at a Veterans' Administration hospital. Inasmuch as this authorization is based upon the provision that the Marine must be on active duty at time of admission, premature transfer to the Temporary Disability Retired List may preclude this hospitalization. It becomes imperative that transfer to the TDRL of such personnel be held in abeyance and the Commandant of the Marine Corps be immediately notified.

d. The Commandant of the Marine Corps (Code DM) will direct by message the cognizant command and the Marine Corps Finance Center to effect disability separation. This notification will contain the Marine's service number, date of release from active duty, date of retirement or transfer, date active pay and allowances terminate, percent of disability and appropriation data.

2. Specific. To effect transfer of a Marine to the TDRL, commanding officers will accomplish the instructions outlined below:

a. If the Marine is not attached to the local command, immediately readdress message to his current command for appropriate action. An information copy must be provided to the Commandant of the Marine Corps (Code DM) and the Marine Corps Finance Center.

b. If the Marine is a member of the local command commence separation processing without delay.

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(1) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is prior to the date of transfer to the TDRL, provide data required by subparagraph 2a above and readdress the retirement message from the Commandant of the Marine Corps to the Marine's new administrative command for action

(2) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is subsequent to the date of transfer to the TDRL, immediately advise the Commandant of the Marine Corps (Code DM) of the effective date of transfer to the Veterans' Administration hospital.

c. On the date of retirement or transfer, provide the Marine Corps Finance Center, with the Commandant of the Marine Corps (Code DM) as an information addressee, with required personal data of the Marine, using the appropriate message format contained in figure 10-4. Items of information required are:

- 1 Name
- 2 Grade
- 3 Service Number/MOS
- 4 Pay Entry Base Date
- 5 Years, Months and Days of Active Service
- 6 Current Mailing Address
- 7 Date of Retirement or Transfer to TDRL

d. Issue orders using the format contained in figure 10-6. Furnish the local disbursing officer settling the pay account a copy of the Commandant of the Marine Corps' notification message and two copies of the transfer orders immediately upon issuance. Additionally furnish the leave record and any other administrative information necessary to close the active duty pay account to the disbursing officer. The effective date of transfer is the day following the last day of active duty. Temporary disability retirements are governed by law and must be effected as directed. Effecting a temporary disability retirement on any date other than that directed is not authorized.

e. Notify those Marines who have been ordered home to await disposition of physical evaluation proceedings of the effective date of retirement, by message, on or before the effective date and immediately mail the retirement orders direct to the individual

f. In the event the service record book is not available, request from the Commandant of the Marine Corps (Code DM) in accordance with MCO P1070.8, IRAM, paragraph 4002, the required disability separation information utilizing the format contained in figure 10-4. Only disability separation information will be requested from the Commandant of the Marine Corps (Code DM). All other separation information will be requested from the Commandant of the Marine Corps (Code DGK).

10304 TDRL PAY PROCEDURES

1. The Commanding Officer, Marine Corps Finance Center, administers the pay of all Marines placed on the TDRL.

2. To terminate credit of active duty pay and allowances for those Marines retired for physical disability, the disbursing officer will:

a. Be furnished one copy of the notification message of the retirement from the Commandant of the Marine Corps by the cognizant commanding officer.

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FORMAT FOR ORDERS TRANSFERRING PERSONNEL TO THE TEMPORARY DISABILITY RETIRED LIST

FROM:

TO: Marine concerned

Subj: Transfer to the Temporary Disability Retired List

Ref: (a) 10 USC 1202 (or 1205)
(b) CMC
(c) MCO P1070.8, IRAM, par 2004

1. The Secretary of the Navy has determined that you are physically unfit to perform the duties of your grade and has directed that you be temporarily retired by reason of physical disability under the provisions of references (a) and (b). You are released from all active duty at 2400 on _____*, and transferred to the Temporary Disability Retired List effective _____. Your active duty pay accounts will be settled to include _____. Your pay entry base date is _____. On (last day of active duty) you will have completed _____ years, _____ months and _____ days of active service.

2. Your disability is rated at _____* percentum in accordance with the Schedule for Rating Disabilities in current use by the Veterans' Administration, VA Code(s) _____*.

3. You should receive orders to report to a military medical facility for a periodic physical examination at least once every 18 months to determine whether the disability for which you are temporarily retired has stabilized or changed. Your failure to report for a scheduled physical examination may result in termination of your retired pay unless you can establish good and sufficient reasons for not reporting. Detailed information based on provisions of law which are applicable in your case will be forwarded to your home address by the Commandant of the Marine Corps (Code DMB).

4. Your home of record is shown as _____.

5. Please keep the Commandant of the Marine Corps (Code DGH) informed of any change in your mailing address. This report is in addition to that required to be submitted for retired pay purposes.

6. An identification card has been issued you in accordance with reference (c).

7. Two copies of these orders will be furnished to the disbursing officer carrying your pay accounts. Your records indicate unused (excess) leave in the amount of _____ days on date of separation.

8. Expenditures under these orders are chargeable to appropriation _____*
_____.

Copy to:
CMC (Code DMB)
MCFC KSC (2)
DisbO (2)

*NOTE: All items indicated by asterisk will be provided by the CMC message which should be listed as reference (b) in these orders.

Figure 10-6

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Ch 1

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- b. On or before the effective date of retirement, be furnished two copies of retirement orders and the Marine's leave record by the cognizant commanding officer.
 - c. Contact the Marine retiree, by person or mail, to arrange for termination or continuation of allotments, as may be authorized.
 - d. Effect final settlement of all active duty pay and allowances.
 - e. After final verification and audit, transmit the active duty pay record by the most expeditious means to the Retired Pay Division, Marine Corps Finance Center, Kansas City, Missouri 64197.
3. To establish the Marine's retired pay account, the Marine Corps Finance Center will:
- a. Be an information addressee for all messages of notification of retirements from the Commandant of the Marine Corps to the cognizant commanding officers.
 - b. Be an action addressee for all messages from the cognizant commanding officer furnishing personal data of the retiree.
 - c. Be furnished two copies of all retirement orders issued by the cognizant commanding officers.
 - d. Based on information provided by messages pertaining to retirements, prepare a Retired Pay Data Form (NAVMC HQ 613) for each disability retirement. The form will be forwarded direct to the retiree at his current mailing address for election and completion. Correspondence relative to retired pay matters should be addressed to the Retired Pay Division.
4. A very basic computation of retired pay is presented in Table 10-4, Computing Disability Retired Pay.

10305 PERIODIC PHYSICAL EXAMINATION

1. The law requires that a Marine whose name has been placed on the TDRL shall be given a physical examination at least once every 18 months to determine whether there has been a change in the disability for which he was temporarily retired.
2. If a Marine on the TDRL fails to report as ordered for the required periodic physical examination, his disability retired pay may be terminated. Should he establish just cause for failure to report, payments may be reinstated and may be made retroactive not to exceed one year.
3. Marines who have waived retirement in order to receive compensation from the Veterans' Administration are still members of the Marine Corps and are required to undergo periodic physical examinations when ordered by the Commandant.

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4. Marines who are ordered to submit to a physical examination are entitled to travel and transportation allowances authorized for a Marine in his retired grade. See part E, chapter 5, volume 1, Joint Travel Regulations.

5. The Commandant notifies each member on the TDRL in sufficient time so as to permit the member a choice of examination place. Where voluntary selection is permitted, reimbursement may not exceed the amount authorized for travel and transportation to and from his home of record and the nearest military activity at which periodic examinations are conducted.

10306 DISPOSITION OF TDRL MEMBERS IN HANDS OF CIVIL AUTHORITIES

1. Whenever a Marine is undergoing confinement by civil authorities or is hospitalized in an institution under state or local control the report of the medical officer or medical assistant serving the confinement facility or institution may be submitted for the periodic physical examination. For detailed provisions, see Disability Separation Manual, chapter 9.

10307 CURRENT ADDRESS AND RESIDENCE

1. A Marine who is on the TDRL shall keep the Commandant of the Marine Corps (Code DGH) informed at all times of his current address where mail and messages addressed to him will be received. This report of current address is in addition to the report submitted to the Marine Corps Finance Center, Retired Pay Branch, Kansas City, Missouri 64197 or Veterans' Administration for pay purposes.

2. Subject to the above requirement, a Marine who is on the TDRL may change his residence in the United States or may reside abroad except in belligerent countries.

10308 REMOVAL FROM THE TDRL

1. After reevaluation as a result of any periodic physical examination, one of the following dispositions may be made.

- a. Retention on the Temporary Disability Retired List.
- b. Permanent retirement.
- c. Discharge with or without severance pay.
- d. Fit for return to duty.

2. Should the Marine be retained on the Temporary Disability Retired List, he will continue to be examined at intervals of 18 months. However, he must be finally reevaluated before the end of the 5-year period when final disposition must be made.

3. If the Marine has recovered from his disability to a degree that he is fit to perform his duties he may, subject to his consent, be reappointed to the active list or reenlisted, as appropriate. If a Marine does not consent to his reappointment or reenlistment, his status on the TDRL shall be terminated.

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PART D: DISABILITY DISCHARGES

10401 DISCHARGES WITH SEVERANCE PAY

1. Sections 1203 and 1206, Title 10, U. S. Code provide that certain Marines not eligible for retirement by reason of physical disability but who are nevertheless found unfit for duty by reason of physical disability may be discharged from the Marine Corps with severance pay. Eligibility requirements are contained in tables 10-3 and 10-4.

10402 DISCHARGES WITHOUT SEVERANCE PAY

1. A Marine who incurs a physical disability that, in the determination of the Secretary of the Navy, renders him unfit to perform the duties of his office, grade, rank, or military occupational specialty and which results from his intentional misconduct or willful neglect or which was incurred during a period of unauthorized absence shall be separated from the Marine Corps without entitlement to benefits under the law. Additionally, Marines unfit for retention on active duty because of physical disability which was neither incurred nor aggravated during any period in which the Marine was entitled to basic pay shall be discharged without severance pay.

10403 SEPARATION PROCEDURES FOR DISCHARGE WITH OR WITHOUT SEVERANCE PAY

1. The Commandant of the Marine Corps will direct discharge, with or without severance pay, of Marines by reason of physical disability. Upon receipt of the message directing discharge of a Marine, with or without severance pay, the cognizant commanding officer will advise the Commandant of the Marine Corps (Code DMB) of the actual date of discharge utilizing the format contained in figure 10-7.

2. In the case of transferred personnel, messages will be readdressed to the new command for appropriate action, providing an information copy to the Commandant of the Marine Corps (Code DMB) and the Marine Corps Finance Center.

10404 DISCHARGE FOR DISABILITIES EXISTING PRIOR TO SERVICE

1. The Disability Separation Manual and current edition of BUMEDINST 1910.2, provides information relative to medical boards convened for the purpose of discharging Marines for physical disability not incurred in or aggravated by service. Commanding generals and commanding officers of all Marine activities within the United States (less Alaska and Hawaii) are authorized to discharge enlisted or inducted members, of the Marine Corps and the Marine Corps Reserve, on active duty including active duty for training because of physical disability provided:

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- a. The Marine has appeared before a medical board and the board has stated affirmatively and specifically the opinion that the Marine is unfit for further service because of physical disability and that the physical disability was neither incurred in nor aggravated by a period of active military service. No Marine shall be discharged because of physical disability who does, in fact, meet the minimum standards for enlistment or induction.
- b. The convening authority of the medical board concurs in the above opinions of the board.
- c. The Marine has been fully advised, by the convening authority of the medical board, of his right to demand a full and fair hearing before a PEB prior to discharge.
- d. The Marine, after having been advised of his right to a full and fair hearing, certifies in writing, on form NAVMED 6100/3, that he does not demand such a hearing prior to discharge.
- e. There is no disciplinary action pending, including court-martial or investigative proceedings which might lead to court-martial, or uncompleted sentences of court-martial involving confinement or discharge.
- f. There is no administrative type discharge pending.
- g. There is no indication of drug addiction, alcoholism, homosexuality or criminalism.
- h. There is no evidence that the Marine is under investigation or is being processed as a security risk.

2. When the commander is of the opinion that a Marine qualified for discharge by reason of physical disability in accordance with this paragraph should be discharged by reason of unsuitability, unfitness, misconduct, or for other reason, the medical board report shall be forwarded to the Commandant of the Marine Corps via the Chief, Bureau of Medicine and Surgery for final action after the Marine has been processed in accordance with the administrative discharge provisions contained in chapter 6 of this manual.

10405 DISCHARGES FOR CHARACTER AND BEHAVIOR DISORDERS AS DETERMINED BY A
MEDICAL BOARD

1. The Disability Separation Manual and current edition of BUMEDINST 1910.2, provides information relative to medical boards convened for the purpose of discharging Marines for character and behavior disorders. Commanding officers of all Marine activities within the United States (less Alaska and Hawaii) are authorized to discharge enlisted or inducted members of the Marine Corps and Marine Corps Reserve, on active duty including active duty for training by reason of unsuitability because of character and behavior disorder; provided

- a. The Marine has appeared before a medical board and the board has stated affirmatively and specifically the opinion that functional usefulness is impaired to such an extent as to cause military unsuitability due to character and behavior disorder.

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b. The convening authority of the medical board concurs in the above opinion of the board.

c. The Marine does not have a diagnosis of dyssocial personality, enuresis, alcoholism, homosexual or other aberrant tendencies, combat exhaustion, drug addiction or acute situational maladjustment.

d. The Marine has less than 3 years continuous active service.

e. The Marine has been notified in writing of the findings and proposed recommended discharge action of the board.

f. The Marine indicates in writing on NAVMED 6100/2 that he has been informed in writing of the findings and proposed recommended discharge action of the board and does not desire to make a statement in his own behalf or rebut the board's findings and recommendations.

2. Discharge recommendations for character and behavior disorders as determined by a medical board are separate and distinctively different from administrative discharges by reason of unsuitability for character and behavior disorders pursuant to paragraph 6016 of this manual. That paragraph provides for the disposition of Marines via nonmedical channels by administrative discharge for unsuitability where appearance before a medical board is not required. Resolution of the issue of a Marine's unsuitability for military service, within the purview of this paragraph shall be determined by the cognizant medical authorities.

3. Marines separated pursuant to the provisions of this paragraph shall normally be discharged with an honorable or general discharge as warranted by the service record, by reason of unsuitability.

4. The authority for discharge is paragraph 10405, of this manual and BUMED INST 1910.2.

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FORMAT FOR REPLYING TO CMC DISCHARGE DIRECTIVES PURSUANT TO PHYSICAL DISABILITY

FROM: (ORGANIZATION)

TO: CMC

INFO: MCFC KSC

UNCLAS

FOR CODE DM

1. CMC (DATE TIME GROUP) REFERS

2. A. NAME.

B. GRADE.

C. SERNO.

D. (WILL BE) (HAS BEEN) DIS ON (DATE),

OR

2. SEPARATION INFORMATION REQUIRED ON FOLLOWING PERS NO SRB AVAIL,

OR

2. A. NAME.

B. SERNO.

C. NOT A MBR THIS COMMAND. YOUR (DATE TIME GROUP) READDRESSED TO
(ORGANIZATION).

Figure 10-7



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

MCO P1900.16 Ch 2
DM-cb
21 Nov 1969

MARINE CORPS ORDER P1900.16 Ch 2

From: Commandant of the Marine Corps
To: Distribution List

Subj: Marine Corps Separation and Retirement Manual (Short
Title: MARCORSEPMAN)

Encl: (1) New page inserts to MCO P1900.16
(2) List of effective pages

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

2. Cancellation. MCBul 1800 of 12 June 1969.

3. Summary of Changes

a. Changes in chapter 10 include minor but important procedural changes in the administration of disability separations.

(1) New paragraph 10406 authorizes the Commanding General, Marine Corps Base, Quantico, Virginia to discharge certain members of officer training programs found not physically qualified for retention and establishes the necessary administrative instructions thereto.

(2) New paragraph 10407 authorizes the Commanding General, Fourth Marine Aircraft Wing, directors of Marine Corps districts, and the Commanding Officer, Marine Corps Reserve Forces (Class III) to discharge certain reservists on inactive duty found not physically qualified for retention in the Marine Corps Reserve and establishes the necessary administrative instructions thereto.

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Further, paragraph 10407 contains authorization for certain reservists not on active duty to appear before physical evaluation boards at Government expense.

b. There are significant changes to chapter 11 contained in this Change relative to administrative processing of the DD form 214.

4. Action


a. Insert enclosure (1)

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

5. Change Notation. Significant changes contained in this Change are denoted by an arrow (►) symbol.

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

7. Certification. Reviewed and approved this date.


H. L. BECKINGTON
By direction

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ADMINISTRATIVE DIVISION
CHICAGO CENTRAL 11-16
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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

LIST OF EFFECTIVE PAGES

1. Missing pages should be requisitioned by utilizing this list and the attached form. This procedure will not be used to requisition basic publications or complete changes. Basic publications and complete changes shall be requisitioned in accordance with MCO P5600.31, section III, part 3, as modified by MCBul 5600 of 23 Jul 1969.

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ENCLOSURE (2)

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MARINE CORPS
SEPARATION AND RETIREMENT MANUAL

CHAPTER 1

ADMINISTRATIVE PROCEDURES FOR RETIREMENT OF REGULAR
COMMISSIONED OFFICERS AND WARRANT OFFICERS

1001 GENERAL

- ▶ 1. The provisions of this chapter are applicable to the retirements of commissioned officers and warrant officers of the Regular Marine Corps.
2. Retirements must be approved or directed by the President of the United States or the Secretary of the Navy.

1002 DEFINITIONS

1. Voluntary Retirement. Effective as a result of a request from a member who is eligible for retirement.
2. Involuntary Retirement. Mandatory under law and may not be deferred beyond the date directed by law or regulations.
- ▶ 3. Active Duty. Full-time duty in the active military service of the United States to include, full-time training duty, annual training duty, and active duty for training (10 USC 101).
- ▶ 4. Effective Date of Retirement. Notwithstanding other provisions of law, the Uniform Retirement Date Act requires that all retirements, except by reason of physical disability, shall become effective on the first day of a month (5 USC 8301, 10 USC 1221 and 1404).

1003 PHYSICAL EXAMINATIONS

- ▶ 1. Officers contemplating voluntary retirement and those subject to involuntary retirement shall complete a retirement physical examination not more than 6 months and not less than 3 months prior to the effective date of retirement. This physical examination should be accomplished far enough in advance of the prospective retirement date to permit correction of any minor physical defects, or if major defects are found, to permit completion of physical retirement proceedings prior to the scheduled retirement date. The time required for physical disability proceedings varies greatly, depending on the circumstances in each case. However, it may be expected that from 3 to 4 months will be required from the date of initial physical examination to the date of final action by the Secretary of the Navy. Longer periods may be required in exceptional cases (see chapter 10).
- ▶ 2. The retirement of officers who are subject to involuntary retirement cannot be delayed due to physical disability proceedings, except in the case of warrant officers as provided in paragraph 3008. Accordingly, it is possible that an officer who would otherwise be eligible for disability retirement would be forced into nondisability retirement while disability proceedings are in progress. The law requires that a Regular member must be in receipt of basic

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(active duty) pay at the time the Secretary of the Navy makes the final determination in order to be eligible for disability retirement.

3. In accordance with current instructions of the Bureau of Medicine and Surgery, each officer shall sign a certificate on the SF 88, Report of Medical Examination, indicating that he understands the current BUMED Instruction which provides that a member must be in receipt of basic pay in order to be eligible for disability retirement.

4. The voluntary retirement of an officer may not be effected until he is found to be physically qualified. If an officer has submitted a request for voluntary retirement which is permissive in nature, and disease or injury requiring medical treatment or hospitalization intervenes, the Commandant of the Marine Corps (Code DMA) will be immediately notified by message. Orders and correspondence with enclosures relative to retirement will be returned to the Commandant of the Marine Corps for cancellation in all cases where medical treatment is not completed by the retirement date designated in the orders. A SF 88, Report of Medical Examination, will be forwarded immediately to the Commandant of the Marine Corps (Code DMA) when an officer whose retirement has been delayed, is found physically fit. Orders will be reissued by the Commandant of the Marine Corps to effect retirement on the first day of the first month following receipt of SF 88. In the event the officer's case is referred to a Physical Evaluation Board or a Board of Medical Survey, retirement cannot be effected until final action is taken by the Secretary of the Navy or the Commandant of the Marine Corps as appropriate.

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

1004 RETIREMENT ORDERS

1. Individual orders and authorizations for retirement will be issued by the Secretary of the Navy or the Commandant of the Marine Corps. Release from active duty on the occasion of retirement is normally effected on the day preceding the effective date of retirement and retired pay commences on the effective date of retirement. In addition to the release from active duty orders, the Commandant of the Marine Corps will issue a retirement letter with detailed information which is normally forwarded subsequent to the release from active duty orders.

2. Officers detached after the effective date of retirement are considered to be in a retired status from the effective date of retirement unless they are in receipt of orders prior to the effective date of retirement continuing them on active duty in a retired status. The Comptroller General of the United States has held that a retirement is effective from the date specified by law or by the Secretary of the Navy irrespective of whether retirement and release orders are received subsequent to the effective date of retirement (39 CompGen 312).

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the voters of the entire State or the several States; a member of the legislative bodies of the several States; and a judge of courts of record of the United States and of the several States, and the District of Columbia. In the case of a reservist who is eligible for the Retired Reserve list, the individual's name is already on the Retired Reserve list, he will be relieved from active duty.

► 2002 SEPARATION OR RETENTION OF OFFICERS COMMISSIONED PURSUANT TO THE DIRECT PROCUREMENT PROGRAM (10 USC 6909)

1. The Secretary of the Navy, during the second quarter of each year, shall cause to be examined the records of all officers appointed in the Regular Marine Corps pursuant to 10 USC 6909 (direct procurement) who in that year will have the third anniversary of the acceptance of their appointment, and who apply for retention before that anniversary, but not later than 31 March of that year. From among the officers whose records are so examined, the Secretary shall cause to be selected for retention as many as he considers necessary.

2. The commission of each officer appointed in the Regular Marine Corps pursuant to the above provision of law who does not apply for retention within the time limits prescribed in subparagraph 1, above, shall be terminated not later than the third anniversary of the acceptance of his appointment. The commission of each officer who applies for retention and is not selected shall be terminated before 1 July of the calendar year of the third anniversary of the acceptance of his appointment, or not later than that anniversary, if it occurs after 30 June.

3. Upon the termination of his appointment in accordance with subparagraph 2, above such officer, if considered qualified, may be appointed a first lieutenant in the Marine Corps Reserve with a date of rank 3 years after the date of rank of his original commission.

2003 INVOLUNTARY DISCHARGE OF PERMANENT REGULAR OFFICERS

1. Each officer on the active list serving in the grade of captain or first lieutenant shall be honorably discharged on 30 June of the fiscal year in which he is considered as having failed of selection for promotion to the grade of major or captain a second time. However, if the officer so requests, he may be honorably discharged at any time during that fiscal year.

2. Except as otherwise provided for second lieutenants in subparagraph 3 below, any officer discharged under subparagraphs 1, 3, or 5 is entitled to severance pay equal to 2 months' basic pay at the time of discharge multiplied by the number of years of total commissioned service as computed under paragraph 2006, not to exceed a total of 2 years' basic pay. However, no person discharged under subparagraphs 1, 3, or 5 is entitled to a lump-sum payment that is more than \$15,000. In determining the total number of years of service to be used as a multiplier, a part of a year that is 6 months or more is counted as a whole year, and a part of a year that is less than 6 months is disregarded (10 USC 6382, 6383 and 6384 as amended by Act of June 28, 1962, Public Law 87-509, Sec. 4(b), and 6404).

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3. An officer in the grade of first lieutenant or above who is found not professionally qualified upon his reexamination for promotion is considered as having twice failed of selection for promotion. Accordingly, subparagraphs 1 and 2, above, apply to captains and lieutenants in this category. An officer in the grade of second lieutenant who is found not professionally qualified upon his reexamination for promotion shall be honorably discharged with severance pay computed on the basis of 2 months' basic pay at the time of discharge multiplied by the number of years of his active commissioned service in the naval service, exclusive of training duty, but the payment may not be more than 1 year's basic pay (10 USC 5865).

4. An officer scheduled for discharge under subparagraph 1 or 3, above, may tender his resignation, and upon acceptance thereof, may be enlisted or reenlisted in the Regular Marine Corps provided he is qualified. Under no circumstances shall an officer in receipt of severance pay or an officer eligible for retirement pay upon separation be permitted to enlist or reenlist. An officer who desires to enlist or reenlist should apply to the Commandant of the Marine Corps (Code DH) at least 90 days prior to the scheduled date of discharge for grade and MOS determination. The criteria governing appointment or reappointment are as follows:

a. An officer who at the time of his permanent appointment as a commissioned officer in a grade above chief warrant officer (W-4) was a permanent chief warrant or warrant officer, or was a temporary officer with permanent enlisted status, will be appointed or reappointed to pay grade E-7 upon enlistment or reenlistment.

b. Any other officer who resigns his commission and forfeits his severance pay normally will not be appointed to a pay grade higher than E-3. A higher pay grade may be authorized, however, dependent upon the needs of the service and the special qualifications of the applicant.

5. Each officer on the active list with less than 20 years' total commissioned service whose record, in the opinion of a selection board, indicated unsatisfactory performance of duty in his grade, and in the opinion of the board indicates that he would not satisfactorily perform the duties of a higher grade shall be honorably discharged on 30 June of that fiscal year or, at the discretion of the Secretary of the Navy, on any earlier date, if the officer so requests. Upon discharge he is entitled for enlistment or reenlistment (10 USC 6384, as amended, by Act of 12 July 1960, Public Law 86-616, 74 Statute 390).

6. An officer designated for limited duty subject to discharge under subparagraphs 1, 3, or 5, above, who had the permanent status of a warrant officer when first appointed as an officer designated for limited duty, has the option of reverting to the grade and status he would hold if he had not been so appointed instead of being discharged. If any such officer had a permanent grade below the grade of warrant officer (W-1) when first so appointed, he has the option, instead of being discharged, of reverting to the grade and status he would hold if he had not been so appointed but had instead been appointed a warrant officer (W-1). In any computation to determine the grade and status to which an officer may revert, all active service as an officer designated for limited duty or as a

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CHAPTER 6

TYPES OF DISCHARGES FOR ENLISTED PERSONNEL

6001 GENERAL

1. The Marine Corps has the right, obligation, and duty to separate from the service, with an appropriately characterized discharge certificate, members who are entitled to or who have earned discharge, and members who clearly demonstrate that they are unqualified for retention. At the same time, such members have rights which shall be protected.

2. All discharges and separations of enlisted personnel will be governed by and effected in accordance with the provisions of this chapter, which is applicable to all enlisted and inducted personnel of the Marine Corps and Reserve components thereof.

3. All commands shall establish appropriate procedures to ensure that each member receives periodic explanations and separation counseling as follows:

a. Periodic explanations. The various types of discharge certificates; the basis for their issuance; their possible effect upon the member's reenlistment, veterans' benefits, future civilian employment, and other situations in civilian life wherein the nature of service rendered in, or the character of separation from, the Armed Forces may have a bearing; will be fully explained to each member at each time the articles of the Uniform Code of Military Justice are explained, pursuant to article 137 thereof. The fact that this explanation has been given will be recorded on page 11 of the member's service record book as part of the entry required for recording the explanation of articles of the Uniform Code of Military Justice. Failure on the part of the member to receive or to understand such explanation may be considered by an administrative discharge board and by a discharge authority, along with all other factors in the case, in determining whether or not a discharge is appropriate, and if so, the type and character of discharge to be awarded. However, in no event shall the failure of the member to receive or to understand such explanation be considered a defense in an administrative discharge proceeding or a bar thereto.

b. Separation counseling. The purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records will be explained at the time the notice of intent is given any member, whether or not he is under military control, being discharged under other than honorable conditions. The contents of subparagraphs 6001.6, 6001.7, 6001.8 and 6001.9 may be used for this purpose.

4. As used in this chapter, the term "continental United States" means the United States, except Alaska and Hawaii, unless otherwise indicated.

5. As used within this chapter, the following definitions will apply:

a. Discharge. Complete severance from all military status.

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b. Release from active duty. Termination of active duty status and transfer or reversion to a Reserve component not on active duty.

c. Separation. A general term which includes discharge and release from active duty. This definition is broader than the definition of the word "separation" used in Marine Corps Manual, subparagraph 1900.1a.

d. Administrative separation. Discharge or release from active duty upon expiration of enlistment, period of induction, or other required period of service, or prior thereto, in the manner prescribed herein, by law, by the Secretary of Defense, or by the Secretary of the Navy, but specifically excluding punitive separation by the sentence of a general or special court-martial.

e. Military record. A member's military record comprises all incidents and events of his behavior while in military service, including his general comportment and performance of duty, and reflects the character of the service he has rendered while a member of an armed service. The military record is not limited to entries in a member's service record book, or other specific service documents, but includes all available information pertaining to the individual while a member of an armed service.

f. Prior enlistment or period of service. Service in any component of the Armed Forces, including the Coast Guard, which culminated in the issuance of a discharge certificate, certificate of service, or report attesting to the type and character of service rendered during that period.

g. Administrative discharge board. A board appointed to render findings based on the facts of a case, to recommend a respondent's retention in or separation from the service, and if separation is recommended, to further recommend the reason therefor, and the type of separation or discharge certificate to be furnished.

h. Discharge authority. An official who is, under the provisions of this chapter, authorized to take final action with respect to specified types of administrative discharges. Whenever a discharge authority is designated in this chapter, either the official so designated, or his temporary successor in command, is authorized to act as a discharge authority. As used in this connection, the phrase "Marine general officers in command" contemplates those Marine commanders in the chain of command between the respondent and the Commandant of the Marine Corps.

i. Respondent. A member who has been notified, as prescribed in this chapter, that action has been initiated to separate him under a provision of this chapter.

j. Counsel. A lawyer within the meaning of article 27(b)(1), UCMJ, unless the officer empowered to convene an administrative discharge board having jurisdiction over the member's case (or in cases involving proceedings to vacate a suspended administrative discharge, the officer exercising special court-martial jurisdiction over the respondent), certifies in the permanent record the non-availability of a lawyer so qualified, and sets forth the qualifications of

e. Minority. Discharge with an honorable or general discharge, as warranted by the member's military record, or release by voidance of contract, upon a determination that the individual's age was misrepresented upon enlistment or induction, in accordance with the provisions of paragraph 6015.

f. Disability. Discharge with an honorable or general discharge, as warranted by the member's military record, when the member has been determined to be unfit by reason of physical disability to perform the duties of his office, rank, grade, or rating, and is not entitled to retirement under the provisions of 10 USC 61. See paragraph 6011.

g. Unsuitability. Discharge for unsuitability, with an honorable or general discharge, as warranted by the member's military record. See paragraph 6016.

h. Unfitness. Discharge for unfitness, with an undesirable discharge, unless the particular circumstances in a given case warrant a general or honorable discharge. See paragraph 6017.

i. Misconduct. Discharge by reason of misconduct, with an undesirable discharge, unless the particular circumstances in a given case warrant a general or honorable discharge. See paragraph 6018.

j. Request for discharge for the good of the service. Discharge by reason of request for discharge for the good of the service, with an undesirable discharge, unless the particular circumstances in a given case warrant a general or honorable discharge, where a member's conduct rendered him triable by court-martial for an offense punishable by a punitive discharge, subject to the procedures and safeguards specified elsewhere in this chapter. See paragraph 6021.

k. Triable by court-martial. As used herein, this term includes alleged offense(s), in violation of the Uniform Code of Military Justice, committed under circumstances where a court-martial would have had jurisdiction over both the member and his alleged offense(s) at the time such offense(s) were allegedly committed. Acceptance of a request for discharge for the good of the service and a resultant discharge based thereon does not require that a case be perfected against a member. Nor is it required that the Discharge Authority have available to him legally admissible evidence sufficient to judicially establish the member's guilt of the alleged offense(s) beyond a reasonable doubt. An offense(s) shall not be considered to be "not triable" because, before a court-martial, the member would have available to him one or more motions in bar of trial. See Manual for Courts-Martial, 1951, paragraph 68.

l. Security. Discharge, under conditions and procedures stipulated by the Secretary of Defense when retention is not clearly consistent with the interests of national security. See paragraph 6020 and the current edition of SECNAVINST 5521.6.

m. Sentence of a court-martial. Discharge with a finally approved, unsuspended bad conduct discharge or dishonorable discharge adjudged by sentence of a court-martial. See paragraph 6019.

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3. In determining if a member should retain his current military status, or be administratively separated, his entire military record, including records of nonjudicial punishment imposed during a prior enlistment or period of service, all records of convictions by courts-martial, and any other factors which are material and relevant, may be evaluated. Acquittals, charges which have been preferred and dropped, etc., will not ordinarily be considered (see subparagraph 6005.5b). Commanding officers, investigating officers, administrative discharge boards, discharge authorities, and other agencies charged with making recommendations or determinations as to a member's retention or administrative separation, will consider records of nonjudicial punishment imposed during a prior enlistment or prior period of service only if such records of punishment have under the particular circumstances of the case, a direct and strong probative value in determining whether retention or administrative separation is appropriate.

a. The use of nonjudicial punishment records imposed during a prior enlistment or a prior period of service shall ordinarily be limited to those involving patterns of conduct which become manifest only over an extended period of time.

b. When a member has been awarded nonjudicial punishment during his current enlistment or current period of service, isolated incidents and events which gave rise to the nonjudicial punishment and which are remote in time or which have little or no probative value in determining whether retention or administrative separation should be effected, shall not be considered in making the determination to retain or separate the member.

c. If a decision is made that a member should be administratively separated, the provisions of paragraph 6002 will apply for determining the type of discharge. It is of paramount importance to recognize that the decision to retain or discharge a member must be made before any decision can be reached as to the type of discharge which may be appropriate.

4. Regardless of the basis for a discharge, or the time when the act(s) or omission(s) occurred upon which the discharge is based, the type and character of the discharge certificate or report issued upon a member's administrative separation will be determined solely by the member's military record during his current enlistment or period of service, plus any lawful extensions thereof. The following shall not be considered in determining the type and character of the discharge certificate or report of separation to be issued, even though these factors may influence the decision to discharge the member.

a. Activities which have occurred during any of the member's periods of service prior to his current enlistment or current period of service or any lawful extensions thereof, including, but not limited to; records of conviction by court-martial, records of nonjudicial punishment, records of absence without leave, or the commission of other offenses for which punishment was not imposed:
or

b. Activities which have occurred prior to the member's entry into any period of service, excepting deliberate material misrepresentations, including the omission or concealment of facts which, if known at the time thereof, would

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character and behavior disorders) on the part of the member concerned. This is essential to permit the appropriate discharge authority to evaluate such evidence, along with all the other relevant factors present in the case, in order to determine:

a. If the discharge should be that recommended or should be a discharge based upon the physical disability or mental infirmity and/or;

b. The extenuating or mitigating effect of the physical disability or mental infirmity on the member's acts or omissions upon which the recommendation for discharge is based. See paragraphs 6011, 6016, 7006 and chapter 10.

18. Subject to the other provisions of this chapter, and except where an administrative discharge board has considered a member's case and made recommendations with regard thereto, the appropriate discharge authority may disapprove any recommendations made by lower authority or authorities as to the member's retention in the service or discharge therefrom, and as to the type and character of discharge recommended, or the general and/or specific basis therefor. For example, where a commanding officer makes a report of a member's misconduct pursuant to paragraph 6018 but recommends the member's retention in the service, and the member waives all of his rights with respect thereto, the discharge authority may disapprove the commanding officer's recommendation for retention in the service, and of the member's waiver of all his rights with respect thereto, the discharge authority may disapprove the commanding officer's recommendation for retention and direct the member's discharge with an undesirable discharge. See subparagraphs 6001.5n and 6017.9b.

19. In any case where the convening authority of an administrative discharge board, or a discharge authority, considers that there is a question as to the proper or appropriate disposition of a particular case, the matter may be referred to the Commandant of the Marine Corps (Code DM) for instructions or disposition.

20. Except as otherwise provided by this chapter, or by higher authority, commanding generals of Marine Corps recruit depots will determine the type of discharge to be issued to a recruit who is administratively discharged prior to completion of recruit training. The recommendations of boards convened in connection with separation of recruits may be considered in making the determination in each case.

21. Notification given parents, spouses, or guardians of members who are to be discharged prior to expiration of their enlistment will be in accordance with subparagraph 4013.3v, IRAM.

6003 HONORABLE DISCHARGE

1. An honorable discharge is a separation from the service with honor.

a. Issuance of an honorable discharge will normally be contingent upon proper military behavior and proficient performance of duty, with due consideration for the member's age, length of service, grade and general aptitude, however, see subparagraphs 6002.2, 6002.17, 6003.1c, 6003.2 through 6003.5 and 6024.9. A member will not necessarily be denied an honorable discharge solely

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by reason of a specific number of convictions by courts-martial or punishments under the UCMJ, article 15 during his current enlistment or period of obligated service, including voluntary or involuntary extensions thereof. Such convictions or nonjudicial punishments will, nevertheless, be considered and weighed in relation to all other relevant aspects of the member's behavior and performance of duty.

b. In the case of a member serving in the grade of corporal and below, prima facie evidence of proper military behavior and performance of duty justifying the issuance of an honorable discharge will be the possession of a minimum final average conduct mark of 4.0 and a minimum final average duty proficiency mark of 3.0. In the case of a member serving in the grade of sergeant or above, the determination as to what constitutes proper military behavior and proficient performance of duty of the member concerned justifying the issuance of an honorable discharge will be made by the discharge authority from the evaluation of the entire character of the member's current period of service.

c. A member may be eligible for an honorable discharge for one of the following reasons:

- (1) Expiration of enlistment or fulfillment of service obligation, as applicable.
- (2) Convenience of the Government.
- (3) Own convenience.
- (4) Dependency or hardship.
- (5) Minority.
- (6) Disability.
- (7) Unsuitability.
- (8) Eligibility for an undesirable discharge under any of the applicable provisions of this chapter, with a determination by the discharge authority, or higher authority, that the member should be discharged with an honorable discharge, as warranted by the member's military record.

2. A member who has been awarded one of the following listed decorations during his current enlistment, period of obligated service, or any extension thereof, if otherwise ineligible, may be awarded an honorable discharge: Medal of Honor; Navy Cross; Distinguished Service Medal; Silver Star Medal; Legion of Merit; Distinguished Flying Cross; Navy and Marine Corps Medal; Bronze Star Medal; Commendation Ribbon; Gold Life Saving Medal; Silver Life Saving Medal; or any decoration of the other Armed Forces of the United States comparable to the decorations listed above. Each case will be determined on the basis of the member's entire military record.

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6008 TABLE OF MATTERS RELATING TO DISCHARGES OR RELEASES FROM ACTIVE DUTY

1. Matter relating to discharges or releases from active duty is furnished as a ready reference by the table contained in figure 6-1. The entries in the table are to be considered as a guide only. Pertinent reference should be consulted for detailed instructions and exceptions under certain conditions.

TABLE OF MATTERS RELATING TO DISCHARGES

Reason for Discharge	Authority	Conditions Affecting the Type and Character of Discharges	Character of Discharge	DD Form	Mileage (a)	Transportation in Kind (a)	Issue Civilian Clothing (b)	Cash Allowance (c)	Retain and Wear Uniform Home (d)	Reenlistment Bonus Recoupment (e)
Expiration of Enlistment or Fulfillment of Service Obligation as applicable	Par. 6009 or 8002	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No
Convenience of the Government	Par. 6012	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No (f)
Own Convenience	Par. 6013	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	Yes
Dependency or Hardship	Par. 6014	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No
Minority	Par. 6015	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No
Disability	Par. 6011	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No (g)
Unsuitability	Par. 6016	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	Yes	No	No	No
Misconduct	Par. 6018	Par. 6002 6003 6004 6005	Honorable or Under Honorable Conditions or Undesirable	DD 256-MC DD 257-MC DD 258-MC	No	Yes	Yes	Yes	No	Yes (h)
Request for Discharge for the Good of the Service	Par. 6021	Par. 6002 6003 6004 6005	Honorable or Under Honorable Conditions or Undesirable	DD 256-MC DD 257-MC DD 258-MC	No	Yes	Yes	Yes	No	Yes
Security	Par. 6020	Par. 6002 6003 6004 6005	Honorable or Under Honorable Conditions or Undesirable	DD 256-MC DD 257-MC DD 258-MC	No	Yes	Yes	Yes	No	Yes (h)
Unfitness	Par. 6017	Par. 6002 6003 6004 6005	Honorable or Under Honorable Conditions or Undesirable	DD 256-MC DD 257-MC DD 258-MC	No	Yes	Yes	Yes	No	Yes
Sentence of Court-Martial	Par. 6019	Par. 6002 6006 6007	Bad Conduct or Dishonorable	DD 259-MC DD 260-MC	No	Yes	Yes	Yes	No	Yes

(a) See paragraph 7004; Joint Travel Regulations; and Navy Travel Instructions.

(b) See paragraph 7008.

(c) See paragraph 7010 and DOD Military Pay and Allowances Entitlements Manual.

(d) See paragraph 7017.

(e) See DOD Military Pay and Allowances Entitlements Manual.

(f) Unless directed by CMC or unless marriage is the basis in the case of a woman member.

(g) Unless resulting from misconduct or willful neglect or unless incurred during a period of unauthorized absence.

(h) When directed by CMC.

FIGURE 6-1.

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6009 DISCHARGE FOR EXPIRATION OF ENLISTMENT OR FULFILLMENT OF SERVICE OBLIGATION

1. Commanders are authorized to discharge enlisted personnel upon normal date of expiration of enlistment, extension of enlistment, or period of induction. The normal date of expiration of enlistment for any enlistment is the date of the month immediately preceding the appropriate anniversary of the date of enlistment as adjusted for the purpose of making up any time lost from the enlistment extension of enlistment or period of induction.

2. Discharge of enlisted personnel for reason of fulfillment of service obligation will be accomplished in accordance with the provisions of chapter 8. Paragraph 8002 will be cited as the authority for discharge.

6010 DISCHARGES AT SEA

1. Discharges will not be executed while an enlisted person is attached to a Marine Detachment afloat, except for the purpose of immediate reenlistment, or accepting an officer appointment.

6011 DISCHARGE FOR PHYSICAL DISABILITY

1. The Commandant of the Marine Corps, and Commanders specifically authorized by paragraph 1040 and/or separate directive, may direct or effect discharge for physical disability.

2. Discharge by reason of physical disability is given only as a result of an individual's appearance before a medical board or a physical evaluation board. The purpose of these boards are as follows:

a. Medical Board. A medical board is convened to examine a Marine when doubt exists concerning his state of health (see paragraph 10102).

b. Physical Evaluation Board. A physical evaluation board is constituted for the purpose determining whether a Marine is unfit to perform the duties of his grade by reason of a physical disability which was either incurred in or aggravated by a period of active military service (see paragraph 10103).

3. Personnel who are recommended for discharge by a medical board based on physical disability not incurred in or aggravated by service may be discharged provided all the conditions specified in the current edition of BUMED INST 1910.2 are met (see paragraph 10404).

4. Personnel who are referred to a physical evaluation board based on a physical disability should not be discharged until the processing has been completed by the Secretary of the Navy and an appropriate directive reflecting such action is issued by the Commandant of the Marine Corps. An untimely separation of a member who is undergoing physical evaluation board proceedings may prejudice his case because the law requires that the Secretary of the Navy make the necessary physical disability determinations while the member is entitled to receive basic pay (see paragraph 10108).

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6012 DISCHARGE OR RELEASE FROM ACTIVE DUTY FOR CONVENIENCE OF THE GOVERNMENT

1. The Secretary of the Navy, or the Commandant of the Marine Corps, may authorize or direct the discharge or release from active duty of a Marine for the convenience of the Government for any one of the following reasons:

a. General demobilization, reduction in authorized strength of the Marine Corps or Marine Corps Reserve, or by an order applicable to all members of a class of personnel specified in the order.

b. To accept a commission or appointment in the Marine Corps, Marine Corps Reserve, or in another branch of the Armed Forces, for active duty only.

◆ c. A woman member, whether married or unmarried, upon certification by a medical officer that she is pregnant, shall be discharged by her commander, for the convenience of the Government, or in the case of overseas commands, will be transferred to a major Marine Corps command housing Women Marines in the continental United States for discharge. The character of the discharge certificate issued in these cases will be as warranted by the woman member's service record, regardless of her marital status. In the case of discharge for reason of the pregnancy of a woman member who is an unmarried minor (under 21 years), her commander will notify her parents or guardian of the fact and reason for the discharge. If, as a result of a spontaneous or therapeutic abortion, or a stillbirth, the woman member's pregnancy is terminated prior to her separation from the service, she will nevertheless be discharged for the convenience of the Government unless she requests, in writing, that she be retained in the service. In such latter case, the woman member, at the discretion of her commander, may be retained in the service, if she is found physically qualified for retention.

d. For reasons of national health, safety, or interest, only when recommended by a Government agency authorized to make such determination and recommendation. Cases of this nature will not normally come to the attention of individual commanders, however, when they do, a prompt report thereof, containing all available information, shall be made to the Commandant of the Marine Corps (Code DM).

◆ e. By reason of erroneous induction (when so stated by the office of the Director of Selective Service), or by erroneous enlistment or extension of enlistment. Any case coming to a commander's attention which purports to be of this nature shall be investigated, and a complete report shall be made promptly to the Commandant of the Marine Corps (Code DM).

◆ f. For other good and sufficient reasons, not elsewhere listed in this chapter which are specified and published by the Secretary of the Navy. Those currently specified are as follows:

(1) For the purpose of holding public office, as set forth in subparagraph 2001.9.

(2) Obesity, provided a medical board certifies that the proximate cause of the obesity is the excessive voluntary intake of food and/or drink, rather than from organic or other similar causes apparently beyond the control of the member (see current edition of BUMED INST 1910.2 and MCO 6100.3).

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(3) Repeated below average or unsatisfactory markings or unfavorable in less than favorable remarks on enlisted fitness reports.

(4) Substandard personnel behavior which reflects discredit upon the service or adversely affects the member's performance of duty, including but not limited to:

(a) A history of repeated minor disciplinary infractions, so as to present an administrative burden to the command.

(b) Repeated overindulgence in alcoholic beverages, even though such overindulgence does not exist to a degree which would permit a medical officer to diagnose the member as analcoholic.

(5) In case of reservist, on inactive duty, who as a result of an annual, quadrennial or any other official physical examination, is determined by the Chief, Bureau of Medicine and Surgery to be not physically qualified for retention in the Marine Corps Reserve; provided, the reservist does not demand a hearing before a physical evaluation board; or in case of a reservist, on inactive duty whose physical qualification status is pending further information or examination and the reservist fails to submit to further physical examinations so as to prevent final determination of the reservists physical qualification for retention in the Marine Corps Reserve.

(6) Upon the individual member's written request, where there is a demonstrated dependency or hardship, even though such dependency or hardship does not meet the criteria specified in paragraph 6014.

(7) Upon the recommendation of the Chief, Bureau of Medicine and Surgery, that a marine be separated for administrative reasons when he is suffering from a condition not considered a physical disability and such condition has interfered with his performance of duty.

(8) When, as determined by a medical officer or his commanding officer, a member is allergic to clothing material or cannot be fitted with appropriate uniform clothing or provided with appropriate bedding.

(9) As a result of action taken with respect to the decisions or recommendations of the Naval Clemency Board, a Marine Corps Selection and Review Board, or a Marine Corps Enlisted Performance Board or other similar board.

(10) When, as determined by a medical board, the member suffers from motion/travel sickness (989-), as listed in Department of Defense Disease and Injury Codes (TB MED 15/NAVMED P-5082/AFM 160-24) (see current edition of BUMED INST 1910.2).

(11) Upon the individual member's request when a member becomes a "regular or duly ordained minister of religion", as that quoted phrase is defined in subparagraph 8015.2.

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(12) Upon determination by a medical officer that a member of the Marine Corps Reserve, whether on active or inactive duty, as a member of any of the various Marine Corps officer candidate, officer training, or officer procurement programs, is not physically qualified for appointment as an officer in the naval service, provided the member's physical disqualification does not entitle the member for disability retirement or disability discharge under the provisions of part B, C or paragraphs 10401 and 10402 of chapter 10.

(13) Upon the written request of an individual enrolled in any of the Marine Corps Officer Candidate Programs, including the U. S. Naval Academy, to be disenrolled from such program; or when a member of any of the Marine Corps officer candidate programs including the U.S. Naval Academy, is disenrolled from or fails to satisfactorily meet any of the requirements for completion of the officer candidate program in which he is enrolled, provided the member is not considered qualified for enlisted status.

(14) Where a member of the Marine Corps Reserve (Component Class Reserve Status Code "J"), on inactive duty, becomes disqualified for enlistment in the Regular Marine Corps.

(15) Where a member is properly inducted, enlisted or reenlisted, but is erroneously given a higher grade than that to which he is entitled under applicable Marine Corps directives.

(16) Where a member is properly inducted, enlisted, or reenlisted, but, because of subsequent increased height, cannot be assigned duties appropriate to his office, rank, grade, or rating.

(17) Where a member is erroneously delivered a punitive discharge before review of the adjudged punitive discharge is final and, as a result of final review, the punitive discharge is set aside, suspended, or remitted.

(18) At the individual member's written request, to permit the member to take final vows in a religious order.

(19) At the individual member's written request, to permit the member to accept employment of a seasonal nature.

(20) As a result of the issuance of writ of habeas corpus wherein it has been determined that the member's retention in the naval service is illegal.

(21) In the case of a member of the Marine Corps Reserve on inactive duty who fails to comply with request for physical examination or to submit additional information in connection therewith.

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g. When directed by the Secretary of the Navy, See section VII.B.11 of DOD Directive 1332.14, or revisions thereof.

2. Commanding generals of Marine Corps recruit depots may authorize or direct the administrative separation of recruits for the convenience of the Government, citing the authority in subparagraph 6012.1e (i.e., erroneous enlistment or induction), under the following conditions:

a. Upon receipt of a medical board which establishes the fact that the recruit failed to meet the required physical standards when accepted for enlistment or induction (see current edition of BUMED INST 1910.2.)

b. Upon enlistment the recruit concealed the fact he was married. See subparagraph 6018.2b(5); or

c. Upon enlistment the recruit concealed a juvenile or youthful offender record. See-subparagraph 6018.2b(2).

3. Commanders shall discharge for the convenience of the Government (in the case of overseas commands, commanders will transfer for discharge to a major command within in the continental United States housing Women Marines):

a. A married enlisted woman at her written request provided she is not stationed at or sufficiently close to the duty station or residence of her husband to permit the maintenance of a joint residence and provided she meets all applicable conditions set forth below:

(1) A transfer request to the same or nearby duty station or place of residence of her husband has been submitted by the enlisted woman to the Commandant of the Marine Corps (Code DF) and the request has been denied.

(2) The separation of husband and wife has exceeded 18 months.

(3) The enlisted woman is not serving on an extension of enlistment or reenlistment entered into subsequent to marriage.

(4) The enlisted woman has completed 24 months' service following completion of a service school if length of course was over 24 weeks.

b. A woman member, whether married or unmarried, when it is established that such woman member:

(1) Is the parent by birth or adoption of a child under 18 years of age; or

(2) Has personal custody of a child under 18 years of age; or

(3) Is the stepparent of a child under 18 years of age and the child is within the household of the woman member for a consecutive period of more than 30 days a year; or

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(4) During her current enlistment or extension of enlistment, she has given birth to a living child.

4. Administrative separation under the provisions of subparagraphs 6012.1f(3) through 1f(4) will not normally be initiated until the member concerned has been given a reasonable opportunity to overcome his deficiencies. When it is determined by a commander that a member may come within the purview of these specific categories, the member shall be notified of his deficiencies, and he shall be counseled concerning them. A summary of all counseling measures taken in compliance with this subparagraph shall be recorded on page 11 of the member's service record book. If no improvement is forthcoming within a reasonable time, the member should then be recommended for the appropriate type of administrative discharge to the Commandant of the Marine Corps (Code DM) in accordance with subparagraphs 6002.9 and 6012.1f. Failure on the part of a member to receive or understand the counseling prescribed herein may be considered by the Secretary of the Navy or the Commandant of the Marine Corps, along with all other factors in the case, in determining whether or not a discharge is appropriate, and if so, the type and character of the discharge to be awarded. However, in no event shall the failure of the member to receive or understand such counseling be considered a defense in an administrative discharge proceeding, or a bar thereto.

5. Subject to satisfaction of all the requirements of this paragraph and consistent with the military obligation of the Marine, commanding generals, district directors, and commanding officers Marine Barracks (CONUS) are authorized to discharge or release from active duty and transfer to the appropriate Marine Corps Reserve rolls a Marine who makes application for separation for the purpose of commencing or resuming his college education. This paragraph and the applicable Marine Corps Order (see current edition of MCO 1900.2) shall be cited as authority for separation. When the date of discharge or release from active duty falls on a nonworking day, separation may be effected on the last preceding working day (see subparagraph 7002.7c).

a. Policy. It is the policy of the Commandant of the Marine Corps that maximum assistance practicable will be given to enlisted personnel who are qualified and demonstrate a desire to further their college education.

(1) Six month trainees are not eligible for early separation.

(2) Aliens seeking to qualify for citizenship by completion of three years of active military service will be excluded from release prior to completion of such qualifying service unless they are to be transferred to inactive duty in a Reserve component. (See current edition of MCO 1910.25.)

b. Eligibility requirements. To be eligible for early separation, all of the following requirements must be met:

(1) The requested date of separation must be within the three months' period prior to the Marine's normal expiration of active-obligated service or involuntary extension thereof, and, within this limitation not earlier than 10 days prior to the date of registration prescribed by the educational institution. The normal expiration of active-obligated service is the date on which the Marine would normally be eligible for release to inactive duty. It is not the "advanced" separation date established by any early separation program which may be in effect.

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(2) Inductees or Marines serving under a two year obligated active service contract or agreement who will have a reserve obligation upon separation will not be released until they have completed a minimum of 21 months' active duty on their current term of service.

(3) The Marine's services must not be essential to the mission of the command.

(4) The Marine must furnish documentary evidence of acceptance for enrollment without qualification commencing with a specific school term in a recognized institution of higher education in a full-time course of instruction leading to an associate, baccalaureate or higher degree. A recognized institution is one listed in the current edition of Part 3, Higher Education Directory published by the U.S. Department of Health, Education and Welfare whose credits are accepted by accredited institutions. Junior Colleges listed in Part 3, thereof are considered to be recognized institutions. It is not the intent of this early separation program to authorize release for attending summer school sessions at various colleges so that the Marine may make up deficiencies to prepare himself for enrollment in classes during the regular fall semester at these schools. It is recognized, however, that certain schools now operate on a year-round basis. Summer sessions at such institutions constitute full-time courses of instruction. In the event that the institution is not listed in Part 3, of the Directory the application will be forwarded to the Commandant of the Marine Corps (Code DMB) in accordance with subparagraph 6012.5d.

(5) The Marine must demonstrate his ability and willingness to make the required payment of an entrance fee if he has not already done so.

(6) The Marine's performance, as evidenced by his service record book, must be such that he would be eligible for an honorable discharge.

c. Preparation and processing application. Application for early separation will be submitted by the Marine to the Commandant of the Marine Corps (Code DMB), or to the cognizant commander authorized to approve such applications (subparagraph 6012.5) via official channels. The application will include the following:

(1) Statement from the institution which establishes the following:

(a) The institution is listed in Part 3, Higher Education Directory

(b) The course to be pursued requires full-time attendance and leads to an associate, baccalaureate or higher degree.

(c) The Marine has been unconditionally accepted for entrance in a specified school term. (Unconditional acceptance does not include any administrative or probationary status.)

(d) The latest date on which the Marine will be permitted to report for the specified school term.

(e) The convening date of class for the specified school term.

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(f) The convening date of class for the next succeeding school term in which the Marine may enroll.

(g) Written or other certification from the Marine which establishes the facts that he has the ability and willingness to pay any required entrance fees or certification that he has already paid such fees.

(h) The commanding officer's endorsement shall contain, but is not limited to, the following:

- 1 The Marine's normal separation date and pay entry base date.
- 2 A statement as to whether a replacement is required.
- 3 A statement that the Marine will be eligible for an honorable discharge.
- 4 A statement that the commanding officer is satisfied that separation is not being requested to avoid service.

(2) Action taken on applications by those commanders listed in subparagraph 6012.5 will be final, except in such cases noted under "Exceptions and Waivers". Commanding generals of commands located outside the continental limits are authorized to return Marines whose applications have been approved to the United States for early separation. Authority for early separation will be shown in the transfer orders. After processing, the application will be forwarded to the Commandant of the Marine Corps (Code DGH) for file in the Marine's official record.

d. "Exceptions and Waivers". Applications from Marines who do not fully meet the criteria for early discharge or release will be forwarded to the Commandant of the Marine Corps (Code DMB) for final determination. However, requests for exception or waiver for separation earlier than three months prior to expiration of active obligated service will not be granted.

6. The commanding officer of the first Marine Corps activity to which a Marine reports upon returning to the Continental United States (CONUS) for reassignment is authorized and directed to separate him as soon as practicable provided he meets the following criteria. This paragraph and the current edition of MCO 1900.2, shall be cited as authority.

a. Criteria:

- (1) His enlistment (including any extension thereof) or period of extended active duty will expire 60 days or less after the date of his arrival in CONUS.
- (2) He consents in writing as outlined in subparagraph 6012.6d below.
- (3) He is not indebted to the Government.
- (4) He does not intend to reenlist.
- (5) Personnel who are transferring to the Fleet Marine Corps Reserve are not to be separated early under the provisions of this program.

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b. Military obligation. Separation should be consistent with the military obligation of the Marine. In this connection enlisted personnel whose total obligated service as defined in paragraph 3 of MCO 1001R.1C, will expire within a 60-day period may be discharged rather than released to inactive duty and their obligation shall be considered fulfilled. Personnel desiring to reenlist immediately will not be separated under the authority delegated in subparagraph 6012.6.

c. Separation prior to arrival in CONUS. A Marine who is entitled to and elects transportation to an area outside CONUS may be separated by one of the overseas discharging/releasing activities specified in the current edition of MCO 1910.5 provided:

(1) He would be eligible for release from active duty or discharge under the provisions of subparagraph 6012.6, based on his scheduled date of arrival in CONUS and consents to such separation in writing as outlined in subparagraph 6012.6d below.

(2) It is determined to be more economical to the Government.

(a) Overseas commanders having personnel returning to CONUS for re-assignment who meet the above criteria will so advise the Commandant of the Marine Corps (Code DFB) by message at least 10 days prior to their scheduled date of departure so that appropriate orders may be issued.

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

"I hereby consent to be (discharged) (detached for release from active duty) on _____ in lieu of my normal date of (expiration of enlistment) (detachment for release from active duty) on _____. I understand that entitlement to pay and allowances and credit for active federal service ceases on the actual date of my separation from active service."

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

e. Recoupment of Reenlistment Bonus. Recoupment of reenlistment bonus will not be made from personnel separated under subparagraph 6012.6.

f. Recall status. In the event of future recall, Marines separated early in accordance with subparagraph 6012.6 will be considered in the same status as those who have completed their enlistment or periods of extended active duty.

g. Good Conduct Medal. Personnel consenting to early discharge or release to inactive duty in accordance with subparagraph 6012.6, shall be granted a waiver not to exceed the actual number of days that the early release is effected, provided they are otherwise eligible for this award. The provisions of this subparagraph will not apply for special early release programs promulgated by Headquarters Marine Corps.

7. Discharge for the convenience of the Government to permit immediate reenlistment; to provide for early separation of members under various authorized programs and circumstances not included herein shall be processed and effected in accordance with separate directives pertaining specifically to these categories of separation.

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a. Discharge of Marines qualifying as Sole Surviving Sons. (See current edition of MCO 1300.24.)

b. Processing requests for discharge based on conscientious objection. (See current edition of MCO 1306.16.)

6013 DISCHARGE OR RELEASE FROM ACTIVE DUTY FOR OWN CONVENIENCE

1. The Commandant of the Marine Corps may authorize or direct the discharge or release from active duty of Marines for their own convenience. Requests for discharge will, as a policy, not be granted when submitted solely for the purpose of:

- a. Entering another branch of the Armed Forces in an enlisted status;
- b. Accepting civil employment, or;
- c. Accepting employment with other government agencies in a civilian capacity.

2. It is not desired to prevent personnel from applying for discharge for personal reasons; however, when it is evident after interview with the person concerned that his desire for separation is based on personal benefit, such as for one of the reasons stated above, he should be informed of the general policy and discouraged from submitting an official request for discharge for such reasons. If he still wishes to submit a request for discharge, he should be allowed to do so, in which case substantiating documents bearing on his particular case should be required of the applicant to accompany his request. In the case of aliens, the provisions of paragraph 7026 are applicable.

3. Discharge "by purchase" will not be authorized.

6014 DISCHARGE OR RELEASE FROM ACTIVE DUTY FOR DEPENDENCY OR HARDSHIP

1. The Commandant of the Marine Corps and all (Marine general officers in command) may authorize and direct the discharge or release from active duty of enlisted personnel for dependency or hardship. Application from personnel who have been granted temporary additional duty with a unit for the purpose of applying for a hardship discharge will be forwarded to the Commandant of the Marine Corps (Code DMB) for consideration.

2. Enlisted persons who desire to request discharge or release from active duty for dependency or hardship reasons shall be informed of these regulations and of the proper procedure for application. It should be clearly explained to each applicant that submission of a request is no assurance that discharge or release will be authorized. Each request of this nature that is received shall be carefully and sympathetically considered and decided on its individual merits. Subparagraph 6002.13 pertains to a Marine in a disciplinary status submitting an application for discharge or release from active duty by reason of dependency or hardship.

3. Undue hardship does not exist solely because of altered present or expected income or because the individual is separated from his family or must suffer the inconveniences normally incident to military service. Discharge or release from active duty by reason of hardship or dependency will not be authorized:

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- a. For personal convenience alone.
 - b. When the Marine requires medical treatment.
 - c. Solely by reason of the pregnancy of the Marine's wife.
4. Discharge or release from active duty will not be disapproved under the provisions of this paragraph solely because:
 - a. The enlisted person's services are needed in his organization, or
 - b. He is indebted to the Government or to an individual.
5. Discharge or release from active duty for hardship or dependency will be warranted and may be authorized and directed when all the following conditions are met:
 - a. Undue and genuine dependency or hardship exists.
 - b. Dependency or hardship is not of a temporary nature.
 - c. The Marine has made every reasonable effort to relieve the hardship by means of application for dependents allowance and voluntary contributions which have proven inadequate.
 - d. Conditions have arisen or have been aggravated to an excessive degree since entry into the Marine Corps or entry on current tour of extended active duty. An example of a meritorious case is one in which the evidence shows that as a result of the death or disability of a member of the Marine's family, his discharge or release from active duty is necessary for the support or care of a member or members of the family.
 - e. Discharge or release from active duty will result in the elimination of, or will materially alleviate the condition, and there are no means of alleviation readily available other than by such discharge.
6. After explaining the regulation to an applicant, he will be permitted to submit a written application for discharge or release from active duty for dependency or hardship. Consideration and assistance will be given in the preparation of his request. Requests must be accompanied by at least two affidavits substantiating the dependency or hardship claim. Where practicable, one such affidavit should be from the dependent concerned. The request should contain the following additional information:
 - a. Reason for request.
 - b. Complete home address of dependent and applicant.
 - c. Names and addresses of persons familiar with the situation.
 - d. Statement as to marital status and date of marriage.

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of obligated service is terminated. In case of doubt, the Marine will be transferred to or retained in the Marine Corps Reserve to complete his obligated service.

11. In effecting separations under this authority, the procedures set forth below will be followed:

a. If the individual to be separated has a home of record in the continental United States:

(1) Commands located in the United States will effect the separation locally.

(2) Commands located outside the United States will transfer the individual concerned to the nearest Marine Corps activity in the United States for separation.

b. If the individual to be separated is entitled to and elects transportation to a point outside the United States upon separation, he will be transferred to the Marine Corps activity nearest the point to which transportation is authorized.

12. Any information concerning the private affairs of Marines or their families shall be treated as confidential, and shall not be disclosed to persons other than in connection with their official duties, nor will the source of such information be disclosed.

6015 DISCHARGE BY REASON OF MINORITY

1. Subject to the restrictions contained in subparagraph 6015.3 below, the Commandant of the Marine Corps and all Marine Corps general officers in command may direct the separation of a member by reason of minority. Overseas commands will transfer personnel to the continental United States for such discharge. (Women Marines will be transferred to a major (Marine Corps) command housing Women Marines.)

2. In cases involving the possible discharge of a member by reason of minority, organizations not in the chain of command of a Marine Corps general officer in command will forward a report of the case to the Commandant of the Marine Corps (Code DM) including therein, the evidence prescribed in subparagraph 6015.5a; a definite recommendation as to the desirability for retention of the member; and a statement from the minor concerned, if pursuant to the provisions of Article 31 of the Uniform Code of Military Justice, the minor desires to submit a statement. If the minor is not considered desirable for retention, he shall be retained or transferred to a shore station within the continental United States, and the Commandant of the Marine Corps (Code DM) will be so advised.

3. Release of a member from military control by voidance of enlistment, or the discharge of a member by reason of minority, may be effected by the officials described in subparagraph 6015.1, subject to the following restrictions:

a. Voidance of enlistment will not be effected unless authorized or directed by the Commandant of the Marine Corps. Where a member has apparently been enlisted in the Marine Corps in violation of the prohibitions relative to age

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contained in 10 USC 5532 (a male under the age of 14 years or a female under the age of 18 years), the case shall be immediately reported to the Commandant of the Marine Corps (Code DGK). After investigation of the facts, and subject to any provision of law pertinent thereto, the Commandant of the Marine Corps will direct the action to be taken and the disposition of the member concerned. See paragraph 7024.

b. Male enlisted members of the Regular Marine Corps and Marine Corps Reserve;

(1) If under a verified age of 17 years, the minor will be released from military control by voidance of enlistment, or discharge, regardless of whether his enlistment was effected with the consent of his custodial parents or legal guardians and regardless of the absence of an application for the minor's release from his custodial parents or legal guardians.

(2) If it has been verified that the minor has passed his 17th birthday but not his 18th birthday, he will be discharged, provided that his enlistment was made without the proper consent of his custodial parents or legal guardians and provided that an application for the minor's release has been made by his custodial parents or legal guardians and such application has been received by his command, the Commandant of the Marine Corps, or by any other agency of the Department of the Navy, within 90 days from the date of the minor's enlistment.

(3) When it has been verified that the minor has passed his 18th birthday he will be retained, if he is otherwise qualified, regardless of the failure of his custodial parents or legal guardians to have consented to his enlistment and regardless of any application for the minor's release made by his custodial parents or legal guardians.

c. Inductees. If the minor is under 18 years and 6 months of age, when verified, he will be discharged, unless, pursuant to Selective Service regulations, the minor, after attaining the age of 17 years, volunteered for induction with the written consent of his custodial parents or legal guardians.

d. Female enlisted members of the Regular Marine Corps or Marine Corps Reserve;

(1) If enlisted and under 18 years of age, the minor will be released from military control by voidance of enlistment or discharge, regardless of whether her enlistment was effected with the consent of her custodial parents or legal guardians and regardless of the absence of an application for her release from her custodial parents or legal guardians.

through f, he may authorize or direct the member's discharge and is not required to forward the case to the Commandant of the Marine Corps, except for review as provided by subparagraph 6016.4. Except as provided by the foregoing, all recommendations for a member's discharge by reason of unsuitability submitted by commanding officers or officers in charge not under the command of a Marine commander exercising general court-martial jurisdiction will be forwarded to the Commandant of the Marine Corps (Code DM) for disposition. A discharge for reason of unsuitability will be effected with an honorable or general discharge, as warranted by the member's military record when it has been determined that a member is unsuitable for further military service because of:

a. Inaptitude. This provision is applicable to those members who are best described as inapt, due to lack of general adaptability, want of readiness or skill, unhandiness, or inability to learn.

b. Enuresis. This provision contemplates a final diagnosis by a medical officer.

c. Character and behavior disorders. As determined by medical authority this provision contemplates those character and behavior disorders and disorders of intelligence listed in Department of Defense Disease and Injury Codes (TB MED) 15 (NAVMED P-5082) AFM 160-24). However, discharges normally should not be effected for combat exhaustion and other acute situational maladjustments, per se, but may be effected for more basic underlying character and behavior disorders of which the transient state is a manifestation

d. Financial irresponsibility. This provision contemplates financial irresponsibility on the part of a member which clearly demonstrates that he is unqualified for retention, even though such financial irresponsibility does not fall within the purview of subparagraphs 6017.2c or 6017.2f.

◆ e. Apathy; defective attitudes; inability to expend effort constructively; obesity, provided a medical officer certifies that the proximate cause is not due to organic or other similar causes. As a significant observable defect, apparently beyond the control of the member, elsewhere not readily describable. In those cases where the member is admitted to the sicklist (for appearance before a medical board) due to obesity processing shall be in accordance with the current edition of BUMED INST 1910.2 and the authority for separation shall be that directive and subparagraph 6012.1f(2). (See current edition of MCO 6100.3.)

◆ f. Alcoholism. This provision requires a final diagnosis by a medical officer, together with additional supporting information furnished by the member's command.

g. Homosexual or other aberrant sexual tendencies. See SECNAVINST 1900.9 or revisions thereof, for controlling policy and additional action required in homosexual cases. Homosexual or other aberrant sexual act(s) or conduct, as opposed to tendencies, will ordinarily be considered under the provisions of subparagraph 6017.2a, rather than under the provisions of this subparagraph.

2. Restrictions and guidelines regarding discharge by reason of unsuitability are as follows:

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a. Action with a view to discharging a member as unsuitable for any of the reasons set forth in subparagraphs 6016.1a,d,e, and f, above, will not normally be initiated unless the member has previously been afforded a reasonable opportunity to overcome his deficiencies. When it is determined that a member may come within the purview of any of these specific categories, the member shall be notified of his deficiencies and he shall be counseled concerning them. A brief summary of all counseling taken in compliance with this subparagraph shall be recorded on page 11 of the member's service record book. If no improvement is forthcoming within a reasonable time, the member should then be processed for the appropriate type of administrative discharge. Failure of a member to receive or understand the counseling prescribed herein may be considered by administrative discharge boards (in the case of a member with 8 or more years of continuous active military service), or by discharge authorities, along with all other factors in the case, in determining whether or not a discharge is appropriate, and if so, the type and character of the discharge to be awarded. However, in no event shall the failure of the member to receive or understand such counseling be considered a defense in an administrative discharge proceeding or a bar thereto.

3. The following procedure pertains to cases involving character and behavior disorders:

a. While a medical diagnosis that a member is suffering from a character and behavior disorder is essential, within the purview of subparagraph 6016.1c, it is contemplated that the vast majority of cases in which a member is diagnosed as having a character and behavior disorder will be processed in accordance with subparagraph 6016.1c, rather than BUMEDINST 1910.2 or revisions thereof. Resolution of the issue of a member's unsuitability for military service, within the purview of paragraph 6016, is a command, not a medical, function and responsibility, although it is expected that medical evidence, evaluation and diagnosis will assist the commander in ultimately resolving such issue. Before a member may be discharged within the purview of subparagraph 6016.1c, it is essential, not only that a member be suffering from a diagnosed character and behavior disorder, but that nonmedical evidence establish the member's demonstrated difficulty in adjusting to such a degree as to render the member clearly unsuitable therefor. Where the only evidence of a member's unsuitability for military service consists of psychiatric evaluation(s) and diagnosis, regardless of the number thereof, the member should normally either be processed in accordance with BUMEDINST 1910.2, or revisions thereof, or he should be retained. The proper role of the psychiatrist in cases falling within the purview of subparagraph 6016.1c is, normally upon the request of the member's commander, to evaluate the member and diagnose if possible, the underlying reason for the member's difficulty in adjusting to military service. If a character and behavior disorder is so diagnosed, and is of such a nature that the member should be processed through medical discharge channels, the member's case becomes primarily one for medical determination and responsibility. However, if the diagnosed character and behavior disorder is not of such a nature that the member should be processed through medical discharge channels, the disposition thereof is a command responsibility.

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(4) For the advice to be given a member with 8 or more years of continuous active military service who is recommended for discharge by reason of unsuitability, and for the recording of such advice, see paragraph 6023.

(5) Should a member refuse to either request or waive his rights, an entry in explanation thereof will be made in the record of the case, and the member's case will be disposed of as if he had requested all of his applicable rights.

5. When final action has been taken by a discharge authority on a recommendation for discharge by reason of unsuitability for any of the specific bases prescribed in subparagraph 6016.1a through f. Such discharge authority will forward all papers, or copies thereof, pertaining to the case to the Commandant of the Marine Corps (Code DGK) for filing in the official record of the member concerned. However, where the specific basis for the discharge is one of the reasons prescribed in subparagraph 6016.1a through f, but there is evidence of homosexual or other aberrant sexual tendencies present in the case, the discharge authority, after completion of his final action thereon, will forward the case to the Commandant of the Marine Corps (Code DK) for review.

6017 DISCHARGE FOR UNFITNESS

1. The Commandant of the Marine Corps, and all Marine commanders exercising general court-martial jurisdiction, may authorize or direct the retention of unfitness, except that cases involving sexual perversion or the unauthorized use or possession of drugs or narcotics as the specific basis for the proposed discharge will be referred to the Commandant of the Marine Corps (AI) for disposition. Where there is evidence of sexual perversion or the unauthorized use or possession of narcotics present in the case, but the local discharge authority determines that the specific basis for the proposed discharge should be one of the bases reflected in subparagraph 6017.2b, 2c, 2e, or 2g, he may direct the member's discharge and is not required to forward the case to the Commandant except for review as required by paragraph 6005.8.

2. A commanding officer or officer in charge will recommend a member for discharge by reason of unfitness when he determines that the member's military record includes one or more of the following:

a. Sexual perversion, including, but not limited to:

- (1) Lewd and lascivious act(s).
- (2) Homosexual act(s). See SECNAVINST 1900.9 or revisions thereof, for controlling policy and additional action required in homosexual cases.
- (3) Sodomy. See SECNAVINST 1900.9.
- (4) Indecent exposure.
- (5) Indecent act(s) with or assault upon a child.

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

b. Frequent involvement discreditable nature with civil or military authorities. No specific number of acts or omissions are contemplated herein. Each case must be evaluated in light of its own particular facts to determine whether, because of such frequent involvement, the member concerned has clearly demonstrated that he is unqualified for retention and, if so, whether the character of his service has been other than honorable.

c. An established pattern of shirking.

d. Drug addiction, habituation, or the unauthorized use or possession of narcotics, dangerous drugs, marijuana, or any substance considered to be habit forming or to have a potential for abuse because of its depressant or stimulant effect on the central nervous system or because of their hallucinogenic effect; except that those cases involving the use or possession of marijuana, where the member has been tried by court-martial for the same offense and all available evidence was considered during the court-martial, are not required to be recommended for discharge. Members who have been tried by court-martial for the use or possession of marijuana will be recommended for discharge if the member is considered unfit for retention (see paragraph 6005).

e. An established pattern showing dishonorable failure to pay just debts.

f. An established pattern showing dishonorable failure to contribute adequate support to dependents, or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.

g. For unsanitary habits, which include, but are not limited to, the occurrence of repeated venereal disease infections during the member's current enlistment or period of service. See Department of the Navy General Order No. 18 and the current edition of SECNAVINST 6222.1.

3. Action with a view to discharging a member as unfit for any of the reasons set forth in subparagraphs 6017.2b, c, e, f, and g, above, will not normally be initiated unless the member has previously been afforded a reasonable opportunity to overcome his deficiencies. When it is determined that a member may come within the purview of these specific categories, the member shall be notified of his deficiencies and he shall be counseled concerning them. A brief summary of all counseling measures taken in compliance with this subparagraph shall be recorded on page 11 of the member's service record book. If no improvement is forthcoming within a reasonable time, the member should then be processed for the appropriate type of discharge. Failure on the part of a member to receive or understand the counseling prescribed herein may be considered by discharge boards and discharge authorities, along with all other factors in the case, in determining whether or not a discharge is appropriate, and if so, the type

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and character of discharge to be awarded. However, in no event shall the failure of the member to receive or understand such counseling be considered a defense in an administrative discharge proceeding or a bar thereto.

4. Before recommending a member for discharge by reason of unfitness, the commanding officer or officer in charge shall investigate or cause each case to be investigated. The circumstances, facts and offenses shall be substantiated by entries or documents from the member's service records, and/or other pertinent information, and the original or copies thereof shall be enclosed with the recommendation.

5. At the time of submission of a recommendation for discharge, an entry will be made on page 11 of the member's service record book showing this fact and the reasons therefor. If the recommendation for discharge is finally disapproved, an entry to this effect will likewise be recorded on page 11 of the member's service record book.

6. Except as provided in subparagraphs 6005.3 and 6025.2, all recommendations for a member's discharge by reason of unfitness will be referred to an administrative discharge board convened and conducted in accordance with paragraph 6024.

7. A member recommended for an undesirable discharge by reason of unfitness will be advised in accordance with paragraph 6023 and will be accorded those rights prescribed by paragraphs 6005, 6023, and 6024. The nature of the advice given and the method by which it is transmitted to a respondent, and the nature of the rights to be accorded a respondent, under the applicable provisions of this chapter, will depend upon whether or not the respondent is on active duty, whether or not the respondent is under military control, the extent to which a respondent effectively waives his rights, and whether or not the respondent requests discharge for the good of the service.

8. Where an administrative discharge board is held, the report of the board will be submitted to the convening authority thereof in accordance with paragraph 6024. Upon receipt of the board's report, the convening authority will take the following action thereon:

a. If the convening authority is not the appropriate discharge authority, he will forward the record of the case, including the report of the board and his recommendations thereon, to the Marine commander exercising general court-martial jurisdiction, or to the Commandant of the Marine Corps (Code DK) for disposition.

b. If the convening authority is the appropriate discharge authority, he will take one of the actions permitted by subparagraph 6024.9b.

9. Where no administrative discharge board is held because of the applicability of any of the provisions of subparagraphs 6005.3 and 6025.2, the authority empowered to convene an administrative discharge board and to whom the case has been submitted will take the following action thereon:

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a. If such authority is not the appropriate discharge authority, he will forward the entire record of the case, together with his recommendations thereon, to the appropriate discharge authority indicated in subparagraph 6017.8a for final disposition.

b. If such authority is the appropriate discharge authority, he will take one of the following actions, regardless of the recommendations of the member's commanding officer or officer in charge (see subparagraph 6002.18).

(1) Direct the member's retention in the service.

(2) Approve the member's discharge, specifying the type and basis thereof, but suspending the execution of the discharge for a specified period of probation in accordance with paragraph 6026.

(3) Direct the member's discharge, specifying the type and basis thereof.

10. Members serving outside the continental United States shall be transferred to the nearest Marine Corps activity in the continental United States by the Marine commander exercising general court-martial jurisdiction who directs or recommends the discharge. Except where the discharge authority is the Commandant of the Marine Corps or the Secretary of the Navy, the authority for discharge will be included in the orders transferring the member to the continental United States. (Women Marines will be transferred to a major (Marine Corps) command housing Women Marines.)

11. Commanders of activities outside the continental United States, not under the command of a Marine commander exercising general court-martial jurisdiction other than the Commandant of the Marine Corps, will transfer to the nearest Marine Corps activity in the continental United States those members who have been recommended for discharge by an administrative discharge board convened under the provisions of paragraph 6024 or those members who have been recommended for administrative discharge by their commanding officer or officer in charge and who have waived, in writing, the right to have their case heard by an administrative discharge board. Commanders, in their endorsement of the proceedings of the board, or in the recommendation for the member's discharge, will indicate the activity in the continental United States to which the member is being transferred.

12. When final action has been taken on any report or recommendation by a discharge authority other than the Secretary of the Navy or the Commandant of the Marine Corps, the discharge authority will forward all papers pertaining to the case to the Commandant of the Marine Corps (Code AI) for review (see subparagraph 6005.8).

6018 DISCHARGE BY REASON OF MISCONDUCT

1. The Commandant of the Marine Corps and all Marine commanders exercising general court-martial jurisdiction may authorize or direct the retention in the service or the discharge of members by reason of misconduct, except that cases

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empowered to convene an administrative discharge board having jurisdiction over the member will take or cause to be taken the following action:

(1) Notify the member, in writing, of the proposed discharge action and the basis therefor.

(2) Advise the member of the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records. (See subparagraph 6001.3b.)

(3) Advise the member that he has the following rights, which unless he waives such rights in writing, will be afforded to him:

(a) Present to and have his case considered by an administrative discharge board composed of not less than three officers, at least one of whom will be a field grade officer;

(b) Appear in person before such board, subject to his availability;

(c) To be represented by military counsel, who will be a lawyer within the meaning of UCMJ, article 27(b)(1) unless appropriate authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel.

◆ (4) Advise the member that if he does not waive a hearing before an administrative discharge board, and upon the hearing of his case before such board, he will be entitled to those rights set forth in subparagraphs 6024.3b through 6024.3e, 6024.3f, 6024.3n, 6024.3o, 6024.3r, 6024.6, and 6024.7. The advice as to the respondent's rights contained in the cited subparagraphs of paragraph 6024 may be given in a summarized form. Further advise the member that before waiving any of these rights, in writing, it would be to his advantage to consult with counsel and that he will be given the opportunity to do so.

(5) Advise the member who indicates that he wishes to submit a request for discharge for the good of the service, pursuant to paragraph 6021 that, if such request is accepted, he may receive a discharge under other than honorable conditions without administrative discharge board action, and further advise him of the adverse nature of such discharge and the possible consequences thereof. Before a member is permitted to actually submit a request for discharge for the good of the service, he will be advised that it would be to his advantage to consult with counsel and he will be given the opportunity to do so.

b. Advice to respondent not under military control. In each case where a member on active duty is recommended for an undesirable discharge, or has 8 or more years of continuous active military service and is recommended for a discharge by reason of unsuitability, and the member is not under military control because of either: his continuous, established unauthorized absence of more than 1 year, or because of his confinement by civil authorities; the officer empowered to convene a administrative discharge board having jurisdiction over the member will take or cause to be taken the following action (when the member is not under

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military control because of the continuous, established unauthorized absence of more than one year, the action prescribed by subparagraph 6023.1b(2) will ordinarily be taken or caused to be taken by the Commandant of the Marine Corps (see subparagraph 6005.3a):

(1) When the member is not under military control and is unable to appear before an administrative discharge board because of his confinement by civil authorities, advise the member in writing and by registered mail sent to the civil institution where the member is confined:

(a) Of the proposed discharge action and the basis therefor.

(b) Of the type of discharge certificate that may be issued.

(c) Of the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records. See subparagraph 6001.3b.

(d) Of the fact that administrative discharge action has been suspended to give him the opportunity to exercise the following rights: to request the appointment of a military counsel, who will be a lawyer within the meaning of article 27(b)(1) of the Uniform Code of Military Justice unless appropriate authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted non-lawyer counsel, and to have such counsel represent him, and in his absence, present his case before an administrative discharge board; to submit statements in his own behalf; and to waive the foregoing rights, either in writing, or by the failure to reply to the letter of notification within the prescribed time limit therein.

(2) Subject to the provisions of 10 USC 1163, while the member is not under military control by reason of a continuous, established unauthorized absence of more than one year, advise the member, in writing and by registered mail sent to the current home of record address of the member, or to the current address of his next of kin as reflected in the member's service records, as appropriate:

(a) Of the proposed discharge action and the basis therefor.

(b) Of the effective date of the proposed discharge action.

(c) Of the type of discharge certificate that may be issued.

(d) Of the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records. See subparagraph 6001.3b.

c. Recording advice given respondent under military control. In each case where a member on active duty and under military control is recommended for an undesirable discharge, or has 8 or more years of continuous active military service and is recommended for discharge by reason of unsuitability, or requests discharge for the good of the service within the purview of paragraph 6021 and

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(6) Disapprove the board's recommendation for discharge and direct that the respondent be retained in the service.

(7) Disapprove the board's recommendation for the respondent's retention in the service and direct that the respondent be discharged with the type of discharge and the bases therefor warranted by the circumstances of the case. In this event however, the direct discharge must be with honor, or under honorable conditions, with either an honorable or general discharge, as warranted by the circumstances.

(8) Set aside the findings and recommendations of the board and refer the respondent's case to a subsequent board in accordance with the provisions of subparagraph 6024.8.

c. When final action is taken by a discharge authority other than the Commandant of the Marine Corps or the Secretary of the Navy, on any recommendation for discharge by reason of unsuitability in the case of a member with 8 or more years of continuous active duty or on any report of misconduct or recommendation for discharge by reason of unfitness, all papers shall be forwarded to the Commandant of the Marine Corps (Code DK) for review. See subparagraphs 6005.8 and 6016.4. These papers shall include the signature of the discharge authority recording the final action taken in the case and the date thereof.

6025 ADMINISTRATIVE DISCHARGE BOARD PROCEEDINGS

1. An administrative discharge may not be effected without administrative discharge board proceedings in the following cases:

a. Where a member is recommended for discharge under other than honorable conditions, or a member with 8 or more years of continuous active duty is recommended for discharge by reason of unsuitability, and:

(1) The member does not waive, in writing, as prescribed elsewhere in this chapter, the right to present his case before an administrative discharge board, or,

(2) The member waives, in writing, as prescribed elsewhere in this chapter, the right to present his case before an administrative discharge board, but such waiver is disapproved by the discharge authority who directs reference of the member's case to an administrative discharge board.

b. Where a member is recommended for a discharge for security reasons within the purview of the current edition of SECNAVINST 5521.6 and pursuant thereto, proceedings before Security Boards are required.

2. An administrative discharge may be effected without administrative discharge board proceedings in the following cases:

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a. Where a member is recommended for discharge under other than honorable conditions, or a member with 8 or more years of continuous active duty is recommended for discharge by reason of unsuitability, and:

(1) The member is beyond military control by reasons of a continuous, established unauthorized absence of more than 1 year, provided the provisions of subparagraphs 6005.3a, 6023.1b(2), and 6023.1d have been complied with; or

(2) In a case where a member requests discharge for the good of the service within the purview of paragraph 6021 and provided the provisions of subparagraphs 6021.1, 6023.1a, and 6023.1c have been complied with; or

(3) In a case where the member waives his right to board action under the conditions prescribed elsewhere in this chapter and such waiver is not disapproved by the discharge authority.

b. In any case where a member is recommended and processed for an honorable or general discharge, pursuant to the provisions of paragraphs 6009 and 6011 through 6016, except for those cases where a member with 8 or more years of continuous active duty is recommended for discharge by reason of unsuitability. In the latter cases, the provisions of subparagraphs 6025.1 or 6025.2a apply.

6026 SUSPENSION AND VACATION OF SUSPENSION OF APPROVED ADMINISTRATIVE DISCHARGES

1. The Commandant of the Marine Corps and all Marine commanders exercising general court-martial jurisdiction, prior to the expiration of a member's enlistment or period of obligated active service, may suspend the execution of any approved administrative discharge for a specified period of probation, not to exceed 1 year, if the circumstances in a case indicate a reasonable prospect for the member's rehabilitation. If a period of suspension in excess of 1 year is desired, permission therefor will be requested from the Commandant of the Marine Corps (Code AI). Such suspension may be conditioned upon the member's approved request for an extension of his enlistment or period of obligated active duty. During the period of suspension, the member will be afforded an opportunity to demonstrate that he is qualified for retention in the service; i.e., that he is capable of behaving properly for an extended period under varying conditions, and that he can perform his assigned duties efficiently. In determining whether or not to suspend the execution of an approved administrative discharge, such factors shall be considered as: the member's maturity, the sincerity of the member's service motivation, the member's potential value to the Marine Corps, and the degree of risk of unsatisfactory performance in a continued term of service.

2. The following actions will be recorded on page 11 of the member's service record book:

a. The action initially suspending the execution of an approved administrative discharge, together with the date the specified period of suspension will be automatically remitted unless sooner vacated.

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2. Recommendations will be prepared and processed in accordance with chapter 6.
3. Paragraph 6023 contains instructions for the advice to be given and the recording of such advice when a reservist on inactive duty is recommended for an undesirable discharge, or when such reservist has 8 or more years of continuous active duty and is recommended for discharge by reason of unsuitability.

8012 NOT PHYSICALLY QUALIFIED

1. Instructions and procedures for discharge of reservists on inactive duty are contained in paragraph 10407 of this manual.

8013 PREPARATION OF DISCHARGE CERTIFICATES

1. A reservist whether discharged in accordance with the instructions contained herein or pursuant to the provisions of chapter 6 will be awarded a certificate of discharge of such type and character as is prescribed for this type of case. The discharge of reservists serving on active duty is governed by the provisions of chapter 6.
2. For instructions governing preparation of discharge certificates see paragraph 13001.
3. Upon transmittal of discharge certificates, inform each Marine that it is his responsibility to report his change of status to his local board of the Selective Service System.

8014 DISCHARGE OF WOMEN WHO BECOME PARENTS OR CUSTODIANS OF CHILDREN

1. Commanders shall discharge an enlisted woman in accordance with subparagraph 6012.3b when it is established that such woman comes within its purview.

8015 DISCHARGE OF INACTIVE DUTY RESERVISTS WHO BECOME OR DESIRE TO BECOME
MINISTERS OF RELIGION

1. Members of the Marine Corps Reserve on inactive duty who have become regular or duly ordained ministers of religion or who desire to take final vows in a religious order may request separation as follows:
 - a. Officers will submit resignation of commission to the Secretary of the Navy through official channels via the Commandant of the Marine Corps (Code DMR).
 - b. Enlisted personnel will submit requests for discharge via official channels to the Commandant of the Marine Corps (Code DMB).

2. The following definitions apply for the purposes of this paragraph:

a. "Regular minister of religion," is defined as a person who as his customary vocation preaches and teaches the principles of religion of a church, a religious sect, or religious organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect or organization as a regular minister.

b. "Duly ordained minister of religion" is defined as a person who has been ordained in accordance with the ceremonial ritual, or discipline of a church, religious sect, or religious organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

c. The above definitions do not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or religious organization, or who may have been duly ordained a minister in accordance with the ceremonial rite, or discipline of a church, religious sect or religious organization, but who does not regularly, as a vocation, teach and preach the principles of religion and administer the ordinances of public worship as embodied in the creed or principles of his church, sect, or organization.

3. Resignation of a commission or application for discharge must be accompanied by a statement or certificate from an appropriate official of the church, religious sect, or religious organization attesting that the reservist is a regular or duly ordained minister of religion as defined in the foregoing paragraph, or if the reservist desires to take final vows in a religious order, his resignation or application for discharge must be accompanied by a statement or certificate from an appropriate official of the religious order showing that in order to proceed further with his acceptance into the religious order, it is required that the reservist be separated from any military status he may have.

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CHAPTER 10

PHYSICAL EVALUATION FOR SEPARATION AND RETIREMENT

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c. When the indicated disposition is appearance before a physical evaluation board and the convening authority of the medical board does not concur the convening authority shall advise the Marine concerned and afford him an opportunity to submit a statement in rebuttal. The convening authority shall then forward the medical board report with statements to the Commandant of the Marine Corps via the Chief, Bureau of Medicine and Surgery for determination.

d. Should the senior member of the physical evaluation board advise the convening authority of the medical board in a case where the Marine is retained on the sicklist pending physical evaluation proceedings, and that Marine has requested personal appearance before the physical evaluation board, the convening authority shall issue orders without delay directing the member to appear before the board.

e. The issuance of orders and subsequent entitlement to travel and transportation allowance is dependent upon the medical status of the Marine. As long as the Marine remains on the sicklist and is properly classified as a patient he is entitled to transportation through medical channels; e.g., the DOD established Armed Services Medical Regulating Office (ASMRO). Marines whose cases have been referred to a physical evaluation board shall not be retained on the sicklist solely for the purpose of appearance before a physical evaluation board. If further hospitalization is not indicated, the Marine shall be discharged from the sicklist and transferred to an appropriate administrative command. In those instances and when such orders involve entitlement to travel and transportation allowance and transportation is not available through medical channels, the orders shall be issued in accordance with MCO P5000.3, Marine Corps Personnel Manual, chapter 5.

f. Provided the medical board so recommends and the convening authority of the medical board concurs commanding generals and commanding officers of Marine Corps activities within the United States (less Hawaii and Alaska) are authorized to discharge Marines on active duty including active duty for training by reason of physical disability. See paragraph 10404 of this chapter.

g. Provided the medical board so recommends and the convening authority of the medical board concurs commanding generals and commanding officers of Marine Corps Activities within the United States (less Alaska and Hawaii) are authorized to discharge Marines for character and behavior disorders of intelligence. See paragraph 10405 of this chapter.

8. Statement of Service. The authority responsible for directing the Marine to appear before a physical evaluation board shall request a statement of service for the Marine from his administrative command.

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10103 PHYSICAL EVALUATION BOARDS

1. General. Disability Separation Manual chapter 4, contains full instructions relevant to physical evaluation boards. The following paragraphs contain information applicable to the administrative responsibilities of commanding officers in the cases of Marines appearing before physical evaluation boards.

2. Purpose. Physical evaluation boards are constituted to afford a full and fair hearing incident to evaluate on of the physical fitness of Marines and former Marines to perform the duties of their office, grade, rank or military occupational specialty; to investigate the nature, cause, degree and probable permanency of disabilities presented by such members and to make recommended findings appropriate thereto. No Marine shall be separated or retired because of physical disability from an active duty status without a hearing before a physical evaluation board unless such hearing is waived by the Marine concerned. No Marine shall be separated or retired because of physical disability from an inactive duty status without a hearing before a physical evaluation board should the Marine demand it. Physical evaluation boards are not a function of the Bureau of Medicine and Surgery, but a function of the naval service as a whole. The board is not a part of the hospital at which it meets although the hospital administratively supports the needs of the physical evaluation board.

3. Convening authorities. The Secretary of the Navy and such officers as he may designate may convene physical evaluation boards. The following officers are among those so designated:

- a. Commandant of the Marine Corps.
- b. Commandant of the First, Third, Fourth, Fifth, Sixth, Eighth, Ninth, Eleventh, Twelfth and Thirteenth Naval Districts.
- c. Commanding General, Marine Corps Base, Quantico, Virginia.
- d. Commanding General, Marine Corps Base, Camp Pendleton, California.
- e. Commanding General, Marine Corps Base, Camp Lejeune, North Carolina.
- f. Commanding General, Marine Corps Recruit Depot, Parris Island, South Carolina.

4. Composition. A physical evaluation board is composed of three competent and mature commissioned officers, one of whom is a medical officer and two of whom are Marine field grade officers who are familiar with physical evaluation procedures, regulations and instructions of physical evaluation boards. When the Marine is a Reserve, a majority of the members of the board shall be Reserve officers, if available.

5. Counsel. The counsel for the physical evaluation board and the counsel for the Marine shall be competent, mature officers of sound judgement, familiar with procedures, regulations and instructions relating to the physical evaluation

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board. Where counsel for the board is a member of the bar of a Federal court or the highest court of a state, counsel for the party shall be an officer or civilian with similar qualifications.

6. Proceedings. The proceedings of physical evaluation boards shall be conducted in accordance with Disability Separation Manual, chapter 4 and the Judge Advocate General Manual, chapter IV, insofar as practicable except that oath or affirmation need not be administered to the members of the board or the counsel.

7. Personal appearance. When the Marine concerned demands a full and fair hearing he shall appear personally before the board unless there is an opinion by a medical board or a determination by the physical evaluation board that to do so would be detrimental to his health. In addition to the fact that it may constitute a military offense, failure to appear when so directed or authorized shall be considered as a waiver of the Marine's right to appear before the board unless it is reasonably shown that such failure was through no fault of the Marine. The board may at its discretion, however, waive the appearance of the Marine if so requested in writing by the Marine. Such request must be appended to the record of proceedings of the board.

8. Prima facie findings. In all cases except wherein the Marine is mentally incompetent the physical evaluation board shall review all pertinent documentary evidence and make prima facie recommended findings which shall be referred to the Marine. The Marine shall be allowed two working days to advise the physical evaluation board, in writing, whether the prima facie findings are acceptable to him. If the Marine accepts the prima facie findings and states in writing that he does not demand a full and fair hearing, the board, without conducting further proceedings, shall forward all records, together with the Marine's statement of acceptance and the prima facie findings, to the Physical Review Council. In the event that the prima facie findings are not acceptable to the Marine, and he so demands, he shall be afforded a full and fair hearing before the board.

9. Recommended findings. The physical evaluation board shall make recommended findings. The Marine shall be advised that recommended findings are advisory only and are not final or conclusive until disposition of the case has been effected pursuant to the direction of the Secretary of the Navy. The recommended findings may be:

- a. Fit for duty
- b. Physically unfit to perform duties, and if so, the board will further find:
 - (1) Conditions rendering the Marine unfit and constituting the physical disability.
 - (2) If disability incurred while entitled to basic pay.
 - (3) If disability is not due to intentional or willful neglect and was not misconduct nor incurred during a period of unauthorized absence.

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(4) If disability is the proximate result of active duty, or was incurred in line of duty in time of war or national emergency in cases of Marines with less than 3 years service.

(5) The percentage of disability.

(6) If disability either is permanent or may be permanent.

10. Rebuttal. The Marine will be given a copy of the physical evaluation boards proceedings which will be explained to him by his counsel. The Marine shall be afforded five days, exclusive of Sundays and holidays, in which to file a rebuttal.

11. Forwarding record of proceedings. The complete proceedings record of the physical evaluation board, together with all documents which were before the board shall be submitted to the Physical Review Council.

12. Pending disciplinary action. Personnel who have disciplinary action pending or who are being investigated for possible misconduct must not be ordered before a physical evaluation board without specific approval of the Commandant of the Marine Corps (Code DMB).

13. Marines declared mentally incompetent while in hands of civil authorities. Occasionally, Marines in hands of civil authorities will be declared, by those civil authorities, not responsible for their acts because of mental incompetency. These Marines, may or may not be referred to a civil mental institution for confinement or treatment. In any event, these cases are to be referred to the Commandant of the Marine Corps (Code DMB) for determination of disposition. Normally, the Commandant of the Marine Corps will refer these cases to a physical evaluation board for a hearing on the record. Any information obtained from the civil authorities which is pertinent to the Marine's present state of health should be included in the report to the Commandant of the Marine Corps (Code DMB).

14. Reservists on inactive duty. The law, section 1204, Title 10, U. S. Code, provides that a reservist found physically unfit as a proximate result of active duty will be accorded rights and benefits as a Marine on active duty. These cases should be processed in accordance with paragraph 10407 of this manual. While injury incurred on inactive duty training for any period of time is normally considered a proximate result of active duty, each determination must depend upon the facts of the particular case. Accordingly, sufficient evidence must be presented so as to permit a prudent determination in respect to the resolution of the "proximate result" question. Upon receipt of the case, the Commandant of the Marine Corps will determine the method of disposition based upon the foregoing and the recommendation of the Chief, Bureau of Medicine and Surgery.

10104 PHYSICAL REVIEW COUNCIL

1. Purpose. The Physical Review Council reviews the proceedings and recommended findings of physical evaluation boards.

2. Convening authority. The Secretary of the Navy shall convene the Physical Review Council.

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3. Orders for officers desiring to be ordered home to await final action will be requested by message from the Commandant of the Marine Corps (Code DFA).
4. Enlisted Marines will be issued orders in accordance with the format contained in figure 10-3 and the provisions of the current edition of MCO P1000.6, Assignment, Classification and Travel Systems Manual. This paragraph will be used as the authority. Orders involving travel in Alaska, Hawaii, or outside the United States will be requested by message from the Commandant of the Marine Corps (Code DMD).
5. Enlisted Marines ordered home or to a point of selection to await final disposition shall be entitled to payment of basic allowance for subsistence for the period following the date and hour of arrival home to include the date of separation from active duty. Marines without dependents will be entitled to basic allowance for quarters from and including the date of arrival home to include the date of separation from active duty. Marines with dependents will continue to be entitled to basic allowance for quarters as prescribed by current regulations to include the date of separation from active duty. The date of arrival home for the purpose of crediting subsistence and quarters allowances will be determined by the disbursing officer on the basis of the Marine's itinerary or constructive rail travel via the shortest usually traveled route, utilizing the one which requires the least travel time. For more comprehensive information consult the Military Pay and Allowances Entitlements Manual.
6. The unused leave balance of a Marine's record will be reduced for time spent at home awaiting final disposition, commencing the day after the date of actual arrival home or the date following the constructive date of arrival home based on the shortest usually traveled route, whichever is earlier.
7. Transportation of dependents and household effects is authorized under change of station orders issued pursuant to the authority provided by this paragraph for a distance not to exceed that from the old station to the home of record. Marines must be advised that since entitlement to transportation of dependents and household effects will not accrue unless and until the Marine is retired either permanently or temporarily or otherwise separated, that transportation allowance for dependents and cost of the shipment of household effects may be at his expense should the Secretary of the Navy ultimately find him fit for duty. Mileage and other transportation allowances, including transportation of dependents and household effects, are settled or adjusted in accordance with the provisions of Joint Travel Regulations and Navy Travel Instructions upon actual separation or retirement, permanent or temporary.
8. A claim for reimbursement for travel performed by dependents incident to change of station orders issued under this authority will be submitted to the disbursing officer maintaining the Marine's pay record. A claim for reimbursement for travel performed by dependents incident to the Marine's retirement, permanent or temporary, or separation will be submitted to the Examination Division, Marine Corps Finance Center, Kansas City, Missouri 64197 and will be supported by the original and two certified copies of the change of station orders, plus the original and two certified copies of:
 - a. The retirement orders, or
 - b. The Voucher or Claim for Dependent Travel and Dislocation or Trailer allowance (DD Form 1351-4). When a Marine who has dependents is detached from his permanent duty station by orders issued pursuant to this authority, the disbursing officer will advise him of the procedures for submitting claims for transportation of dependents and will furnish sufficient copies of DD Form 1351-4.

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9. Commanders will collect and destroy the Marine's identification card (DD Form 2MC) and issue, in lieu thereof, an identification card (DD Form 2MC) valid for 120 days. Should final disposition exceed 120 days, commanders will issue at the request of the Marine and subsequent to the expiration date of the card another identification card valid for 60 days. If appropriate, a retired identification card (DD Form 2MC (Ret)) will be issued at the time of separation in accordance with the instructions of MCO P1070.8, IRAM, paragraph 2004.

10108 VOLUNTARY SEPARATION PRIOR TO COMPLETION OF FINAL DISPOSITION ON PHYSICAL
DISABILITY PROCEEDINGS

1. A Regular or a reservist who has been ordered to active duty for more than 30 days, excluding involuntary active duty training for 45 days, should not be discharged or released upon expiration of active duty if medical treatment or disability proceedings have not been completed. If such a Marine requests separation despite this circumstance and prior to final action by the Secretary of the Navy, he will be instructed that the law, chapter 61 Title 10 U. S. Code requires that to be eligible for physical disability retirement or discharge with severance pay, he must be in receipt of basic pay at the time the Secretary of the Navy makes the necessary physical disability determination and that separation prior to that time may prejudice his case. If after this explanation the Marine still persists in his request for separation, the following entry will be made in the service record book on page 11:

"I request that I be discharged (released from active duty) despite the explanation which has been given me, that in order to be eligible for physical disability retirement or discharge with severance pay I must be entitled to basic pay at the time the Secretary of the Navy makes his determination in my case. Notwithstanding possible prejudice in my case, I still desire separation."

a. This entry must be dated and signed by the individual and witnessed by an officer prior to actual separation. If the Marine refuses to sign such a statement, an entry of such refusal shall be made prior to the time that his separation is effected and the Commandant of the Marine Corps (Code DMD) informed. In all cases involving transfer to the Marine Corps Reserve and/or release from active duty a certified true copy of the Marine's statement will be forwarded to the Commandant of the Marine Corps (Code DMD) immediately upon separation.

b. Any Marine who is contemplating waiving his rights pursuant to this paragraph should be counseled by an officer-lawyer.

2. In the case of officers, if orders for voluntary separation or retirement have been received, the Commandant of the Marine Corps (Code DMA) will be informed of the circumstances by message. Separation or retirement which is mandatory under the law cannot be deferred beyond the date established by law; therefore, a report in those cases is not required.

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PART B: PHYSICAL DISABILITY RETIREMENTS

10201 AUTHORITY

1. Sections 1201 and 1204, Title 10, U. S. Code provide that the Secretary of the Navy may retire certain members who are considered unfit to perform duties of their office, grade, rank or rating because of a permanent physical disability. See table 10-2 for eligibility determination.

10202 DISPOSITION INSTRUCTIONS

1. General

a. Expeditious handling of the administrative procedures attendant to the separation or retirement of disabled Marines is an integral part of the Marine Corps policy and it is incumbent upon each commander to exercise such policy with utmost consideration for the Marine.

b. In order not to inadvertently deprive Marines from receiving maximum benefits, it is necessary that action be accomplished to effect retirements at the earliest practicable date as Veterans' Administration compensation for Marines with high disability ratings may substantially exceed active duty pay or physical disability retired pay.

c. Prior to retirement a Marine may be authorized hospitalization at a Veterans' Administration hospital. Inasmuch as this authorization is based upon the provision that the Marine must be on active duty at time of admission, premature retirement may preclude this hospitalization. It becomes imperative that retirement of such personnel be held in abeyance and the Commandant of the Marine Corps be immediately notified.

◆ d. The Commandant of the Marine Corps (Code DMD) will direct by message the cognizant command and the Marine Corps Finance Center to effect disability separation. This notification will contain the Marine's service number, date of release from active duty, date of retirement or transfer, date active pay and allowances terminate, percent disability and appropriation data.

2. Specific. To effect retirement of Marines for permanent physical disability, commanding officers will accomplish the instructions outlined below:

◆ a. If the Marine is not attached to the local command, immediately read-dress message to his current command for appropriate action. An information copy must be provided to the Commandant of the Marine Corps (Code DMD) and the Marine Corps Finance Center.

b. If the Marine is a member of the local command commence separation processing without delay.

(1) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is prior to the date of retirement, provide date required by subparagraph 2a above, and readdress the retirement message from the Commandant of the Marine Corps to the Marine's new administrative command for action.

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SEPARATION AND RETIREMENT MANUALFORMAT FOR ACKNOWLEDGING CMC MESSAGES DIRECTING RETIREMENT BY REASON OF
PHYSICAL DISABILITY

FROM: (ORGANIZATION)

TO: MCFC KSC

INFO: CMC

UNCLA

▶ FOR CODE DMD

1. CMC (DATE TIME GROUP) REFERS

2. A. NAME

B. GRADE

C. SERNO/MSN

D. PAY ENTRY BASE DATE

▶ E. TIME LOST CURRENT ENLISTMENT

▶ F. YEARS OF ACTIVE SERVICE (YEARS, MONTHS, DAYS)

▶ G. MAILING ADDRESS. (complete address, including zip code, where Marine may be contacted after retirement or transfer to TDRL)

OR

2. (NAME MSN) NOT A MBR THIS COMMAND. YOUR (DATE TIME GROUP)
READDRESSED TO (ORGANIZATION)

OR

2. SEPARATION INFO REQUIRED. NO SRB AVAILABLE.

▶ 3. ABOVE MBR(S) HAVE BEEN OR WILL BE RETIRED (OR TRANSFERRED TO THE TEMP DIS-
ABILITY RETIRED LIST) AS DIR ON (DATE).

OR

3. PLEASE FORWARD RETIREMENT TO THIS COMMAND ASAP IN ORDER THAT PERSONAL
DELIVERY AT APPROPRIATE RETIREMENT CEREMONY ON (DATE OF RETIREMENT)
MAY BE ACCOMPLISHED.

Figure 10-4

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(2) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is subsequent to the date of retirement, immediately advise the Commandant of the Marine Corps (Code DMD) of the effective date of transfer to the Veterans' Administration hospital.

◆ c. Upon completion of separation processing, but not later than the date of retirement provide the Marine Corps Finance Center, with the Commandant of the Marine Corps (Code DMD) as an information addressee, with required personnel data of the Marine, using the appropriate message format contained in figure 10-4. Items of information required are:

- 1 Name
- 2 Grade
- 3 Service Number/MSN
- 4 Pay Entry Base Date
- 5 Time Lost Current Enlistment
- 6 Years, Months and Days of Active Service (to include date of release from active duty)
- 7 Mailing Address (complete address, including zip code, where the Marine may be contacted after retirement)
- 8 Date of Retirement

d. Issue retirement orders using the format contained in figure 10-5. Furnish the local disbursing officer settling the pay account a copy of the Commandant of the Marine Corps' notification message and two copies of the retirement orders immediately upon issuance. Additionally furnish the leave record and any other administrative information necessary to close the active duty pay account to the disbursing officer. The effective date of retirement is the day following the last day of active duty. Disability retirements are governed by law and must be effected as directed. Effecting a disability retirement on any date other than that directed is not authorized.

e. Notify those Marines who have been ordered home to await disposition of physical evaluation proceedings of the effective date of retirement, by message, on or before the effective date, and immediately mail the retirement orders direct to the individual.

◆ f. In the event the service record book is not available, request from the Commandant of the Marine Corps (Code DMD) in accordance with MCO P1070.8, IRAM, paragraph 4002, the required disability separation information utilizing the format contained in figure 10-4. Only disability separation information will be requested from the Commandant of the Marine Corps (Code DMD). All other separation information will be requested from the Commandant of the Marine Corps (Code DGK).

10203 RETIRED PAY PROCEDURES

1. The Commanding Officer, Marine Corps Finance Center administers retired pay.

2. To terminate credit of active duty pay and allowances for those Marines retired for physical disability, the disbursing officer will:

a. Be furnished one copy of the notification message of the retirement from the Commandant of the Marine Corps by the cognizant commanding officer.

b. On or before the effective date of retirement, be furnished two copies of retirement orders and the Marine's leave record by the cognizant commanding officer.

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From:

To: Marine concerned

Subj: Retirement by Reason of Permanent Physical Disability

Ref: (a) 10 USC 1201 (or 1204)
(b) CMC msg _____
(c) MCO P1070.8 IRAM, par 2004

1. The Secretary of the Navy has determined that you are physically unfit to perform the duties of your grade and has directed that you be permanently retired by reason of physical disability under the provisions of references (a) and (b). You are released from all active duty at 2400 on _____, and transferred to the Retired List of the Marine Corps/Marine Corps Reserve effective _____.
Your active duty pay accounts will be settled to include, _____.
Your pay entry base date is _____. On (last day of active duty) you will have completed _____ years, _____ months and _____ days of active service.
2. Your disability is rated _____* percentum in accordance with the Schedule for Rating Disabilities in current use by Veterans' Administration, VA Code (s) _____*.
3. Your home of record is _____.
4. Please keep the Commandant of the Marine Corps (Code DGH) informed of any change in your mailing address. This report is in addition to that required to be submitted for retired pay purposes. Detailed information based on provisions of law which are applicable in your case will be forwarded to your home address by the Commandant of the Marine Corps (Code DMB).
5. An identification card has been issued in accordance with reference (c).
6. Two copies of these orders should be furnished to the disbursing officer carrying your pay accounts. Your records indicate unused (excess) leave in the amount of _____ days on date of separation.
7. Expenditures under these orders are chargeable to appropriation _____*.

Copy to:
MCFC KSC
DISBO (2)

NOTE: All items indicated by asterisk are contained in reference (b).

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TABLE 10-4

COMPUTING DISABILITY RETIRED PAY

R U L E	A	B	C
	If the Marine is being	take the higher monthly basic pay --	and multiply by
	1 permanently retired (10 USC 1202 or 1204)	(1) of the highest temporary or permanent grade satisfactorily held, or (2) of the grade held on the day before he was retired or placed on the TDRL	2½ percent times the years of service credited to him or the percentage of his dis- ability on the date he retired or transfer- red to the TDRL (NOTE 2)
	2 transferred to the TDRL (10 USC 1202 or 1205) (NOTE 1)		
	3 removed from the TDRL and permanently retired (10 USC 1201 or 1204)		2½ percent times the years of service credited to him or the percentage of his dis- ability at the time his name is removed from the TDRL (NOTE 2)

NOTE 1. For as long as the Marine is carried on the TDRL his retired pay will not be less than 50 percent of his monthly basic pay on which the computation is made.

NOTE 2. Six months service or more is credited as a whole year, less than six months service is disregarded.

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c. Contact the Marine retiree, by person or mail, to arrange for termination or continuation of allotments, as may be authorized.

d. Effect final settlement of all active duty pay and allowances.

e. After final verification and audit, transmit the active duty pay record by the most expeditious means to the Retired Pay Division, Marine Corps Finance Center, Kansas City, Missouri 64197.

3. To establish the Marine's retired pay account, the Marine Corps Finance Center will:

a. Be an information addressee for all messages of notification of retirements from the Commandant of the Marine Corps to the cognizant commanding officers.

b. Be an action addressee for all messages from the cognizant commanding officer furnishing personal data of the retiree.

c. Be furnished two copies of all retirement orders issued by the cognizant commanding officers.

d. Based on information provided by messages pertaining to retirements, prepare a Retired Pay Data Form (MCFC RP 7200/3) for each disability retirement. The form will be forwarded direct to the retiree at his current mailing address for his election and completion. Correspondence relative to retired pay matters should be addressed to the Retired Pay Division.

4. A very basic computation of retired pay is presented in Table 10-4, Computing Disability Retired Pay.

10204 RETIREMENT DOCUMENTS

1. The Commandant of the Marine Corps will prepare and forward retirement documents as soon as possible which is normally 10 days after the Commandant has directed the field command to separate the Marine concerned.

2. In the event the Marine is physically present at a post or station the commander will so inform the Commandant of the Marine Corps (Code DMD) utilizing the format shown in figure 10-4 requesting retirement documents to be forwarded to the post or station for delivery and appropriate ceremony. See subparagraph 13001.4 of this manual.

10205 RETIREMENT HONORS

1. Appropriate retirement honors will be extended to Marines retired for physical disability, particularly those with more than 20 years active service.

10206 CURRENT ADDRESS AND RESIDENCE

1. A Marine who is retired shall keep the Commandant of the Marine Corps (Code DGH) informed at all times of the address where mail and messages addressed to him will be received. This report of current address is in addition to the report submitted to the Marine Corps Finance Center, Retired Pay Branch, Kansas City, Missouri 64197 or Veterans' Administration for pay purposes.

2. Subject to the above requirement, a retired Marine may change his residence in the United States or may reside abroad except in belligerent countries.

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PART C: TEMPORARY DISABILITY RETIRED LIST (TDRL)

10301 AUTHORITY

1. Section 1376, Title 10, U. S. Code, requires the Secretary of the Navy to maintain a Temporary Disability Retired List (TDRL) containing the names of Marines transferred to the TDRL pursuant to sections 1202 and 1205, 10 U.S. Code.

10302 COMPOSITION

1. The Commandant of the Marine Corps (Code DMD) is responsible for maintaining the TDRL. The list consists of Marines found to be unfit for performance of military duty because of physical disability which may be permanent, but which has not sufficiently stabilized to permit an accurate evaluation of a permanent degree of severity.

10303 TRANSFER TO THE TDRL

1. General

a. Expeditious handling of the administrative procedures attendant to the transfer to the Temporary Disability Retired List of disabled Marines is an integral part of Marine Corps policy and it is incumbent upon each commander to exercise such policy with utmost consideration for the Marine.

b. In order not to inadvertently deprive Marines from receiving maximum benefits, it is necessary that action be accomplished to effect retirements at the earliest practicable date as Veterans' Administration compensation for Marines with high disability ratings may substantially exceed active duty pay or physical disability retired pay.

c. Prior to transfer to the Temporary Disability Retired List a Marine may be authorized hospitalization at a Veterans' Administration hospital. Inasmuch as this authorization is based upon the provision that the Marine must be on active duty at time of admission, premature transfer to the Temporary Disability Retired List may preclude this hospitalization. It becomes imperative that transfer to the TDRL of such personnel be held in abeyance and the Commandant of the Marine Corps be immediately notified.

d. The Commandant of the Marine Corps (Code DMD) will direct by message the cognizant command and the Marine Corps Finance Center to effect disability separation. This notification will contain the Marine's service number, date of release from active duty, date of retirement or transfer, date active pay and allowances terminate, percent of disability and appropriation data.

2. Specific. To effect transfer of a Marine to the TDRL, commanding officers will accomplish the instructions outlined below:

a. If the Marine is not attached to the local command, immediately readdress message to his current command for appropriate action. An information copy must be provided to the Commandant of the Marine Corps (Code DMD) and the Marine Corps Finance Center.

b. If the Marine is a member of the local command commence separation processing without delay.

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(1) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is prior to the date of transfer to the TDRL, provide data required by subparagraph 2a above and readdress the retirement message from the Commandant of the Marine Corps to the Marine's new administrative command for action.

(2) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is subsequent to the date of transfer to the TDRL, immediately advise the Commandant of the Marine Corps (Code DMD) of the effective date of transfer to the Veterans' Administration hospital.

◆ c. Upon completion of separation processing but not later than, the date of transfer to the TDRL provide the Marine Corps Finance Center, with the Commandant of the Marine Corps (Code DMD) as an information addressee, with required personnel data of the Marine, using the appropriate message format contained in figure 10-4. Items of information required are:

- 1 Name
- 2 Grade
- 3 Service Number/MSN
- 4 Pay Entry Base Date
- 5 Time Lost Current Enlistment
- 6 Years, Months and Days of Active Service (to include date of release from active duty)
- 7 Mailing Address (complete address, including zip code, where the Marine may be contacted after transfer to TDRL)
- 8 Date of Transfer to TDRL

d. Issue orders using the format contained in figure 10-6. Furnish the local disbursing officer settling the pay account a copy of the Commandant of the Marine Corps' notification message and two copies of the transfer orders immediately upon issuance. Additionally furnish the leave record and any other administrative information necessary to close the active duty pay account to the disbursing officer. The effective date of transfer is the day following the last day of active duty. Temporary disability retirements are governed by law and must be effected as directed. Effecting a temporary disability retirement on any date other than that directed is not authorized.

e. Notify those Marines who have been ordered home to await disposition of physical evaluation proceedings of the effective date of retirement, by message, on or before the effective date and immediately mail the retirement orders direct to the individual.

◆ f. In the event the service record book is not available, request from the Commandant of the Marine Corps (Code DMD) in accordance with MCO P1070.8, IRAM, paragraph 4002, the required disability separation information utilizing the format contained in figure 10-4. Only disability separation information will be requested from the Commandant of the Marine Corps (Code DMD). All other separation information will be requested from the Commandant of the Marine Corps (Code DGK).

10304 TDRL PAY PROCEDURES

1. The Commanding Officer, Marine Corps Finance Center, administers the pay of all Marines placed on the TDRL.

2. To terminate credit of active duty pay and allowances for those Marines retired for physical disability, the disbursing officer will:

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FORMAT FOR ORDERS TRANSFERRING PERSONNEL TO THE TEMPORARY DISABILITY RETIRED LIST

FROM:

TO: Marine concerned

Subj: Transfer to the Temporary Disability Retired List

Ref: (a) 10 USC 1202 (or 1205)
(b) CMC
(c) MCO P1070.8, IRAM, par 2004

1. The Secretary of the Navy has determined that you are physically unfit to perform the duties of your grade and has directed that you be temporarily retired by reason of physical disability under the provisions of references (a) and (b). You are released from all active duty at 2400 on _____*, and transferred to the Temporary Disability Retired List effective _____. Your active duty pay accounts will be settled to include _____. Your pay entry base date is _____. On (last day of active duty) you will have completed _____ years, _____ months and _____ days of active service.

2. Your disability is rated at _____* percentum in accordance with the Schedule for Rating Disabilities in current use by the Veterans' Administration, VA Code(s) _____*.

3. You should receive orders to report to a military medical facility for a periodic physical examination at least once every 18 months to determine whether the disability for which you are temporarily retired has stabilized or changed. Your failure to report for a scheduled physical examination may result in termination of your retired pay unless you can establish good and sufficient reasons for not reporting. Detailed information based on provisions of law which are applicable in your case will be forwarded to your home address by the Commandant of the Marine Corps (Code DMp).

4. Your home of record is shown as _____.

5. Please keep the Commandant of the Marine Corps (Code DGH) informed of any change in your mailing address. This report is in addition to that required to be submitted for retired pay purposes.

6. An identification card has been issued you in accordance with reference (c).

7. Two copies of these orders will be furnished to the disbursing officer carrying your pay accounts. Your records indicate unused (excess) leave in the amount of _____ days on date of separation.

8. Expenditures under these orders are chargeable to appropriation _____*.

Copy to:
MCFC KSC
DISBO (2)

*NOTE: All items indicated by asterisk will be provided by the CMC message which should be listed as reference (b) in these orders.

Figure 10-6

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- a. Be furnished one copy of the notification message of the retirement from the Commandant of the Marine Corps by the cognizant commanding officer.
 - b. On or before the effective date of retirement, be furnished two copies of retirement orders and the Marine's leave record by the cognizant commanding officer.
 - c. Contact the Marine retiree, by person or mail, to arrange for termination or continuation of allotments, as may be authorized.
 - d. Effect final settlement of all active duty pay and allowances.
 - e. After final verification and audit, transmit the active duty pay record by the most expeditious means to the Retired Pay Division, Marine Corps Finance Center, Kansas City, Missouri 64197.
3. To establish the Marine's retired pay account, the Marine Corps Finance Center will:
- a. Be an information addressee for all messages of notification of retirements from the Commandant of the Marine Corps to the cognizant commanding officers.
 - b. Be an action addressee for all messages from the cognizant commanding officer furnishing personal data of the retiree.
 - c. Be furnished two copies of all retirement orders issued by the cognizant commanding officers.
 - d. Based on information provided by messages pertaining to retirements, prepare a Retired Pay Data Form (MCFC RP 7200/3) for each disability retirement. The form will be forwarded direct to the retiree at his current mailing address for election and completion. Correspondence relative to retired pay matters should be addressed to the Retired Pay Division.
4. A very basic computation of retired pay is presented in Table 10-4, Computing Disability Retired Pay.

10305 PERIODIC PHYSICAL EXAMINATION

1. The law requires that a Marine whose name has been placed on the TDRL shall be given a physical examination at least once every 18 months to determine whether there has been a change in the disability for which he was temporarily retired.
2. If a Marine on the TDRL fails to report as ordered for the required periodic physical examination, his disability retired pay may be terminated. Should he establish just cause for failure to report, payments may be reinstated and may be made retroactive not to exceed one year.
3. Marines who have waived retirement in order to receive compensation from the Veterans' Administration are still members of the Marine Corps and are required to undergo periodic physical examinations when ordered by the Commandant.

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▶ PART D: DISCHARGES FOR MARINES NOT PHYSICALLY QUALIFIED FOR RETENTION

10401 DISABILITY DISCHARGES WITH SEVERANCE PAY

1. Sections 1203 and 1206, Title 10, U. S. Code provide that certain Marines not eligible for retirement by reason of physical disability but who are nevertheless found unfit for duty by reason of physical disability may be discharged from the Marine Corps with severance pay. Eligibility requirements are contained in tables 10-3 and 10-4.

10402 DISABILITY DISCHARGES WITHOUT SEVERANCE PAY

1. A Marine who incurs a physical disability that, in the determination of the Secretary of the Navy, renders him unfit to perform the duties of his office, grade, rank, or military occupational specialty and which results from his intentional misconduct or willful neglect or which was incurred during a period of unauthorized absence shall be separated from the Marine Corps without entitlement to benefits under the law. Additionally, Marines unfit for retention on active duty because of physical disability which was neither incurred nor aggravated during any period in which the Marine was entitled to basic pay shall be discharged without severance pay.

10403 SEPARATION PROCEDURES FOR DISCHARGE WITH OR WITHOUT SEVERANCE PAY

- ▶ 1. The Commandant of the Marine Corps will direct discharge, with or without severance pay, of Marines by reason of physical disability. Upon receipt of the message directing discharge of a Marine, with or without severance pay, the cognizant commanding officer will advise the Commandant of the Marine Corps (Code DMD) of the actual date of discharge utilizing the format contained in figure 10-7.
- ▶ 2. In the case of transferred personnel, messages will be readdressed to the new command for appropriate action, providing an information copy to the Commandant of the Marine Corps (Code DMD) and the Marine Corps Finance Center.

10404 DISCHARGE FOR DISABILITIES EXISTING PRIOR TO SERVICE

- ▶ 1. The Disability Separation Manual and current edition of BUMEDINST 1910.2, provides information relative to medical boards convened for the purpose of discharging enlisted Marines for physical disability not incurred in or aggravated by service. Commanding generals and commanding officers of all Marine activities within the United States (less Alaska and Hawaii) are authorized to discharge enlisted or inducted members, of the Marine Corps and the Marine Corps Reserve, on active duty including active duty for training because of physical disability provided:

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FORMAT FOR REPLYING TO CMC DISCHARGE DIRECTIVES PURSUANT TO PHYSICAL DISABILITY

FROM: (ORGANIZATION)

TO: CMC

UNCLAS

FOR CODE DMD

1. CMC (DATE TIME GROUP) REFERS

2. A. NAME.

B. GRADE.

C. MSN

D. (WILL BE) (HAS BEEN) DIS ON (DATE),

OR

2. SEPARATION INFORMATION REQUIRED ON FOLLOWING PERS NO SRB AVAIL,

OR

2. A. NAME.

B. MSN

C. NOT A MBR THIS COMMAND. YOUR (DATE TIME GROUP) READDRESSED TO
(ORGANIZATION).

Figure 10-7

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a. The Marine has appeared before a medical board and the board has stated affirmatively and specifically the opinion that the Marine is unfit for further service because of physical disability and that the physical disability was neither incurred in nor aggravated by a period of active military service. No Marine shall be discharged because of physical disability who does, in fact, meet the minimum standards for enlistment or induction.

b. The convening authority of the medical board concurs in the above opinions of the board.

c. The Marine has been fully advised, by the convening authority of the medical board, of his right to demand a full and fair hearing before a PEB prior to discharge.

d. The Marine, after having been advised of his right to a full and fair hearing, certifies in writing, on form NAVMED 6100/3, that he does not demand such a hearing prior to discharge.

e. There is no disciplinary action pending, including court-martial or investigative proceedings which might lead to court-martial, or uncompleted sentences of court-martial involving confinement or discharge.

f. There is no administrative type discharge pending.

g. There is no indication of drug addiction, alcoholism, homosexuality or criminalism.

h. There is no evidence that the Marine is under investigation or is being processed as a security risk.

2. When the commander is of the opinion that an enlisted Marine qualified for discharge by reason of physical disability in accordance with this paragraph should be discharged by reason of unsuitability, unfitness, misconduct, or for other reason, the medical board report shall be forwarded to the Commandant of the Marine Corps via the Chief, Bureau of Medicine and Surgery for final action after the Marine has been processed in accordance with the administrative discharge provisions contained in chapter 6 of this manual.

3. The authority for discharge is paragraph 6011 of this manual and the current edition of BUMEDINST 1910.2.

4. This paragraph is not applicable to officers. Officers will be discharged in accordance with the provisions of paragraph 4003 and only at the direction of the Commandant of the Marine Corps.

10405 DISCHARGES FOR CHARACTER AND BEHAVIOR DISORDERS AS DETERMINED BY A
MEDICAL BOARD

1. The Disability Separation Manual and current edition of BUMEDINST 1910.2, provides information relative to medical boards convened for the purpose of discharging enlisted Marines for character and behavior disorders. Commanding officers of all Marine activities within the United States (less Alaska and Hawaii) are authorized to discharge enlisted or inducted members of the Marine

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Corps and Marine Corps Reserve, on active duty including active duty for training by reason of unsuitability because of character and behavior disorder; provided

a. The Marine has appeared before a medical board and the board has stated affirmatively and specifically the opinion that functional usefulness is impaired to such an extent as to cause military unsuitability due to character and behavior disorder.

b. The convening authority of the medical board concurs in the above opinion of the board.

c. The Marine does not have a diagnosis of dyssocial personality, enuresis, alcoholism, homosexual or other aberrant tendencies, combat exhaustion, drug addiction or acute situational maladjustment.

d. The Marine has less than 3 years continuous active service.

e. The Marine has been notified in writing of the findings and proposed recommended discharge action of the board.

f. The Marine indicates in writing on NAVMED 6100/2 that he has been informed in writing of the findings and proposed recommended discharge action of the board and does not desire to make a statement in his own behalf or rebut the board's findings and recommendations.

g. There is no disciplinary action pending, including court-martial or investigative proceedings which might lead to court-martial, or uncompleted sentences of court-martial involving confinement or discharge.

h. There is no administrative type discharge pending.

2. Discharge recommendations for character and behavior disorders as determined by a medical board are separate and distinctively different from administrative discharges by reason of unsuitability for character and behavior disorders pursuant to paragraph 6016 of this manual. That paragraph provides for the disposition of enlisted Marines via nonmedical channels by administrative discharge for unsuitability where appearance before a medical board is not required. Resolution of the issue of a Marine's unsuitability for military service, within the purview of this paragraph shall be determined by the cognizant medical authorities.

3. Enlisted Marines separated pursuant to the provisions of this paragraph shall normally be discharged with an honorable or general discharge as warranted by the service record, by reason of unsuitability.

4. The authority for discharge is paragraph 10405, of this manual and BUMED INST 1910.2.

5. This paragraph is not applicable to officers. Officers will be discharged in accordance with the provision of paragraph 4003 and only at the direction of the Commandant of the Marine Corps.

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10406 DISCHARGES FOR MEMBERS OF OFFICER TRAINING PROGRAMS FOUND NOT PHYSICALLY QUALIFIED FOR RETENTION

1. The Commanding General, Marine Corps Base, Quantico, Virginia, is authorized to discharge members of officer training programs upon notification by the Chief, Bureau of Medicine and Surgery that the member is not physically qualified for retention on active duty as an enlisted member subject to the following provisions:

a. Upon report from a medical officer that an officer candidate has been determined to be not physically qualified for retention, the commander concerned will forward the Report of Medical Examination (SF 88) to the Chief, Bureau of Medicine and Surgery (Code 3322) provided the officer candidate:

(1) is not on active duty, or

(2) is on active duty but the medical officer's determination is the result of the initial physical examination administered upon the candidate's reporting to an officer training course, and it is established that the disqualification is not the result of an injury incurred while performing travel incident to reporting to the officer training course.

(3) submits a request for discharge by reason of being found not physically qualified for retention on active duty.

b. The Chief, Bureau of Medicine and Surgery will notify the Commanding General, Marine Corps Base of his recommendation concerning the disposition of the case.

c. Should the officer candidate desire to enter or remain on active duty, the commander concerned will forward the Report of Medical Examination (SF 88) to the Commandant of the Marine Corps (Code DPC) via the Chief, Bureau of Medicine and Surgery (Code 3322) with a recommendation as to retention.

d. Authority for discharge is subparagraph 6012.1b(13) of this manual.

2. Cases, wherein the officer candidate is found physically qualified for retention as an enlisted member but is not physically qualified for appointment as an officer in the Marine Corps, the commander concerned will forward the Report of Medical Examination (SF 88) to the Commandant of the Marine Corps (Code DPC) via the Chief, Bureau of Medicine and Surgery (Code 3322).

3. Cases, wherein the officer candidate is on active duty and is found to be not physically qualified at a time subsequent to the initial "reporting in" physical examination, will be processed in accordance with the Disability Separation Manual or the current edition of BUMEDINST 1910.2.

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SEPARATION AND RETIREMENT MANUAL10407 DISCHARGES FOR RESERVISTS ON INACTIVE DUTY FOUND NOT PHYSICALLY QUALIFIED
FOR RETENTION IN THE MARINE CORPS RESERVE

1. The law, section 6148, Title 10, U. S. Code, provides that a reservist who is ordered to perform inactive duty training for any period of time, and is disabled in the line of duty from injury while so employed is entitled to the same pension, compensation, death gratuity, hospital benefits and pay and allowances as one provided by law or regulation in the case of a regular Marine of the same grade. Accordingly, a reservist found physically unfit as a proximate result of active duty will be accorded rights and benefits as a Marine on active duty. While injury incurred on inactive duty training for any period of time is normally considered a proximate result of active duty, each determination must depend upon the facts of the particular case. Hence, sufficient evidence must be presented so as to permit a prudent determination in respect to the resolution of the "proximate result" question.

2. The Commanding General, Fourth Marine Aircraft Wing, directors of the Marine Corps districts, and the Commanding Officer, Reserve Forces (Class III) are authorized to discharge a reservist not on active duty upon notification by the Chief, Bureau of Medicine and Surgery that the reservist has been found not physically qualified for retention in the Marine Corps Reserve subject to the following provisions:

a. Upon a report from a medical officer that an enlisted reservist has been determined to be not physically qualified, the commander concerned will forward the Report of Medical Examination (SF, 88 and 89 and any other additional correspondence that may be relevant to the examination) to the Chief, Bureau of Medicine and Surgery (Code 3322).

b. Upon return notification by the Chief, Bureau of Medicine and Surgery that the reservist is not physically qualified for retention in the Marine Corps Reserve, the Commanding General, Fourth Marine Aircraft Wing, appropriate district director, or the Commanding Officer, Reserve Forces (Class III) will inform the reservist of his status providing the following information and furnish him an appropriate form letter for reply:

(1) Medical description of physical defect.

(2) That laws governing the Marine Corps require that any person who is not physically qualified for assignment to active duty be discharged or retired from the Marine Corps Reserve.

(3) That in view of the foregoing, he is requested to take one of the following courses of action:

(a) Submit a written request for discharge by reason of being not physically qualified.

(b) Request transfer to the Retired List if eligible under existing regulations.

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(c) Request a hearing before a physical evaluation board.

(d) That if no reply is received within 30 days from the date of the letter of notification, it will be considered that the reservist does not desire a hearing and that action will be taken to discharge him involuntarily by reason of physical disqualification.

c. Upon completion of the foregoing, take such administrative action as may be indicated in accordance with the following instructions:

(1) Discharge the reservist upon receipt of his or her written request under authority contained in paragraph 6012.1f(5).

(2) In the event the reservist requests a hearing, request from the Commandant of the Marine Corps (Code DN) a Certificate of Eligibility furnishing evidence that the injury is a "proximate result of active duty."

(a) Should the reservist be issued a Certificate of Eligibility, issue orders utilizing the format contained in figure 10-8. The addresses of the physical evaluation boards are listed in figure 10-2.

(b) Should a Certificate of Eligibility not be issued to the reservist, and he persists for an appearance before a physical evaluation board, accomplish the following action:

1 Inform the reservist that expenses incurred incident to this hearing must be borne by the reservist.

2 Authorize his appearance before the nearest physical evaluation board at no expense to the Government utilizing the format contained in figure 10-9.

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From:

To:

Via: Senior Member, Physical Evaluation Board (insert appropriate mailing address shown in figure 10-2)

Subj: Orders to appear before a Physical Evaluation Board

Ref: (a) MARCORSEPMAN, par. 10407

Encl: (1) Statement of Rights (NAVSO 6000-14) in triplicate

1. When notified by the via addressee that the necessary records are available for presentation of your case, you are directed to report to that officer for an evaluation of your present physical condition.
2. In the evaluation of your physical condition, the Physical Evaluation Board is directed to conduct the proceedings in all respects as provided for hearings in the case of active duty members except that it will make only the recommended finding that you are or are not physically qualified for active duty in the U. S. Marine Corps Reserve.
3. You are advised that if for any reason you are unable to report in person to the Physical Evaluation Board on the date specified, you may waive your right to appear in person. If you waive your right to appear in person, your case will be submitted to the Physical Evaluation Board for an examination on the record. Please execute the enclosed Statement of Rights and return it to the via addressee prior to the date set for your examination.
4. Whether you appear in person or waive your right to appear in person, you may be represented by counsel if you so desire. Should you desire counsel to assist or represent you in presenting your case before the Physical Evaluation Board, competent legal assistance is available without expense to you. You may apply for this service to the Senior Member of the Physical Evaluation Board.
5. By endorsement hereon the via addressee is requested to notify you of the date and place you are to appear.
6. * TRAV Char appn 170118.2731 RPMC OBCLASS II BCN 18631 AAA 00027
TT 2D CC 71170.

(Signature)

Copy to:

BuMed (Code 3351)

Individual concerned-10

*See Marine Corps Order 7301

series for appropriate date, object class and cost codes.

Figure 10-8

MARINE CORPS
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From:

To:

Via: Senior Member, Physical Evaluation Board (insert appropriate mailing address shown in figure 10-2)

Subj: Authorization to appear before a Physical Evaluation Board

Ref: (a) Disability Separation Manual (NAVEXOS P-1990)

Encl: (1) Statement of Rights (NAVS0 6100-14) in triplicate

1. When notified by the via addressee that the necessary records are available for presentation of your case, you are authorized to report to that officer for an evaluation of your present physical condition.
2. In the evaluation of your physical condition, the Physical Evaluation Board is directed to conduct the proceedings in all respects as provided for hearings in the case of active duty members except that it will make only the recommended finding that you are or are not physically qualified for active duty in the U. S. Marine Corps Reserve. (* The Board's attention is invited to paragraph 0428 of reference (a).)
3. The above is authorized with the understanding that you will not be entitled to reimbursement for mileage or expense in connection therewith. In case you do not desire to bear this expense or if for any reason you fail to report to the Physical Evaluation Board on the date specified, you will regard paragraph 1 of this authorization as revoked.
4. You are advised that if for any reason you are unable to report in person to the Physical Evaluation Board on the date specified, you may waive your right to appear in person. If you waive your right to appear in person, your case will be submitted to the Physical Evaluation Board for an examination on the record. Please execute the enclosed Statement of Rights and return it to the via addressee prior to the date set for your examination.
5. Whether you appear in person or waive your right to appear in person, you may be represented by counsel if you so desire. Should you desire counsel to assist or represent you in presenting your case before the Physical Evaluation Board, competent legal assistance is available without expense to you. You may apply for this service to the Senior Member of the Physical Evaluation Board.
6. By endorsement hereon the via addressee is requested to notify you of the date and place you are to appear.

(Signature)

Copy to:
BuMed (Code 3351)
Individual concerned -4

*Insert this sentence for Fleet Reservists.

► Figure 10-9

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CHAPTER 11

ARMED FORCES OF THE UNITED STATES REPORT OF TRANSFER OR DIS-
CHARGE (DD 214 MC) AND ARMED FORCES OF THE UNITED STATES
WORKSHEET FOR REPORT OF TRANSFER OR DISCHARGE (DD 214-ws)

11001 INSTRUCTIONS

1. The DD 214-ws, Armed Forces of the United States Worksheet for Report of Transfer or Discharge, is provided to facilitate the separating activity's preparation of DD 214 MC. Upon completion of the DD 214 MC the worksheet may be destroyed or retained for not more than six months at the discretion of the completing activity.

2. The DD 214 MC is designed to provide:

a. The individual serviceman with a brief, clear-cut record of a term of active service with the Armed Forces at the time of his transfer, release, or discharge from that term of active duty, or when he undergoes a change of status or component while on active duty.

b. Various governmental agencies, including the Veterans' Administration, the Selective Service System, and the United States Employment Service of the Department of Labor, with an authoritative source of information which they require in the administration of Federal and State laws applying to personnel who have been discharged from active duty, otherwise released, or transferred to a Reserve component of the Armed Forces; and

c. The military services with a source of active service information for administrative purposes, to include determinations of eligibility for enlistment or reenlistment.

3. The DD 214 MC will be prepared and delivered to personnel upon:

a. Release from active service. Except as provided in paragraph 4, below, DD 214 will be furnished to each person at the time of his separation from a period of active service with an Armed Force. This includes separation from a period of actual or apparent (de jure or de facto) service as well as release from an enlistment that is void by reason of minority.

b. Release from a period of active duty for training of 90 days or more. However personnel being separated for physical disability and those who have been serving on active duty for training under the 6-month program will be furnished DD 214 MC regardless of the length of time actually served on active duty.

c. Continuation of active service, except as provided in paragraph 4, below, with one of the following changes in status:

(1) Discharge for immediate enlistment or reenlistment.

(2) Termination of enlisted status to accept an appointment to warrant or commissioned officer grade.

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(3) Termination of Reserve status to integrate into a Regular component of the Armed Forces.

(4) Termination of a temporary appointment to accept a permanent warrant or commission in the Regular or Reserve Marine Corps.

(5) Termination of an officer appointment in Marine Corps to accept appointment in one of the other Armed Forces.

4. The DD 214 MC will not be issued to:

a. Personnel found physically disqualified upon reporting for active duty, and who do not enter actively upon duties in accordance with orders.

b. Personnel separated from active duty by reason of death.

c. Personnel released from a period of less than 90 days' active duty for training except as specified in subparagraph 11001.3b.

d. Personnel appointed as temporary officers.

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

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

g. Officers dropped from the rolls in accordance with MCM, 1951, appendix 2, section 10 (now codified in 10 USC 1161(b), 1163(b) and 6408(b)).

h. Personnel appointed as cadets or midshipmen when the enlistment contract or period of obligated service has not expired.

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

▶ j. Personnel who are released from a period of 30 days or less of active service.

5. General Instructions

▶ a. The individual's copy of DD 214 MC will be delivered to him at the time discharge or transfer is effected. If the effective date does not occur until completion of travel, the form will be delivered to him prior to his departure from the separation activity. As an exception to the above, when emergency conditions preclude physical delivery or when the individual departs well in advance of normal departure time (e.g., leave in conjunction with retirement) his copy of the DD 214 may be mailed to him to arrive on the effective date of separation/transfer. Remaining copies of DD 214 will be distributed the day following the effective date of separation.

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

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

(a) The activity responsible for administering the individual records and accounts will complete items 1 through 10c, 16 through 21, 23a through 25, 27a through 29, and 31 through 34, in accordance with the instructions in subparagraph 6, below, prior to departure of the individual to his home.

◆ (b) When retirement or discharge is directed by the Commandant of the Marine Corps, the remaining items will be completed and all copies of the form distributed. The individual's copy shall be mailed to him to arrive on the effective date of separation.

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

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

(a) The activity administering the individual will complete items 1 through 10c, 16 through 21, 23a through 25, 27a through 29, and 31 and 32, prior to transfer from the naval hospital in which the individual is hospitalized, and will forward the form to the Marine Corps activity responsible for maintenance of service records while he was a patient at the Veterans' Administration hospital.

(b) When retirement or discharge is directed by the Commandant of the Marine Corps, the remaining items will be completed and all copies of the form distributed. The individual's copy shall be mailed to him to arrive on the effective date of separation. Copy 4 will be forwarded to the Veterans' Administration hospital in which the individual is a patient.

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

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

◆ e. An entry will be made in each item. If no detailed entry is applicable, enter "None" or "Not Applicable." If more space is required to complete an item, the words "See remarks" will be entered in the space and the completion entered in item 30. When information is not available to complete all items

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of the DD 214 for an individual being released from a period of active service, the form will be prepared as completely as possible and delivered to the separatee who will be advised to request from the appropriate authority a complete DD Form 214 or a DD Form 215 to cover items (other than 10b and 28) not completed on the originally issued form. In all other cases--release from a period of active duty for training or 90 days or more, etc.--when information is not available, the words "See remarks" will be entered in the space and the explanation entered in item 30.

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

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

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

(1) Corrections or changes made during the preparation of DD 214 MC will be neat and legible on all copies and initialed by the authenticating officer. Once the original has been delivered to the individual, no correction may be made to copies by the separating activity. (See subpar. h(2), below.)

(2) The person to whom DD 214 MC is issued will be cautioned not to make any changes or alterations on the form. To do so will render the form void. If an error is discovered by him after receipt of the form and after his departure from the separation point, and/or distribution of copies of the form have been made, correction or change will be made only by the Commandant of the Marine Corps on DD 215 (Correction of DD 214 MC). Requests for corrections to the form will be addressed to the Commandant of the Marine Corps (Code DGK), Headquarters, U.S. Marine Corps, Washington, D. C. 20380, and should include the individual's name, grade and pay grade, service number, and date of transfer or discharge.

(3) A lost or destroyed DD 214 MC shall be reported to the Commandant of the Marine Corps (Code DGK) and a duplicate (photostat) will be issued upon request and proper endorsement of the individual's commanding officer.

i. Special control. Care will be exercised to ensure that blank copies of DD 214 will be kept in the custody of the commander, who is responsible for their safekeeping, accountability, and proper issue. When an organization is disbanded, forms on hand will be forwarded by registered mail to the Marine Corps Supply Center, Albany, Georgia 31704.

6. Detailed Instructions

Item

1. LAST NAME, first name, middle name. Enter full name in order indicated, including "Jr.," "Sr.," "I," "II," etc. Where there is no middle name or letter, nothing will be entered. If the individual uses initials in lieu

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of a first or middle name, indicated by enclosing the initial or initials in quotation marks. Type last name in UPPER CASE letters.

2. SERVICE NUMBER. Self-explanatory.
3. SOCIAL SECURITY NUMBER. Self-explanatory.
4. DEPARTMENT, COMPONENT AND BRANCH OR CLASS. Enter component in which Marine was a member while on active duty. Ensure that component designator is included for USMCR enlistments. Examples: USMC, USMC-SS, FMCR, USMCR (K), etc.
- 5a. GRADE, RATE OR RANK. Enter the abbreviation for the grade in which separated.
- 5b. PAY GRADE. Enter this item for enlisted personnel only.

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6. DATE OF RANK. Enter date of rank as distinguished from date of appointment or promotion.
7. U. S. CITIZEN. Self-explanatory.
8. PLACE OF BIRTH (City and State or Country). Self-explanatory.
9. DATE OF BIRTH. Self-explanatory.
- 10a. SELECTIVE SERVICE NUMBER. Enter if available.
- 10b. SELECTIVE SERVICE LOCAL BOARD NUMBER, CITY, COUNTY, STATE AND ZIP CODE. Enter if available.
- 10c. DATE INDUCTED (Day, Month, Year). Self-explanatory.
- 11a. TYPE OF TRANSFER OR DISCHARGE. Enter one of the following:

Discharged.

Transferred to Marine Corps Reserve.

Transferred to Fleet Marine Corps Reserve.

Temporarily retired.

Retired.

Released from active duty.

Released from initial tour of active duty for training (in the case of reservists assigned to the Six Months' Training Program).

- 11b. STATION OR INSTALLATION AT WHICH EFFECTED. Enter reporting unit.
- 11c. REASON AND AUTHORITY

1. General: Completion of this item will be accomplished as set forth below. No deviation from instructions and entries as set forth herein is authorized except that applicable Marine Corps Orders, BUMED Instructions, CMC letters or messages, etc., will also be shown following the authorized entry. Particular attention is invited to the number or number and letter preceding the descriptive reason for transfer or discharge. This number and letter must be entered in every case as a code designator furnished to the Veterans' Administration and Selective Service to enable them to determine the specific reason for separation.

2. Officer

a. If "Type of Transfer or Discharge" in Item 11a is indicated by "Discharged," "Temporarily Retired," or "Retired," the Commandant of the Marine Corps will issue specific instructions for completion of this item.

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b. If "Type of Transfer or Discharge" in Item 11a is indicated by "Released from Active Duty," this item will be completed as follows:

(b)(2) Expiration of active duty commitment. Current edition of MCO 1900.1 (other pertinent authority as appropriate)."

3. Enlisted

a. If "Type of Transfer or Discharge" in Item 11a is indicated by "Discharged," enter one of the following remarks as appropriate:

(b)(2) Convenience of the Government. Paragraph 6012.1f, Marine Corps Separation and Retirement Manual." (To take final vows or to become a regular or duly ordained minister of religion which precludes membership in the Armed Forces.)

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual." (General demobilization, reduction in authorized strength, or by an order applicable to all members of a class of personnel specified in the order.)

(b)(2) Convenience of the Government. Paragraph 6012.1f, Marine Corps Separation and Retirement Manual." (Separation for other good and sufficient reasons when published by the Secretary of the Navy.)

(b)(2) Expiration of Enlistment. Paragraph 6009, Marine Corps Separation and Retirement Manual."

(b)(2) Expiration of active obligated service. Paragraph 6009, Marine Corps Separation and Retirement Manual."

(b)(2) Fulfillment of service obligation. Paragraph 8002, Marine Corps Separation and Retirement Manual."

(b)(2) Convenience of the Government. Paragraph 6012.1b, Marine Corps Separation and Retirement Manual." (To accept an appointment as a commissioned officer in the Marine Corps/Marine Corps Reserve, or to accept recall to active duty as a commissioned officer in the Marine Corps Reserve.)

(b)(2) Convenience of the Government. Paragraph 6012.1b, Marine Corps Separation and Retirement Manual." (To accept an appointment as a warrant officer in the Marine Corps/Marine Corps Reserve, or to accept recall to active duty as a warrant officer in the Marine Corps Reserve.)

(b)(2) Convenience of the Government. Paragraph 6012.1b, Marine Corps Separation and Retirement Manual." (To accept commission or appointment in another branch of the Armed Forces of the United States.)

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- (b)(2) Convenience of the Government. Paragraph 6012.1e, Marine Corps Separation and Retirement Manual." (Erroneous enlistment or induction.)
- (b)(2) Convenience of the Government. Paragraph 6012.3a, Marine Corps Separation and Retirement Manual." (Married enlisted women not able to be stationed near duty station or residence of husband.)
- (b)(2) Convenience of the Government. Paragraph 6012.1c, Marine Corps Separation and Retirement Manual." (Pregnancy-enlisted women.)
- (b)(2) Convenience of the Government. Paragraph 6012.3b, Marine Corps Separation and Retirement Manual." (Parenthood-enlisted women.)
- (b)(2) Minority. Paragraph 6015, Marine Corps Separation and Retirement Manual."
- (b)(2) Dependency. Paragraph 6014, Marine Corps Separation and Retirement Manual."
- (b)(2) Hardship. Paragraph 6014, Marine Corps Separation and Retirement Manual."
- (b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual and Marine Corps Order 1300.24__." (Sole surviving son.)
- (b)(2) Own Convenience. Paragraph 6013, Marine Corps Separation and Retirement Manual."
- (b)(2) Physical disability with entitlement to receive severance pay. VA Code _____. Paragraph 6011, Marine Corps Separation and Retirement Manual."
- (b)(2) Physical disability without severance pay. Paragraph 10404, Marine Corps Separation and Retirement Manual and BUMEDINST 1910.2 _____. (Established by Medical Board and individual made application for discharge by reason of physical disability.)
- (b)(2) Sentence of General Court-martial. Paragraph 6019, Marine Corps Separation and Retirement Manual."
- (b)(2) Sentence of Special Court-martial. Paragraph 6019, Marine Corps Separation and Retirement Manual."
- (b)(2) Convenience of the Government. Paragraph 6012.1g, Marine Corps Separation and Retirement Manual (when directed by the Secretary of the Navy)."
- (b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual, and Marine Corps Order _____. (Early separation under an authorized program or circumstances.)

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(b)(2) Alien without legal residence in U.S. Paragraph 7027, Marine Corps Separation and Retirement Manual."

(b)(2) Convenience of the Government. Paragraph 6012.1d, Marine Corps Separation and Retirement Manual." (For reasons of national health, safety or interest.)

(b)(2) Convenience of the Government. Paragraph 6012.1f, Marine Corps Separation and Retirement Manual." (Separation pursuant to writ of habeas corpus-lack of jurisdiction.)

(b)(2) Convenience of the Government. Paragraph 6012.1f Marine Corps Separation and Retirement Manual." (To accept public office.)

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual and Marine Corps Order 1306.16__." (Conscientious objector.)

(b)(2) Convenience of the Government. Paragraph 6012.2a, Marine Corps Separation and Retirement Manual and BUMEDINST 1910.2__." (Did not meet medical fitness standards at time of induction or enlistment.)

(b)(2) Convenience of the Government. Paragraph 6012.6, Marine Corps Separation and Retirement Manual." (Early separation of overseas returnees.)

(b)(2) Convenience of the Government. Paragraph 6012.5 Marine Corps Separation and Retirement Manual." (To enter or return to college, university, or equivalent educational institution.)

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual." (Early release for Christmas.)

b. If "Type of Transfer or Discharge" in Item 11a is indicated by "Discharged" and the reason for discharge is "Unsuitability," "Unfitness," "Misconduct," or "Security," DO NOT enter the descriptive reason or remarks for separation. Enter the appropriate code and authority as shown below:

(b)(2) Paragraph 6017.2b, Marine Corps Separation and Retirement Manual." (Unfitness-frequent involvement in incident of a discreditable nature with civil or military authorities.)

(b)(2) Paragraph 6016.1d, Marine Corps Separation and Retirement Manual." (Unsuitability-financial irresponsibility-based on individual evaluation.)

- (b)(2) Paragraph 6017.2e, Marine Corps Separation and Retirement Manual."
(Unfitness-an established pattern for showing dishonorable failure to pay just debts.)
- (b)(2) Paragraph 6017.2f, Marine Corps Separation and Retirement Manual."
(Unfitness-dishonorable failure to support dependents.)
- (b)(2) Paragraph 6016.1d, Marine Corps Separation and Retirement Manual."
(Unsuitability-financial irresponsibility-based on approved recommendation of administrative discharge board.)
- (b)(2) Paragraph 6017.2g, Marine Corps Separation and Retirement Manual."
(Unfitness-unsanitary habits.)
- (b)(2) Paragraph 6016.1e, Marine Corps Separation and Retirement Manual."
(Unsuitability-apathy, defective attitudes and inability to expend effort constructively-based on approved recommendation of administrative discharge board.)
- (b)(2) Paragraph 6016.1e, Marine Corps Separation and Retirement Manual."
(Unsuitability-apathy, defective attitudes and inability to expend effort constructively; obesity based on individual evaluation.)
- (b)(2) Discharge by reason of request for discharge for the good of the service. Paragraph 6021, Marine Corps Separation and Retirement Manual." (Undesirable discharge.)
- (b)(2) Paragraph 6016.1a, Marine Corps Separation and Retirement Manual."
(Unsuitability. Inaptitude-based on approved recommendation of administrative discharge board.)
- (b)(2) Paragraph 6016.1a, Marine Corps Separation and Retirement Manual."
(Unsuitability-inaptitude-based on individual evaluation.)
- (b)(2) Paragraph 6016.1b, Marine Corps Separation and Retirement Manual."
(Unsuitability. Enuresis-based on individual evaluation.)
- (b)(2) Paragraph 6016.1c, Marine Corps Separation and Retirement Manual."
(Unsuitability-character and behavior disorders-based on approved recommendation of administrative discharge board.)
- (b)(2) Paragraph 6016.1c, Marine Corps Separation and Retirement Manual."
(Unsuitability-character or behavior disorders-based on individual evaluation.)
- (b)(2) Paragraph 10405, Marine Corps Separation and Retirement Manual and BUMEDINST 1910.2." (Unsuitability-character or behavior disorders-based on medical board recommendations.)
- (b)(2) Physical disability without severance pay. Paragraph 6011, Marine Corps Separation and Retirement Manual." (Intentional misconduct or willful neglect incurred during period of unauthorized absence.)

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(b)(2) Paragraph 6018.2b, Marine Corps Separation and Retirement Manual."
(Misconduct-fraudulent enlistment, induction, or period of service.)

(b)(2) Paragraph 6018.2a, Marine Corps Separation and Retirement Manual."
(Misconduct-Continuous unauthorized absence of more than one year.)

(b)(2) Paragraph 6018.2c, Marine Corps Separation and Retirement Manual."
(Misconduct-convicted or adjudged a juvenile offender by a civil court during current term of active military service.)

(b)(2) Paragraph 6016.1f, Marine Corps Separation and Retirement Manual."
(Unsuitability-alcoholism including intemperate use-based on approved recommendation of administrative discharge board.)

(b)(2) Paragraph 6016.1f, Marine Corps Separation and Retirement Manual."
(Unsuitability-alcoholism, including intemperate use-based on individual evaluation.)

(b)(2) Paragraph 6016.1g, Marine Corps Separation and Retirement Manual."
(Unsuitability. Homosexual or other aberrant sexual tendencies-based on individual evaluation.)

(b)(2) Paragraph 6016.1g, Marine Corps Separation and Retirement Manual."
(Unsuitability. Homosexual or other aberrant sexual tendencies-based on approved recommendation of administrative discharge board.)

(b)(2) Paragraph 6017.2d, Marine Corps Separation and Retirement Manual."
(Unfitness-drug addiction or habituation, or the unauthorized use or possession of narcotics, marijuana, hypnotics, sedatives, tranquilizers, depressants or stimulant drugs, hallucinogens and other similar drugs, chemicals or substances known to be habit forming or to have a potential for abuse.)

(b)(2) Paragraph 6017.2c, Marine Corps Separation and Retirement Manual."
(Unfitness-an established pattern for shirking.)

(b)(2) Paragraph 6017.2a(2), Marine Corps Separation and Retirement Manual." (Unfitness, sexual perversion, homosexual acts.)

c. If "Type of Transfer or Discharge" in Item 11a is indicated by "Transfer to Marine Corps Reserve," enter one of the following remarks as appropriate:

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual." (General demobilization or by an order applicable to all members of a class of personnel specified in the order.)

(b)(2) Expiration of Enlistment. Paragraph 6009, Marine Corps Separation and Retirement Manual."

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(b)(2) Expiration of active obligated service. Paragraph 6009, Marine Corps Separation and Retirement Manual."

(b)(2) Dependency. Paragraph 5014, Marine Corps Separation and Retirement Manual."

(b)(2) Hardship. Paragraph 6014, Marine Corps Separation and Retirement Manual."

(b)(2) Own convenience. Paragraph 6013, Marine Corps Separation and Retirement Manual."

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual." (Early separation under an authorized program or circumstances.)

(b)(2) Convenience of the Government. Paragraph 6012.6, Marine Corps Separation and Retirement Manual." (Early separation of overseas returnees.)

(b)(2) Convenience of the Government. Paragraph 6012.5, Marine Corps Separation and Retirement Manual." (To enter or return to college, university or equivalent educational institution.)

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual." (Early release for Christmas.)

d. If "Type of Transfer or Discharge" in Item 11a is indicated by "Transferred to the Fleet Marine Corps Reserve," enter one of the following remarks as appropriate:

(b)(2) Transfer to the Fleet Marine Corps Reserve. Paragraph 9007, Marine Corps Separation and Retirement Manual."

(b)(2) Released from EAD and reverted to FMCR. Paragraph 9007, Marine Corps Separation and Retirement Manual."

(b)(2) Released from EAD. Retired under 10 U. S. Code, 1131-1337 in lieu of receiving severance pay."

e. If "Type of Transfer or Discharge" in Item 11a is indicated by "Temporarily Retired," enter the following remark:

(b)(2) Placed on Temporary Disability Retired List. VA Code _____. Paragraph 10001, Marine Corps Separation and Retirement Manual."

f. If "Type of Transfer or Discharge" in Item 11a is indicated by "Retired," enter one of the following remarks as appropriate:

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(b)(2) Voluntary retirement (30 years' service). Paragraph 9001, Marine Corps Separation and Retirement Manual."

(b)(2) Permanently retired by reason of physical disability. VA Code __. Paragraph 10001, Marine Corps Separation and Retirement Manual."

g. If "Type of Transfer or Discharge in Item 11a is indicated by "Release from Active Duty," enter one of the following remarks as appropriate:

(b)(2) Expiration of active obligated service. Paragraph 6009, Marine Corps Separation and Retirement Manual."

(b)(2) To enter NROTC Program. Title 10 U. S. Code, Section 2107."

(b)(2) Dependency. Paragraph 6014, Marine Corps Separation and Retirement Manual."

(b)(2) Hardship. Paragraph 6014, Marine Corps Separation and Retirement Manual."

(b)(2) Avoidance of enlistment or induction. Paragraph 6015.3, Marine Corps Separation and Retirement Manual."

(b)(2) In convenience. Paragraph 6013, Marine Corps Separation and Retirement Manual."

(b)(2) Convenience of the Government. Paragraph 6012.6, Marine Corps Separation and Retirement Manual." (Early separation of overseas returnees.)

(b)(2) Convenience of the Government. Paragraph 6012.5, Marine Corps Separation and Retirement Manual." (To enter or return to college, university, or equivalent educational institution.)

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual." (Early release for Christmas.)

h. If "Type of Transfer or Discharge" in Item 11a is indicated by "Released from Initial Tour of Active Duty for Training," enter one of the following remarks as appropriate:

(b)(2) Expiration of active obligated service. Paragraph 6009, Marine Corps Separation and Retirement Manual."

(b)(2) Dependency. Paragraph 6014, Marine Corps Separation and Retirement Manual."

(b)(2) Hardship. Paragraph 6014, Marine Corps Separation and Retirement Manual."

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i. In all cases involving separation by reason of disability, insert Veterans' Administration Diagnostic Code numbers if shown on the Commandant of the Marine Corps letter authority directing discharge, temporary disability retirement, or retirement for reason of disability."

- 11d. EFFECTIVE DATE. The entry in this item will be the date release of discharge from active military service is effective. In the case of personnel granted travel time incident to separation from active service, construct the effective date to include such travel time. For personnel accepting appointment to warrant officer or commissioned grade and officers changing component by acceptance of appointment, the date of discharge shown will be the date prior to the date of acceptance of such appointment.
12. LAST DUTY ASSIGNMENT AND MAJOR COMMAND. Enter the last unit, or similar element, to which assigned for duty rather than the element of which individual was a part while moving to a separation point. Assignments to units for the purpose of transfer from an overseas command to the United States are considered part of the movement to a separation point. The title and/or number of the organization will be precisely as indicated in the service record. Example: A Marine is being processed for separation at Marine Barracks, Treasure Island, California. He returned from an overseas command aboard the USNTS Benjamin Harrison. His overseas duty assignment was with Company B, 1st Battalion, 4th Marines (Reinf), 3d Marine Division, Fleet Marine Force, Pacific. The entry for Item 12 would show: Co B, 1st Bn, 4th Mar (Reinf), 3rd MarDiv, FMFPac, and Item 11b would show: Casual Co, Marine Barracks, Treasure Island, California. However, a Marine permanently assigned duty at Marine Barracks, Treasure Island, California, upon being separated, would have that activity entered in Item 12 as last duty assignment and major command.
- 13a. CHARACTER OF SERVICE

OFFICERS:

Enter in capital letters "HONORABLE," "UNDER HONORABLE CONDITIONS," "UNDER CONDITIONS OTHER THAN HONORABLE," as appropriate, consistent with the reason and authority for separation.

ENLISTED:

Enter in capital letters one of the following, consistent with the reason and authority for separation:

HONORABLE

UNDER HONORABLE CONDITIONS

UNDER CONDITIONS OTHER THAN HONORABLE (includes undesirable and bad conduct discharge)

DISHONORABLE

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► "Character of Service" for enlisted personnel who are not discharged at the time of separation but are assigned or transferred to the Reserve, retired, or released from initial tour of active duty for training in the case of reservists assigned to the Six Months' Training Program, will be determined by the average of conduct and proficiency markings assigned during current tour of active duty, applying the same criteria as if the individual were being discharged. These average marks will be entered on page 3 of the service record book in the case of individuals transferred to the Reserve or released from initial tour of active duty for training; average marks will not be entered for retired personnel. In any case where doubt exists as to correct "Character of Service" to be awarded, instructions shall be requested from the Commandant of the Marine Corps (Code DM).

13b. TYPE OF CERTIFICATE ISSUED. Enter the numbers of certificates issued (other than DD 214); e.g., "DD 256-MC," "DD 257-MC."

14. DISTRICT AREA COMMAND OR CORPS TO WHICH RESERVIST TRANSFERRED. Self-explanatory.

15. REENLISTMENT CODE. Enter the appropriate code from the following table to provide specific information concerning eligibility for reenlistment.

RE-1 Recommended for reenlistment.

RE-2 Recommended for reenlistment, but ineligible. This will be used for members whose status would make them ineligible for reenlistment; e.g., Fleet Marine Corps reservist, retired (except for disability), commissioned officer (permanent), etc.

RE-3 Recommended for reenlistment upon removal of disqualifying factor. This code will be followed by a letter that indicates the factor involved, as follows:

RE-3H Hardship-dependency

RE-3P Physical

RE-3U Underage

RE-3R Rank reappointment restriction

RE-3S Sole surviving son

RE-4 Not recommended for reenlistment.

16. TERMINAL DATE OF RESERVE/UMT&S OBLIGATION. Enter terminal date of reserve obligation under the Universal Military Training and Service Act. If the individual has no obligated service remaining, enter "None."

17. CURRENT ACTIVE SERVICE OTHER THAN BY INDUCTION

17a. SOURCE OF ENTRY. Type an "X" in the appropriate block. The block designated as "Other" would be marked when a Marine entered on active duty by direct commission, or appointment as a warrant officer, or by recall to active duty, etc.

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- 17b. TERM OF SERVICE (years). Enter term of service in years, or enter the word "Indefinite" in the case of officers. For all extensions of service, except those covered by 10 U.S.C. 972, enter an asterisk and make an entry in Item 30.
- 17c. DATE OF ENTRY. Enter the date of entry on current tour of active duty.
18. PRIOR REGULAR ENLISTMENT. Enter in the space the number of prior Regular Marine Corps enlistments only. Do not include Regular enlistments in other branches of the Armed Forces.
19. GRADE, RATE OR RANK AT TIME OF ENTRY INTO CURRENT ACTIVE SERVICE. For enlisted. Enter also the pay grade, in parentheses.
20. PLACE OF ENTRY INTO CURRENT ACTIVE SERVICE (City and State). Self-explanatory.
21. HOME OF RECORD AT THE TIME OF ENTRY INTO ACTIVE SERVICE (Street, RFD, City, County, State and ZIP Code). Enter home of record as recorded on the enlistment contract or the appointment acceptance and record.
22. STATEMENT OF SERVICE.
- 22a. CREDITABLE FOR BASIC PAY PURPOSES.
- 22a(1) NET SERVICE THIS PERIOD. Enter total service this period, less time lost as defined in current directives.
- 22a(2) OTHER SERVICE. Enter all prior service, excluding any service shown in Item 22a(1).
- 22a(3) TOTAL (line 1 plus line 2). Self-explanatory.
- 22b. TOTAL ACTIVE SERVICE. Includes all active service, including present period, if available from the service record book or officer's qualification record. If information is not available, so state.
- 22c. FOREIGN AND/OR SEA SERVICE. Include only time spent on foreign and/or sea service during current period of active duty. Service performed outside the continental United States while on maneuvers will not be included in this item.
- 23a. SPECIALTY NUMBER AND TITLE. Enter primary military occupational number and title recorded in the officer's qualification record or enlisted service record.
- 23b. RELATED OCCUPATION AND DOT NUMBER. If the specialty represented by the number entered in 23a has a related civilian occupation, enter the job title and Dictionary of Occupational Titles code number from the Dictionary of Occupational Titles or related civilian DOT Titles shown in MCO P1200.7, Military Occupational Specialty Manual, as appropriate. If no related

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civilian occupation, enter "None." The job title and DOT code number assigned to first sergeants and sergeants major should be that the primary MOS held by the individual at the time of promotion to the grade of first sergeant.

24. DECORATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED. Enter all decorations, medals, badges, commendations, citations, campaign ribbons awarded or authorized during current tour of active duty, omitting authorities therefor. For campaign or expeditionary medals, include the area of operation. (Example: Vietnam, Dominican Republic.)
25. EDUCATION AND TRAINING COMPLETED. The first item in this block will show the highest civilian education level obtained by the individual. Then enter those formal school courses successfully completed during current tour of active duty to which individual was assigned by official orders. Enter also all off-duty courses successfully completed during current tour of active duty, such as MCI and Marine Corps Extension School courses, USAFI courses and tests and courses completed through accredited high schools and colleges. In each case, list school and course, the dates (From-To) of the course, and, if appropriate, the major course of study.
- 26a. NONPAY PERIODS/TIME LOST (preceding 2 years). This item applies only to the current tour of active duty. Moreover, time lost prior to the last 2 years of the current tour will not be shown. Give inclusive dates for each period of time lost or nonpay period which is not time lost (e.g., excess leave). Each entry will reflect the category; i.e., TL, EXLV, etc. The item will not be left blank; if there are no periods to report, enter "None."
- 26b. DAYS ACCRUED LEAVE PAID. Entries for this item will be made in the following form:
- (1) If lump-sum leave settlement is paid for a certain number of days, enter the number of days; e.g., "24 days."
 - (2) If no lump-sum leave settlement is due, enter the words "None due."
 - (3) If a lump-sum leave settlement is due but has not yet been settled, enter the words "Due-Not Settled."
- 27a. INSURANCE IN FORCE (NSLI or USGLI). If the individual has government life insurance (National Service Life Insurance or United States Government Life Insurance), enter an "X" in the "YES" block. (This includes those who have applied for waiver of NSLI premiums.) If the individual has indemnity protection only, enter an "X" in the "NO" block.
- 27b. AMOUNT OF ALLOTMENT. Enter amount of allotment if insurance premiums are currently being paid by allotment; otherwise enter "N/A".

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- 27c. MONTH ALLOTMENT DISCONTINUED. If individual has an allotment currently in effect, enter month and year of discontinuance; otherwise enter "N/A."
28. VA CLAIM NUMBER. The claim number is as important to the Veterans' Administration as the service number is to the Armed Forces. If one has been assigned to the individual, it may be obtained from any correspondence which he has received in connection with benefits for which he has previously applied.
29. SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE (\$10,000, \$5,000, None). Enter an "X" in the appropriate block.
30. REMARKS. Continue in this space items that cannot be completed within the space provided. In such cases cross-references must be used to indicate the item being continued. (Example: 26a, continued.) If more space is required, enter the words "Continued on reverse" in the last line of this space and complete the entries on the reverse of the form.
- a. If discharge for physical disability is effected as the result of the approved findings of a physical evaluation board, with severance pay, insert under Item 30 the following appropriate entry: "Paid \$ (amount) disability severance pay." If not entitled to disability severance pay, insert "Not entitled to severance pay."
- b. Enter the additional military occupational specialty number and title and its related occupation and DOT number, if any.
- c. Enter any special qualifications, i.e.; Aerial Gunnery (UH-IE, CH-46, CH-34); Military Motor Vehicle Operator's Permit (2½ ton or larger and Special Equipment).
- d. Enter the following remarks as appropriate:
- (1) Enlisted in the United States Marine Corps/Reserve.
 - (2) Reenlisted in U. S. Marine Corps/Reserve.
 - (3) Is undecided about reenlistment.
 - (4) Extension of service was at the request and for the convenience of the Government.
 - (5) Accepted Regular commission/warrant.
 - (6) Not available for signature.
 - (7) Good Conduct Medal period commences (date).
 - (8) Certain Marine Corps Orders require entries to be made under "Remarks." Ensure that those appropriate entries are made.

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should be forwarded to the VA Regional Office.) It should be stressed to members who plan to apply for veterans' compensation or pension that faster processing generally may be expected if application to the VA is completed at time of separation. In all other cases, place Copy No. 4 in the closed-out SRB or OQR.

Copy No. 5 (STATEDIRSS): Forward this copy to the State Director of Selective Service System of the state shown in Item 10b, if shown; otherwise as in Item 21.

Copy No. 6 (VAWASHDC): Forward this copy to the Veterans' Administration (0340), Central Office, Washington, D. C. 20420. (Destroy this copy if individual reenlists immediately.)

Copy No. 7 (MCD): Forward this copy to the appropriate Marine Corps district indicated by the address shown in Item 31 or to the Fourth Marine Aircraft Wing/ Marine Air Reserve Training. However, for personnel being transferred to inactive duty whose records will be forwarded to Marine Corps Automated Services Center, 1500 East Bannister Road, Kansas City, Missouri 64131, insert this copy as a document in the SRB or OQR for concurrent forwarding.

b. Addresses for distribution of DD 214 MC

(1) Part I. List of Marine Corps districts showing jurisdiction:

Director, 1st Marine Corps District
605 Stewart Avenue, Garden City,
Long Island, New York 11533

Maine, New Hampshire, Vermont,
Massachusetts, Rhode Island,
Connecticut, New York, New Jersey
(Counties of Monmouth, Middlesex,
Hunterdon, Morris, Sussex, Somerset,
Union, Warren, Essex, Passaic,
Bergen, and Hudson)

Director, 4th Marine Corps District
1100 South Broad Street
Philadelphia, Pennsylvania 19146

Pennsylvania, Delaware, Maryland,
West Virginia, Kentucky,
Ohio
(Less counties shown in the 9th
District)
New Jersey
(All other counties not included
in the 1st District)
North Carolina
(Counties of Gates, Pasquotank,
Camden, Currituck, Chowan and
Perquimans)
District of Columbia, Virginia,
Indiana (Counties of Dearborn, Ohio,
Gibson, Dubois, Crawford,
Jefferson, Warrick, Posey,
Harrison, Switzerland, Pike,
Perry, Clark, Spencer,
Vanderburgh and Floyd)

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Permanent address situated outside the continental United States or its territorial possessions and is not within a designated Marine Corps district.

Director, 6th Marine Corps District
275 Peachtree St. N.E.
Atlanta, Georgia 30303

South Carolina, Georgia, Florida,
Alabama, Tennessee, Mississippi,
North Carolina
(All other counties not included
in the 4th District)

Director, 8th Marine Corps District
Federal Office Building (Loyola)
701 Loyola Avenue
New Orleans, Louisiana 70113

Louisiana, Arkansas, Oklahoma,
Texas, New Mexico

Director, 9th Marine Corps District
1500 East Bannister Road
Kansas City, Missouri 64131

Michigan, Illinois, Wisconsin,
Minnesota, Iowa, Missouri, North
Dakota, South Dakota, Nebraska,
Kansas, Colorado, Wyoming,
Ohio

(Counties of Ottawa, Sandusky,
Lucas, Wood, Fulton, Henry,
Williams, and Defiance)

Indiana

(All other counties not included
in the 4th District)

Director, 12th Marine Corps District
100 Harrison Street
San Francisco, California 94106

Arizona, California, Utah, Nevada,
Washington, Oregon, Idaho, Montana,
Alaska

Director, 14th Marine Corps District
Marine Barracks
U. S. Naval Base
FPO, San Francisco 96610

Hawaii

Commanding General, Marine Air
Reserve Training Command
U. S. Naval Air Station
Glenview, Illinois 60026

(Individuals possessing aviation
MOS's regardless of the separatee's
permanent address)

(2) Part II: Jurisdiction and addresses of Veterans' Administration
Regional Offices:

TERRITORY ALLOTTED TO

ALABAMA
All cities and counties

VA REGIONAL OFFICE

Aronov Building
474 South Court Street
Montgomery, Alabama 36104

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KENTUCKY (15)
220 Steele Street
Frankfort, Kentucky 40601

LOUISIANA (16)
Building TB 309
Jackson Barracks
New Orleans, Louisiana 70140

MAINE (17)
Federal Building
40 Western Avenue
Augusta, Maine 04330

MARYLAND (18)
Federal Building, Room 1119
31 Hopkins Plaza
Baltimore, Maryland 21201

MASSACHUSETTS (19)
John Fitzgerald Kennedy Federal Bldg.
Government Center
Boston, Massachusetts 02203

MICHIGAN (20)
Post Office Box No. 626
Lansing, Michigan 48913

MINNESOTA (21)
100 East Tenth Street
St. Paul, Minnesota 55101

MISSISSIPPI (22)
Post Office Building
Jackson, Mississippi 39201

MISSOURI (23)
411 Madison Street
Jefferson City, Missouri 65102

MONTANA (24)
Post Office Box No. 1183
Helena, Montana 59601

NEBRASKA (25)
Terminal Building, 10th Floor
941 O Street
Lincoln, Nebraska 68508

NEVADA (26)
Post Office Box No. 644
301 West Washington Street
Carson City, Nevada 89701

NEW HAMPSHIRE (27)
Post Office Box No. 427
Concord, New Hampshire 03302

NEW JERSEY (28)
402 East State Street
Trenton, New Jersey 08608

NEW MEXICO (29)
Post Office Box No. 5175
Santa Fe, New Mexico 87502

NEW YORK (30)
Old Post Office Building
Albany, New York 12207

NEW YORK CITY (50)
11th Floor, 205 E. 42nd Street
New York, New York 10017

NORTH CAROLINA (31)
Post Office Box No. 9513
Morgan Street Station
Raleigh, North Carolina 27603

NORTH DAKOTA (32)
Federal Building
Post Office Box No. 1417
Bismarck, North Dakota 58502

OHIO (33)
34 North High Street
Columbus, Ohio 43215

OKLAHOMA (34)
407 Federal Building
Oklahoma City, Oklahoma 73102

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Post Office Box No. 4288
Portland, Oregon 97208

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Post Office Box No. 1921
Harrisburg, Pennsylvania 17105



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

9/9/68
MCO P1900.16 Ch 3
DM-cb
31 Mar 1970

MARINE CORPS ORDER P1900.16 Ch 3

From: Commandant of the Marine Corps
To: Distribution List

Subj: Marine Corps Separation and Retirement Manual
(Short Title: MARCORSEPMAN)

Encl: (1) New page inserts to MCO P1900.16
(2) List of effective pages

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

2. Summary of changes

a. Changes in chapters 2, 6 and 7 include minor but important changes in the processing of officer voluntary retirements and enlisted discharges.

b. There are significant changes to chapter 9 contained in this Change relative to the administrative processing of applications for transfer to the Fleet Marine Corps Reserve.

c. A minor change has been made to chapter 11 which clarifies the reenlistment code recorded on the DD Form 214.

3. Action

a. Insert enclosure (1).


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

4. Change Notation. Significant changes contained in this Change are denoted by an arrow (➡) symbol.

MCO P1900.16 Ch 3
31 Mar 1970

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

6. Certification. Reviewed and approved this date.



E. E. ANDERSON
By direction

DISTRIBUTION: "DY"

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CHAPTER 2

SEPARATION AND RETIREMENT OF REGULAR COMMISSIONED OFFICERS

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CHAPTER 2

SEPARATION AND RETIREMENT OF REGULAR COMMISSIONED OFFICERS

PART A: MALE OFFICERS

2001 RESIGNATIONS

1. Letters of resignation will be addressed to the Secretary of the Navy via official channels and must be in accordance with the instructions contained therein. With the exception of requests from the officers subject to the provisions of paragraph 2002, requests for resignations shall be submitted so as to arrive at Headquarters Marine Corps not more than 6 months and not less than 3 months prior to the requested effective date of separation. When an officer submits his resignation and it is accepted by the President, or the Secretary of the Navy acting for him, he shall be separated from the service. A resignation may be withdrawn prior to its acceptance by the President, or the Secretary of the Navy acting for him, but once it has been duly accepted, it cannot be withdrawn. Resignation is a voluntary act on the part of the officer concerned and must be without condition. However, if an officer has not completed his obligated service under the law, the acceptance of his resignation normally will be contingent upon his acceptance of a Reserve commission. A statement that he will accept such commission should be included in his letter of resignation. Paragraph 5005 should be consulted in cases of resignation which result from a recommendation that an officer be administratively separated from the Marine Corps.

2. Commissioned officers of the Marine Corps serve at the pleasure of the President; hence the acceptance of their resignation will be adjudged on the needs of the service and on the basis of the following criteria:

◆ a. Completion of 4 years' active commissioned, commissioned warrant or warrant service, as appropriate. Those officers who are appointed in the regular Marine Corps through the augmentation programs will not have their initial active duty obligation increased as a result of such augmentation. All active service, exclusive of active duty for training, in the grade of warrant officer or above, will be counted.

◆ b. Completion of 36 or 42 months as appropriate since completing flight training, except for those officers who entered flight training under a contract which specified a shorter period of obligation.

◆ c. Completion of 24 months since completing a service or civilian school of 5 months' to 24 months' duration attended in compliance with official orders. Officers serving their initial obligated active duty tour who are involuntarily ordered to attend such school are excluded from the above provisions.

d. Completion of a period of time equal to the length of schooling since completion of service or civilian schools of more than 24 months' duration attended in compliance with official orders.

3. The provisions of subparagraphs b, c, and d above, will not apply in cases where applicants for certain training or schooling voluntarily agree in their

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applications to a longer period of service, following completion of the training or schooling, before submitting their resignations.

4. Officer resignations normally will not be recommended for approval if:
 - a. Orders have been issued overseas where dependents are not authorized.
 - b. Scheduled for an operation or maneuvers outside the United States.
 - c. Serving overseas. (The tour must be completed prior to acceptance of resignation.)
5. Exceptions to the foregoing policies will be considered in those cases where an undue hardship would result from the officer's retention.
6. NROTC graduates are obligated to serve as commissioned officers as provided by the signed agreements into which they have entered in connection with their participation in the program. Normally, such officers are required to serve a minimum of 3 consecutive years on active duty unless this period is extended under provisions of subparagraph b, above. (Regular NROTC students appointed Midshipmen, Naval Reserve, are presently required to serve upon graduation on active duty for 4 years as commissioned officers unless sooner released by the Secretary of the Navy.) Following the period of obligated active duty, they may have their Regular commissions terminated and be appointed in the Marine Corps Reserve.
7. An officer submitting his resignation or request for termination of his permanent appointment will obtain from the disbursing officer carrying his accounts a statement as to his status of indebtedness to the Government as shown by his records. No resignation will be considered unless such statement is attached.
8. An officer submitting his letter of resignation or request for termination of his permanent appointment will include therein the reason for its submission. A desire to attend school, enter business, or accept a position in civil life is frequently given as the reason. If, however, an officer desires separation because he considers his opportunity for promotion poor, the pay inadequate, or the deprivation of home life excessive, these reasons should be given in addition to any others. While the Marine Corps does not desire to pry into the personal affairs of an officer, for its own information and for the information of Congress, it is desirable to know why officers separate themselves from the Marine Corps and give up a service career.
9. An officer may be released from active duty, permitted to resign, or discharged, as appropriate, for the purpose of performing the duties of: the President of the United States; the Vice President of the United States; a Presidential appointee to a statutory office; a member of either of the legislative bodies of the United States; a Governor, any other State official chosen by

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temporary or Reserve officer is included. Application for such reversion will be forwarded to the Commandant of the Marine Corps (Code DMA) via official channels.

7. An officer above the grade of second lieutenant and below the grade of colonel who is found by a naval examining board to be from any cause arising from his own misconduct not morally qualified to perform the duties of the grade for which he is being examined shall, if the finding is approved by the President, be discharged with not more than 1 year's pay. He is not eligible for enlistment (10 USC 5864).

2004 REVOCATION OF COMMISSIONS

1. The Secretary of the Navy may revoke the commission of any officer of the Regular Marine Corps who has completed less than 3 years of continuous service as a commissioned officer as of the date the Secretary of the Navy signs the document effecting the revocation of commission.

2. Detailed instructions and procedures relative to revocation of commissions are contained in Navy Department General Order No. 16.

2005 VOLUNTARY RETIREMENTS

1. Requests for voluntary retirement will be addressed to the Secretary of the Navy via official channels. Requests should be submitted so as to arrive at Headquarters Marine Corps not more than 6 months and not less than 3 months prior to the requested retirement date. Requests should reference the appropriate subparagraph of this paragraph and should include the following:

a. The requested effective date of retirement (must be the first day of the month).

b. A signed or certified true copy of SF 88, Report of Medical Examination, indicating that the officer is physically fit for retirement. However, this enclosure will not be required in those cases where the officer has appeared before a physical evaluation board within a period of 6 months prior to the requested date of retirement, and has been found fit to perform the duties of his grade by the Secretary of the Navy as a result of the disability proceedings. See paragraph 1003 for instructions regarding physical examinations.

c. Complete and detailed justification should be included if retirement is requested as an exception to current policy.

2. An officer who is subject to involuntary retirement may request voluntary retirement to be effective on or prior to the date of involuntary retirement, provided he is eligible for voluntary retirement.

3. Requests for voluntary retirement, once submitted in the proper manner, will not normally be canceled. However, when a request for cancellation is made by an officer, due to unforeseen meritorious conditions, the case shall be referred to the Commandant of the Marine Corps with all pertinent facts, together with affidavits or other supporting documentary evidence showing changed conditions that could not be foreseen.

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- 4. Voluntary retirements normally will not be recommended for approval unless an officer has completed 24 months service since completing a service or civilian school of 5 months to 24 months duration attended in compliance with official orders.
- 5. An officer who applies for retirement after completing more than 20 years of active service in the Army, Navy, Marine Corps, Air Force, or Coast Guard, or Reserve components thereof, of which at least 10 years was service as a commissioned officer in the grade of chief warrant officer (CWO-2), or above, at the discretion of the President, may be retired. To be eligible for retirement under this provision of law, an officer must complete at least 1 day more than 20 years of active service (10 USC 6323).
- 6. A chief warrant or warrant officer, who applies for retirement after completing 20 or more years of active service, at the discretion of the Secretary of the Navy, may be retired (10 USC 1293).
- 7. An officer holding a permanent appointment in the grade of warrant officer (W-1), or above, who applies for retirement after completing 30 or more years of active service, at the discretion of the Secretary of the Navy, may be retired (10 USC 6322).
- 8. Each temporary commissioned officer or temporary warrant officer of the Regular Marine Corps holding a permanent enlisted grade, who applies for retirement after completing 30 or more years of active service, shall be retired by the President (10 USC 6326).
- 9. Each officer holding a permanent appointment in the grade of warrant officer (W-1), or above, who applies for retirement after completing 40 or more years of active service, shall be retired by the Secretary of the Navy (10 USC 6321).

2006 TOTAL COMMISSIONED SERVICE FOR INVOLUNTARY RETIREMENT

1. The succeeding paragraphs of this part will refer to this paragraph, where appropriate, in connection with total commissioned service as computed for the purpose of determining eligibility for involuntary retirement, separation, or continuation on the active list.

a. For the purpose indicated above, the total commissioned service of a male officer on the active list of the Marine Corps who has served continuously on the active list since his regular appointment in the grade of second lieutenant, either upon graduation from the Naval Academy or under 10 USC 2106, 2107, or 6909, is computed from 30 June of the fiscal year in which he accepted that appointment. An officer described above will be referred to as a Type A officer and every other officer on the active list will be referred to as a Type B officer, but only for the purposes of clarity in this paragraph.

b. Each male commissioned officer on the active list of the Marine Corps is considered to have the same total commissioned service for this purpose, as the Type A officer described in subparagraph 1a, above, with the maximum total commissioned service who meets the following criteria:

- (1) Has not lost number or precedence; and

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(2) Is, or at any time has been, junior to the Type B officer for the purposes of eligibility for promotion and selection for promotion during the Type B officer's latest period of continuous service on the active list as a Regular officer.

c. The active list of the Marine Corps means the list of officers of the Regular Marine Corps, other than retired officers, holding permanent appointments in grades above chief warrant officer (CWO-4).

d. If an officer fails of selection for promotion to the next higher grade and subsequent thereto an officer junior to him is promoted to become senior to him, he has lost precedence within the purview of subparagraph 1b(1), above.

e. Total commissioned service as defined above has no application for temporary officers, warrant officers, or women officers; and such service has no application in the case of limited duty officers, except in the computation of severance pay of first lieutenants and captains.

f. The service date is defined as the date from which the total commissioned service is computed, and the service date is 30 June of the appropriate fiscal year.

g. Total commissioned service as defined herein has no bearing on computation of active service to determine eligibility for voluntary retirement (10 USC 6387).

2007 INVOLUNTARY RETIREMENT OF MAJOR GENERALS

1. Each major general who is not recommended for retention on the active list in the approved report of a board convened for this purpose shall be retired on 30 June of the fiscal year in which he first completes 5 years of service in the grade of major general and 35 years of total commissioned service as defined in paragraph 2006. (10 USC 6373)

2. Each major general who would otherwise be retired under subparagraph 1, above, shall be retained on the active list if recommended for retention in the approved report of a board convened for this purpose. An officer so retained shall be retired on 30 June of any succeeding fiscal year in which he is not again recommended for retention in the approved report of such a board, or if no such board is convened.

3. Each year the Secretary of the Navy may convene a board to recommend officers serving in the grade of major general for retention on the active list. However, he shall convene such a board in any year when three or more such officers will be subject to retirement in accordance with subparagraphs 1 and 2, above. The number of officers that may be recommended by a board for retention on the active list may not exceed the number that the Secretary of the Navy determines to be necessary to meet the requirements of the Marine Corps. In any year in which the number of officers subject to retirement is 3 or more, the Secretary shall fix the maximum number that may be recommended for retention at not less than the number of officers subject to such retirement minus two. An officer is not subject to retirement under the foregoing provisions of this paragraph while serving as Commandant of the Marine Corps (10 USC 6373 and 5709).

4. For the purposes of subparagraphs 1, 2, and 3, above, an officer serving in the grade of lieutenant general under an appointment pursuant to 10 USC 5232 or

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serving under a temporary appointment pursuant to 10 USC 5787, is considered as serving in the grade he would hold if he had not been so appointed (10 USC 6385).

5. The Secretary of the Navy may convene a board of officers to consider and recommend for retirement, major generals on the active list of the Marine Corps. Each major general recommended for retirement by such a board shall, if the recommendation is approved by the President, be retired on the first day of the seventh month after the date of approval by the President (10 USC 6394).

2008 INVOLUNTARY RETIREMENT OF BRIGADIER GENERALS

1. Each brigadier general on the active list whose name is not on a promotion list shall be retired on 30 June of the fiscal year in which he is considered as having twice failed of selection for promotion to the grade of major general (10 USC 6374).
2. The Secretary of the Navy may convene a board of officers to consider and recommend for retirement, brigadier generals on the active list of the Marine Corps. Each brigadier general recommended for retirement by such a board shall, if the recommendation is approved by the President, be retired on the first day of any month designated by the Secretary, but not later than the first day of the seventh month after the date of approval by the President (10 USC 6394).

2009 INVOLUNTARY RETIREMENT OF COLONELS

1. Each colonel on the active list, not retired under the provisions of paragraph 2013, shall be retired on 30 June of the fiscal year in which he completes 30 years total commissioned service as defined in paragraph 2006 if his name is not on a promotion list and he is considered as having twice failed of selection to the grade of brigadier general, or when he completes 31 years of total commissioned service if he is not on a promotion list (10 USC 6376).
2. A colonel who has lost numbers or precedence may not be retired because of completing 31 years total commissioned service until 30 June of the fiscal year in which he completes 5 years service in the grade of colonel. For this purpose, an officer promoted to colonel after 6 August 1947 is credited with service in that grade from the date of his eligibility for promotion to colonel (10 USC 6376).

2010 INVOLUNTARY RETIREMENT OF UNRESTRICTED LIEUTENANT COLONELS

1. Each lieutenant colonel on the active list not retired under the provisions of paragraph 2013 and designated for limited duty shall be retired on 30 June of the fiscal year in which he completes 26 years total commissioned service as defined in paragraph 2006 if his name is not on a promotion list and he is considered as having twice failed of selection for promotion to the grade of colonel (10 USC 6379).

2011 INVOLUNTARY RETIREMENT OF UNRESTRICTED MAJORS

1. Each major on the active list not designated for limited duty shall be retired on 30 June of the fiscal year in which he completes 20 years total commissioned service as defined in paragraph 2006 if his name is not on a promotion list and he is considered as having twice failed of selection for promotion to the grade of lieutenant colonel (10 USC 6380).

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2012 INVOLUNTARY RETIREMENT OF OFFICERS DESIGNATED FOR LIMITED DUTY

1. Each officer designated for limited duty shall be retired on the first day of the second month following the month in which he completes 30 years of active naval service, exclusive of active duty for training in a Reserve component.
2. Each major designated for limited duty shall be retired on 1 July immediately following the fiscal year in which he is considered as having failed of selection for promotion to the grade of lieutenant colonel for the second time. However, if any such officer had the permanent status of chief warrant officer (CWO) or warrant officer (W-1), when first appointed as a limited duty officer, he has the option, instead of being retired, of reverting to the grade and status he would hold if he had not been so appointed. If any such officer had a permanent grade below the grade of warrant officer (W-1), when first so appointed, he has the option, instead of being retired, of reverting to the grade and status he would hold if he had not been so appointed a warrant officer (W-1). In any computation to determine the grade and status to which such an officer may revert under this subparagraph, all active service as an officer designated for limited duty or as a temporary or Reserve officer is included. An officer exercising the option of reverting, if not otherwise retired, shall be involuntarily retired in accordance with subparagraph 3006.3 if he is holding a warrant grade at the time of retirement (10 USC 6383 and 1305).

2013 INVOLUNTARY RETIREMENT OF COLONELS AND LIEUTENANT COLONELS NOT SELECTED FOR CONTINUATION

1. Notwithstanding any other provisions of law, the officers described in this paragraph are also subject to retirement under the provisions of Public Law 86-155 as amended (10 USC 5701 Note). This law provides for the convening of selection boards to consider and recommend for continuation on the active list officers of the Regular Marine Corps as described below:

a. Each colonel who has served on active duty for more than 5 years, who is not on a promotion list, and who will complete at least 5 years' service in the grade of colonel by 30 June of the fiscal year in which a board is convened. An officer in this category who has once been recommended for continuation may not be reconsidered by a subsequent board and is not subject to the provisions of subparagraph 1b, below. For the purposes of this subparagraph, an officer is considered as serving in the grade of colonel in the Marine Corps from the date of rank assigned him upon appointment to that grade until the effective date of his appointment to the next higher grade.

b. Each colonel who is not on a promotion list, who has not been previously recommended for continuation in the approved report of a board, and who has at least twice failed of selection for promotion to the grade of brigadier general.

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c. Each lieutenant colonel who is not on a promotion list, who has not been previously recommended for continuation in the approved report of a board, and who has at least twice failed of selection for promotion to the grade of colonel.

2. Of the officers considered but not recommended for continuation on the active list under the provisions of this law, the board which considered their cases shall further report the names of any officers whose performance of duty would not warrant retention on the active list under any circumstances. Each officer so reported, unless otherwise retired, shall be placed on the retired list as prescribed in subparagraph 3, below, but shall not be entitled to the lump-sum payment set forth in subparagraph 5, below.

3. Unless sooner selected for promotion to the next higher grade, each officer who is considered for continuation on the active list by a board convened under the foregoing provisions of this law and who is not recommended for continuation in the approved report of the board, notwithstanding any other provisions of law, except as provided in the last sentence of this subparagraph, shall be placed on the retired list on 1 July immediately following the fiscal year in which the report of the board is approved or in which the officer completes 20 years of total commissioned service, as computed under paragraph 2006, whichever is later. However, if the report of a board that considers officers for continuation on the active list under the provisions of this law is approved less than 6 months before the end of the fiscal year, the retirement of officers who were considered but not recommended for continuation by that board shall be deferred until the first day of the seventh month following the month in which the report of the board is approved.

4. An officer who is retired under the foregoing provisions of law is entitled to retired pay computed in accordance with the provisions of paragraph 1007. However, the retired pay of such an officer may not be less than 50 percent of the basic pay upon which the computation of retired pay is based.

5. An officer who is recommended for continuation on the active list in the approved report of a board convened under Public Law 86-155 shall become subject to involuntary retirement in accordance with other provisions of law outlined in paragraphs 2009 and 2010.

2014 INVOLUNTARY RETIREMENT OF MALE COMMISSIONED OFFICERS FOR AGE

1. Each officer above the grade of chief warrant officer, CW0-4, shall be retired by the President on the first day of the month following that in which he becomes 62 years of age. The President, at his discretion, may defer retirement of any such officer for the length of time he considers advisable but not later than the first day of the month following that in which such officer becomes 64 years of age. Not more than 10 such officers, including naval officers whose retirement is so deferred, shall be on active duty at any one time (10 USC 6390, Executive Order 10621).

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PART B: WOMEN OFFICERS

2101 RESIGNATIONS

1. The provisions of paragraph 2001 concerning the general conditions under which resignations of male officers are tendered and accepted are equally applicable to Regular women officers. Resignations normally will be accepted from women officers under the following conditions:

◆ a. After 4 years of active commissioned service, except in the case of an officer who has additional active service obligations under law, agreement, or policy. The provisions of subparagraph 2001.2a apply in the case of an officer who is appointed in the Regular Marine Corps through the augmentation programs.

◆ b. By reason of marriage provided she has completed 3 years of active commissioned service.

c. For the same reasons which would result in termination of commission or warrant as outlined in subparagraph 2102.3.

2102 INVOLUNTARY DISCHARGES AND TERMINATIONS

◆ 1. Each woman officer serving in the permanent grade of captain or first lieutenant in the Regular Marine Corps, whose name, on 30 June of the fiscal year in which she completes 13 or 7 years active commissioned service in the Marine Corps, is not then on a promotion list for promotion to the next higher grade, shall be honorably discharged from the Marine Corps on that date. However, if she so requests, she may be honorably discharged at any time during that fiscal year. A captain is entitled to a lump-sum payment equal to 24 times the monthly basic pay to which she is entitled at the time of discharge, and a first lieutenant is entitled to a lump-sum payment equal to 2 months' basic pay at the time of discharge multiplied by the number of years of her active commissioned service in the Regular Marine Corps or the Marine Corps Reserve, except that no payment may exceed \$15,000. A part of a year that is 6 months or more is counted as a whole year and a part of a year that is less than 6 months is disregarded in the computation of such severance pay (10 USC 6401, as amended by Act of June 28, 1962, Public Law 87-509, Sec.4(b), 6402 and 6404).

2. The commission or warrant of any woman serving in the Regular Marine Corps may be terminated regardless of grade, or length of service, by or at the direction of the Secretary of the Navy, except as may be otherwise provided by law, under the same circumstances, procedures and conditions and for the same reasons under which a male member of the Regular Marine Corps and of the same grade and length of service may be totally separated from the service by administrative action, whether by termination of commission, termination of appointment, revocation of commission, discharge, or otherwise.

3. The commission or warrant of any woman serving in the Regular Marine Corps shall be terminated by the Secretary of the Navy when it is established that such woman:

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a. Is the parent, by birth or adoption of a child under the age of 18 years;
or

b. Has personal custody of a child under the age of 18 years; or

c. Is the stepparent of a child under the age of 18 years who is within the household of the woman for a consecutive period of more than 30 days a year; or

d. Is pregnant; however, if pregnancy is terminated as a result of a spontaneous or therapeutic abortion or a stillbirth prior to separation from the service, a woman officer may be considered for retention if she so desires;
or

e. Has given birth to a living child while serving under her current appointment to warrant or commissioned grade in the naval service.

4. Each woman officer whose commission or warrant is terminated will be awarded a certificate of discharge of such type and character as may be warranted by her military record and the circumstances surrounding the termination.

5. In the event a woman officer does not submit her resignation when subject to separation under the provisions of subparagraph 3, above, her commander will submit a detailed report to the Commandant of the Marine Corps enclosing substantiating documents.

2103 VOLUNTARY RETIREMENT

1. All laws applicable to the voluntary retirement of male officers of the Regular Marine Corps are applicable in like manner to women officers of the Regular Marine Corps.

2104 INVOLUNTARY RETIREMENT

1. Each woman officer of the Regular Marine Corps who holds a permanent appointment in the grade of colonel shall be retired on the first day of the month following the month in which she completes 30 years of active commissioned service in the Regular Marine Corps and Marine Corps Reserve (10 USC 6398).

2. Each woman officer of the Regular Marine Corps who holds a permanent appointment in the grade of lieutenant colonel shall be retired on the first day of the month following the month in which she completes 26 years of active commissioned service in the Regular Marine Corps and Marine Corps Reserve (10 USC 6398).

3. Each woman officer of the Regular Marine Corps who holds an appointment in the grade of major shall be retired on 30 June of the fiscal year in which she is not on a promotion list and she has completed 20 years of active commissioned service in the Regular Marine Corps and the Marine Corps Reserve.

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3. A member who is discharged by reason of physical disability incurred in line of duty, if otherwise ineligible, may be given an honorable discharge. Each case will be determined on the basis of the member's entire military record.

4. When doubt exists in a particular case as to whether an honorable or general discharge is appropriate, a full report of the circumstances, with appropriate recommendations from the member's commander, may be forwarded to the Commandant of the Marine Corps (Code DMB) for determination.

5. In those cases where a member may be issued either an honorable or general discharge upon expiration of enlistment or release from active duty and the member's commanding officer, officer in charge, or higher authority, is of the opinion that the member concerned should be issued a type of discharge different from that indicated by his conduct and duty proficiency markings, as set forth in subparagraphs 6003.1b or 6004.1a, a full report of the circumstances, with appropriate recommendations, shall be forwarded for decision to the proper discharge authority, to wit: the Commandant of the Marine Corps (Code DM) or the Marine commander exercising general court-martial jurisdiction over the member. These exceptional cases are limited to those wherein an honorable discharge is recommended in lieu of a general discharge, or a general discharge is recommended in lieu of an honorable discharge. When a member is to be transferred prior to effecting this discharge, these recommendations should be made prior to the member's transfer. A copy of the commanding officer's initial recommendations, together with the decision of the Marine commander exercising general court-martial jurisdiction over the member prior to his transfer, or a copy of the recommendations forwarded to the Commandant of the Marine Corps (Code DM), will be forwarded to the activity to which the member is to be transferred and at which his discharge will be effected.

6004 GENERAL DISCHARGE

1. A general discharge is a separation from the service under honorable conditions. Issuance of a general discharge is conditioned upon:

a. A military record which under the provisions of this chapter is not sufficiently meritorious to warrant an honorable discharge (see subparagraphs 6003.1a and 6003.1b).

b. Eligibility for discharge by virtue of one of the reasons listed in subparagraphs 6003.1c(1) through (7), or eligibility for an undesirable discharge under any of the applicable provisions of this chapter, with a determination by the discharge authority or higher authority that the member should be discharged with a general discharge, as warranted by the member's military record.

2. A member who has been awarded one of the decorations listed in subparagraph 6003.2 during his current enlistment, period of obligated service, or any extension thereof, where otherwise ineligible therefor may be awarded a general discharge under honorable conditions.

3. In the case of a corporal or below, a member is being considered for discharge with a general discharge because his military record is not considered

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sufficiently meritorious to warrant an honorable discharge because of average conduct marks below those set forth in subparagraph 6003.1b, such marks should be clearly supported by entries on pages 11, 12, or 13, of the member's service record book. When such marks are not supported, or where the provisions of subparagraphs 6003.2 or 6003.3 are applicable, consideration should be given awarding the member an honorable discharge.

4. When doubt exists in a particular case as to whether an honorable or general discharge is appropriate, the provisions of subparagraphs 6003.4 apply.

5. Where a member may be issued either an honorable or general discharge upon expiration of enlistment or release from active duty, and the member's commanding officer, officer in charge, or higher authority is of the opinion that the member concerned should be issued a type of discharge different from that indicated by his conduct and duty proficiency markings, as set forth in subparagraphs 6003.1b or 6004.1a, the provisions of subparagraph 6003.5 apply.

6005 UNDESIRABLE DISCHARGE

1. An undesirable discharge is an administrative separation from the service under conditions other than honorable. An undesirable discharge may be issued for any of the following reasons:

- a. Security.
- b. Unfitness.
- c. Misconduct.
- d. Request for discharge for the good of the service.

2. Except as provided in subparagraph 6005.3, a member shall not be administratively discharged under conditions other than honorable unless:

a. He is afforded the right to present his case before an administrative discharge board with the advice and assistance of counsel, and

b. Such discharge is supported by approved findings of an administrative discharge board, and by an approved recommendation of an administrative discharge board for an undesirable discharge.

3. When appropriate, an undesirable discharge may be issued without action by an administrative discharge board in any of the following cases:

◆ a. The member is beyond military control by reason of unauthorized absence and either

(1) Prosecution for the unauthorized absence is barred by Uniform Code of Military Justice, Article 43, and, after considering extenuating, mitigating, and aggravating factors in the case, the discharge authority determines that the best interest of the naval service would be served by discharge of the member, or

◆(2) Prosecution for the unauthorized absence is not barred by Uniform Code of Military Justice, Article 43, and the Secretary of the Navy determines that discharge would serve the national interests. (Note: See subparagraph 6023.1b(2) for prescribed procedures.) Separation of members of the Marine Corps Reserve is subject to 10 USC 1163.

4. In any case in which an undesirable discharge is authorized by the provision of this chapter, a member may, nevertheless, be awarded an honorable or general discharge if:

a. During his current enlistment or period of obligated service, or any voluntary or involuntary extension thereof, or during any prior period of service, he has been awarded one or more of the personal decorations listed in subparagraph 6003.2, or

◆ b. Such action is otherwise warranted by the particular circumstances of the member's case, as determined by the discharge authority, or higher authority. Whenever a member's commanding officer or officer in charge considers that a member should be discharged administratively, but that the discharge authority, or higher authority, should give consideration to a discharge more favorable than the undesirable discharge which could be awarded under the circumstances, the commanding officer or officer in charge may make such recommendation to the discharge authority. This recommendation will include any alternate recommended general basis for the discharge (i.e., other than reason of unfitness, security, misconduct, or the member's request for discharge for the good of the service); any alternate recommended specific basis for the discharge (i.e., financial irresponsibility in lieu of an established pattern showing dishonorable failure to pay just debts), and the alternate character of the discharge (i.e., an honorable or general discharge), together with a full development of the commanding officer or officer in charge's reasons for making such recommendation.

5. An undesirable discharge will not be based solely upon:

◆ a. An offense or offenses which have been tried by court-martial, irrespective of acquittal or conviction (see subparagraph 6005.5b), unless such discharge is with the express approval of the Secretary of the Navy. Cases within this category will be submitted to the Commandant of the Marine Corps (Code AI) for submission to the Secretary of the Navy. However, this provision is not applicable and the Secretary's approval is not required, if the discharge under conditions other than honorable is based upon the member's overall conduct record, even though such record may include one or more trials by court-martial. Where the discharge authority is in doubt as to the applicability of the provisions of this subparagraph, the entire case may be submitted to the Commandant of the Marine Corps (Code AI) for advice or disposition.

◆ b. Acts or omissions for which the member has been previously tried by court-martial or by civil court resulting in acquittal or action having the effect thereof, except where such acquittal or equivalent disposition is based on a legal technicality not going to the merits. Legal technicalities not going to the merits of a case include but are not limited to the following: mistrials; motions to bar trial or dismiss charges which are granted because of: the running of the statute of limitations, former punishment, former jeopardy, lack of speedy trial, withdrawal of charges or nolle prosequi before jeopardy attaches, failure of the charges to allege an offense, pardon (as an act of executive clemency),

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constructive condonation of desertion, or lack of jurisdiction; and motions for appropriate relief (MCM, 1969, par. 69) and equivalent motions made in civil court resulting in the termination of proceedings before the attachment of jeopardy.

◆ c. Where charges are dismissed because of a promise or grant of immunity, (MCM, 1969, subparagraph 68h), such action will be considered, for the purposes of this chapter, as a legal technicality not going to the merits only when the promise or grant, by its terms, specifically excludes administrative discharge proceedings from within the scope of its immunity.

d. Acquittals or equivalent dispositions do not include those cases tried by civil court wherein local law, custom, or procedure permit charges to be dismissed or expunged from civil records after the payment of a fine, the successful completion of jail or penitentiary sentences, or the successful completion of periods of probation. See subparagraph 6018.2c(3).

6. When a commander or higher authority is considering the case of a member of the grade of sergeant or above for discharge with an undesirable discharge, he may, where he considers it to be appropriate, request from the Commandant of the Marine Corps (Code DGK) copies of the member's fitness reports, and any other pertinent information which may be related to the reasons for discharge, or the type of discharge to be issued.

7. In the case of a recommendation for an undesirable discharge wherein the member waives all of his rights; the discharge authority may nevertheless disapprove the waiver and refer the case to an administrative discharge board, directing that the member be accorded his applicable rights thereat; or he may direct the member's retention; or he may direct the member's discharge by reason of security, misconduct, or unfitness, specifying the type of discharge certificate to be issued. See paragraph 6021 for the various actions which may be taken by the discharge authority upon a request for discharge for the good of the service.

◆ 8. When final action has been taken on any report of misconduct, or recommendation for the discharge of a member by reason of unfitness, or upon any request for discharge for the good of the service (paragraphs 6017, 6018, and 6021), the discharge authority will forward all papers, or copies thereof, pertaining to the case to the Commandant of the Marine Corps (Code AI) for review.

6006 BAD CONDUCT DISCHARGE

1. A bad conduct discharge is a punitive separation from the service under conditions other than honorable. It may be effected only as a result of the approved sentence of a general or special court-martial.

6007 DISHONORABLE DISCHARGE

1. A dishonorable discharge is a punitive separation from the service under dishonorable conditions. It may be effected only as a result of the approved sentence of a general court-martial.

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6012 DISCHARGE OR RELEASE FROM ACTIVE DUTY FOR CONVENIENCE OF THE GOVERNMENT

1. The Secretary of the Navy, or the Commandant of the Marine Corps, may authorize or direct the discharge or release from active duty of a Marine for the convenience of the Government for any one of the following reasons:

a. General demobilization, reduction in authorized strength of the Marine Corps or Marine Corps Reserve, or by an order applicable to all members of a class of personnel specified in the order.

b. To accept a commission or appointment in the Marine Corps, Marine Corps Reserve, or in another branch of the Armed Forces, for active duty only.

c. A woman member, whether married or unmarried, upon certification by a medical officer that she is pregnant, shall be discharged by her commander, for the convenience of the Government, or in the case of overseas commands, will be transferred to a major Marine Corps command housing Women Marines in the continental United States for discharge. The character of the discharge certificate issued in these cases will be as warranted by the woman member's service record, regardless of her marital status. In the case of discharge for reason of pregnancy of a woman member who is an unmarried minor (under 21 years), her commander will notify her parents or guardian of the fact and reason for the discharge. If, as a result of a spontaneous or therapeutic abortion, or a stillbirth, the woman member's pregnancy is terminated prior to her separation from the service, she will nevertheless be discharged for the convenience of the Government unless she requests, in writing, that she be retained in the service. In such latter case, the woman member, at the discretion of her commander, may be retained in the service, if she is found physically qualified for retention.

d. For reasons of national health, safety, or interest, only when recommended by a Government agency authorized to make such determination and recommendation. Cases of this nature will not normally come to the attention of individual commanders, however, when they do, a prompt report thereof, containing all available information, shall be made to the Commandant of the Marine Corps (Code DM).

e. By reason of erroneous induction, or by erroneous enlistment or extension of enlistment. Any case coming to a commander's attention which purports to be of this nature shall be investigated, and a complete report shall be made promptly to the Commandant of the Marine Corps (Code DM).

f. For other good and sufficient reasons, not elsewhere listed in this chapter which are specified and published by the Secretary of the Navy. Those currently specified are as follows:

(1) For the purpose of holding public office, as set forth in subparagraph 2001.9.

(2) Obesity, provided a medical board certifies that the proximate cause of the obesity is the excessive voluntary intake of food and/or drink, rather than from organic or other similar causes apparently beyond the control of the member (see current edition of BUMED INST 1910.2 and MCO 6100.3).

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(3) Repeated below average or unsatisfactory markings or unfavorable in less than favorable remarks on enlisted fitness reports.

◆ (4) Substandard personal behavior which reflects discredit upon the service or adversely affects the member's performance of duty, including but not limited to:

(a) A history of repeated minor disciplinary infractions, so as to present an administrative burden to the command.

(b) Repeated overindulgence in alcoholic beverages, even though such overindulgence does not exist to a degree which would permit a medical officer to diagnose the member as an alcoholic.

(5) In case of reservist, on inactive duty, who as a result of an annual, quadrennial or any other official physical examination, is determined by the Chief, Bureau of Medicine and Surgery to be not physically qualified for retention in the Marine Corps Reserve; provided, the reservist does not demand a hearing before a physical evaluation board; or in case of a reservist, on inactive duty whose physical qualification status is pending further information or examination and the reservist fails to submit to further physical examinations so as to prevent final determination of the reservists physical qualification for retention in the Marine Corps Reserve.

(6) Upon the individual member's written request, where there is a demonstrated dependency or hardship, even though such dependency or hardship does not meet the criteria specified in paragraph 6014.

(7) Upon the recommendation of the Chief, Bureau of Medicine and Surgery, that a Marine be separated for administrative reasons when he is suffering from a condition not considered a physical disability and such condition has interfered with his performance of duty.

(8) When, as determined by a medical officer or his commanding officer, a member is allergic to clothing material or cannot be fitted with appropriate uniform clothing or provided with appropriate bedding.

(9) As a result of action taken with respect to the decisions or recommendations of the Naval Clemency Board, a Marine Corps Selection and Review Board, or a Marine Corps Enlisted Performance Board or other similar board.

(10) When, as determined by a medical board, the member suffers from motion/travel sickness (989-), as listed in Department of Defense Disease and Injury Codes (TB MED 15/NAVMED P-5082/AFM 160-24) (see current edition of BUMEDINST 1910.2).

(11) Upon the individual member's request when a member becomes a "regular or duly ordained minister of religion", as that quoted phrase is defined in subparagraph 8015.2.

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(4) During her current enlistment or extension of enlistment, she has given birth to a living child.

4. Administrative separation under the provisions of subparagraphs 6012.1f(3) through 1f(4) will not normally be initiated until the member concerned has been given a reasonable opportunity to overcome his deficiencies. When it is determined by a commander that a member may come within the purview of these specific categories, the member shall be notified of his deficiencies, and he shall be counseled concerning them. A summary of all counseling measures taken in compliance with this subparagraph shall be recorded on page 11 of the member's service record book. If no improvement is forthcoming within a reasonable time, the member should then be recommended for the appropriate type of administrative discharge to the Commandant of the Marine Corps (Code DM) in accordance with subparagraphs 6002.9 and 6012.1f. Failure on the part of a member to receive or understand the counseling prescribed herein may be considered by the Secretary of the Navy or the Commandant of the Marine Corps, along with all other factors in the case, in determining whether or not a discharge is appropriate, and if so, the type and character of the discharge to be awarded. However, in no event shall the failure of the member to receive or understand such counseling be considered a defense in an administrative discharge proceeding, or a bar thereto.

5. Subject to the satisfaction of all the requirements of this paragraph and consistent with the military obligation of the Marine, commanding generals, district directors and commanding officers Marine Barracks (CONUS) are authorized to discharge or release from active duty a Marine who makes application for separation for the purpose of furthering their education at a college, university or vocation/technical school. This paragraph and the applicable Marine Corps Order (see current edition of MCO 1900.2) shall be cited as authority for separation. When the date of discharge or release from active duty falls on a non-working day, separation may be effected on the last preceding working day (see subparagraph 7002.7c).

a. Purpose. To establish new policy and criteria to be used in making determinations governing the discharge or release of enlisted personnel from active service prior to the expiration of obligated service to enable them to further their education at a college, university or vocational/technical school. The principal purpose of this program is to encourage enlisted personnel to further their education to the end of becoming more productive and useful citizens.

b. Scope. The provisions of paragraph 6012.5f are applicable to all enlisted personnel with the exception of:

(1) Six month trainees are not eligible for early separation.

(2) Reservists ordered to active duty due to unsatisfactory participation as provided in 10 USC 673(a).

(3) Aliens seeking to qualify for citizenship by completion of three years active duty unless they are to be transferred to inactive duty in a Reserve component (see current edition of MCO 1910.25).

c. Criteria. The following criteria will be applied in making determinations governing the early release of enlisted personnel under this program:

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(1) Inductees or Marines serving under a two year obligated active service contract or agreement who will have a Reserve obligation upon separation will not be released until they have completed a minimum of 21 months' active duty on their current term of service.

(2) The Marine's services must not be essential to the mission of the command.

(3) The latest acceptable registration date of the school must fall within the last three months of remaining service.

(4) The applicant must:

(a) When applying for separation to attend institutions of higher education, furnish documentary evidence that they have been accepted for enrollment commencing with a specific school term in a recognized institution of higher education in a full-time resident course of instruction leading to an associate, baccalaureate, or higher degree. A recognized institution is one which is listed in the Education Directory: Part 3, Higher Education published by the United States Office of Education, Department of Health, Education and Welfare, or an institution which has been determined by the United States Office of Education to be eligible for such listing.

(b) When applying for separation to attend a vocational/technical school, present documentary evidence that they have been accepted for enrollment commencing with a specific school term in a full-time resident course of instruction of no less than three months duration at a recognized vocational/technical school. A recognized school is one which is approved by the cognizant State Board of Vocational Education, or is accredited by one of the following agencies as listed by the United States Commissioner of Education:

- 1 Accrediting Commission for Business Schools.
- 2 National Association for Practical Nurse Education and Service, Inc.
- 3 National League for Nursing, Inc.
- 4 National Association of Trade and Technical Schools.
- 5 Committee on Occupational Education of the Southern Association of Colleges and Schools.

(5) The applicant must demonstrate his ability and willingness to make the required payment of an entrance fee, if any, if he has not already done so.

(6) The applicant must clearly establish the specific school term for which he seeks release is academically the most opportune time for him to begin or resume his education and that delay of enrollment until normal expiration of service would cause undue handicap.

(7) The Marine's performance, as evidenced by his service record book, must be such that he would be eligible for an honorable separation.

(8) Regardless of whether the applicant desires to attend an institution of higher education or a vocational/technical school he must furnish documentary evidence that he has been accepted without qualification. The words "without qualification" means that the applicant must be accepted for admission without being subject to any further approval by the school prior to his entrance. A statement that an applicant is admissible subject to a review of his records, or subject to passing an entrance examination, qualifies such acceptance and does not meet the requirements for early release. On the other hand, an applicant who is accepted on probation does meet the requirements for early release as he will be permitted to begin the specified course of instruction at the school. The term "full-time resident course of instruction" means that the applicant must take the minimum number of credit hours for the semester, quarter or term that is considered by the school to be full-time course instruction, and does not include night school.

(9) It is not the intent of this early release program to authorize release for attending summer school sessions at various colleges so that the Marines may make up deficiencies to prepare himself for enrollment in classes during the regular semesters at these schools. It is recognized that certain schools now operate on a year-round basis. Summer sessions at such institutions constitute full-time courses of instruction. In the event a determination cannot be made the application will be forwarded to the Commandant of the Marine Corps (Code DMB) in accordance with subparagraph 6012.5f.

d. Preparation and processing of applications. Applications for early separation will be submitted by the Marine to the Commandant of the Marine Corps (Code DMB-1), or to the cognizant commander authorized to approve such applications via official channels. The application will include the following:

(1) When the application is for separation to attend an institution of higher education, the institution will provide a statement which establishes the following:

(a) The institution is listed or approved for listing in Part 3, Higher Education Directory.

(b) The course to be pursued requires full-time attendance and leads to an associate, baccalaureate or higher degree.

(c) The applicant has been accepted without qualification.

(d) The latest date of registration for the specified school term.

(e) The convening date of class for the specified school term.

(f) The registration and class convening date of the next succeeding school term.

(g) Certification that any registration fee required has been paid. If not paid, statement from applicant regarding willingness or ability to pay such fee.

(2) When application is for separation to attend a vocational/technical school, the school will provide a statement which establishes the following:

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(a) A statement regarding the school's specific accreditation status, including the date such status was acquired and the name of the accrediting agency or association granting such accreditation.

(b) The applicant has been accepted without qualification.

(c) The specified school term is a full-time resident course of instruction of no less than three months duration.

(d) The latest registration date and class convening date for the next class.

(e) The latest registration date and class convening date for the school term which the applicant is accepted.

(f) Statement regarding the cost of the course or whether registration fees have been paid. If not paid, a statement of willingness to pay must be made by the applicant.

(3) The commanding officer's endorsement shall contain, but is not limited to, the following:

(a) Applicant's normal EAS and PEBD.

(b) Certification that the applicant will be eligible for an honorable separation.

(c) Certification that in his opinion the applicant is not requesting early separation to avoid service.

e. Action to be taken upon applications. Those commanders listed in this paragraph will take final action on those applications which meet the criteria specified herein. The effective date of separation must be within the three months' period prior to the applicant's normal expiration of active-obligated service or involuntary extension thereof, and, within this limitation not earlier than 10 days prior to the latest date of registration prescribed by the institution. The normal expiration of active-obligated service is the date on which the applicant would normally be eligible for release from active duty. It is not the "advanced" separation date established by any other early separation program which might be in effect. Commanding generals of commands located outside the continental United States are authorized to return Marines whose applications have been approved to the United States for separation. The authority for such separation will be included in the transfer orders. After processing the application with endorsements will be forwarded to the Commandant of the Marine Corps (Code DGH) for filing in the Marine's official record. Notwithstanding the above limitations regarding the effective date of separation the following exceptions may be made when appropriate:

(1) Individuals returned from overseas who are required to move their families to the locations of the educational institution may, on submitting specific evidence that the period between the separation date specified above and the class starting date is insufficient, be released up to 30 days prior to the day classes convene.

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(2) In the event late registration is permitted by the school, individuals who are ineligible for separation under the foregoing criteria may be separated on the first day within the last three months of service that they become eligible for separation.

f. Exceptions and Waivers. Applications from Marine's which do not meet the criteria specified herein or any other cases considered appropriate, will be forwarded to the Commandant of the Marine Corps (Code DMB-1) for final determination. If there is insufficient time to permit forwarding, the request may be made the subject of a message.

6. The commanding officer of the first Marine Corps activity to which a Marine reports upon returning to the Continental United States (CONUS) for reassignment is authorized and directed to separate him as soon as practicable provided he meets the following criteria. This paragraph and the current edition of MCO 1900.2, shall be cited as authority.

a. Criteria:

(1) His enlistment (including any extension thereof) or period of extended active duty will expire 60 days or less after the date of his arrival in CONUS.

(2) He consents in writing as outlined in subparagraph 6012.6d below.

(3) He is not indebted to the Government.

(4) He does not intend to reenlist.

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

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b. Military obligation. Separation should be consistent with the military obligation of the Marine. In this connection enlisted personnel whose total obligated service as defined in paragraph 3 of MCO 1001R.1C, will expire within a 60-day period may be discharged rather than released to inactive duty and their obligation shall be considered fulfilled. Personnel desiring to reenlist immediately will not be separated under the authority delegated in subparagraph 6012.6.

c. Separation prior to arrival in CONUS. A Marine who is entitled to and elects transportation to an area outside CONUS may be separated by one of the overseas discharging/releasing activities specified in the current edition of MCO 1910.5 provided:

(1) He would be eligible for release from active duty or discharge under the provisions of subparagraph 6012.6, based on his scheduled date of arrival in CONUS and consents to such separation in writing as outlined in subparagraph 6012.6d below.

(2) It is determined to be more economical to the Government.

(a) Overseas commanders having personnel returning to CONUS for re-assignment who meet the above criteria will so advise the Commandant of the Marine Corps (Code DFB) by message at least 10 days prior to their scheduled date of departure so that appropriate orders may be issued.

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

"I hereby consent to be (discharged) (detached for release from active duty) on _____ in lieu of my normal date of (expiration of enlistment) (detachment for release from active duty) on _____. I understand that entitlement to pay and allowances and credit for active federal service ceases on the actual date of my separation from active service."

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

e. Recoupment of Reenlistment Bonus. Recoupment of reenlistment bonus will not be made from personnel separated under subparagraph 6012.6.

f. Recall status. In the event of future recall, Marines separated early in accordance with subparagraph 6012.6 will be considered in the same status as those who have completed their enlistment or periods of extended active duty.

g. Good Conduct Medal. Personnel consenting to early discharge or release to inactive duty in accordance with subparagraph 6012.6, shall be granted a waiver not to exceed the actual number of days that the early release is effected, provided they are otherwise eligible for this award. The provisions of this subparagraph will not apply for special early release programs promulgated by Headquarters Marine Corps.

7. Discharge for the convenience of the Government to permit immediate reenlistment; to provide for early separation of members under various authorized programs and circumstances not included herein shall be processed and effected in accordance with separate directives pertaining specifically to these categories of separation.

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(4) For the advice to be given a member with 8 or more years of continuous active military service who is recommended for discharge by reason of unsuitability, and for the recording of such advice, see paragraph 6023.

(5) Should a member refuse to either request or waive his rights, an entry in explanation thereof will be made in the record of the case, and the member's case will be disposed of as if he had requested all of his applicable rights.

5. When final action has been taken by a discharge authority on a recommendation for discharge by reason of unsuitability for any of the specific bases prescribed in subparagraph 6016.1a through f. Such discharge authority will forward all papers, or copies thereof, pertaining to the case to the Commandant of the Marine Corps (Code DGK) for filing in the official record of the member concerned. However, where the specific basis for the discharge is one of the reasons prescribed in subparagraph 6016.1a through f, but there is evidence of homosexual or other aberrant sexual tendencies present in the case, the discharge authority, after completion of his final action thereon, will forward the case to the Commandant of the Marine Corps (Code AI) for review.

6017 DISCHARGE FOR UNFITNESS

1. The Commandant of the Marine Corps, and all Marine commanders exercising general court-martial jurisdiction, may authorize or direct the retention in the service or the discharge of members by reason of unfitness, except that cases involving sexual perversion as the specific basis for the proposed discharge will be referred to the Commandant of the Marine Corps (AI) for disposition. Where there is evidence of sexual perversion present in the case, but the local discharge authority determines that the specific basis for the proposed discharge should be one of the bases reflected in subparagraph 6017.2b, 2c, 2e, or 2g, he may direct the member's discharge and is not required to forward the case to the Commandant except for review as required by paragraph 6005.8.

2. A commanding officer or officer in charge will recommend a member for discharge by reason of unfitness when he determines that the member's military record includes one or more of the following:

a. Sexual perversion, including, but not limited to:

- (1) Lewd and lascivious act(s).
- (2) Homosexual act(s). See SECNAVINST 1900.9 or revisions thereof, for controlling policy and additional action required in homosexual cases.
- (3) Sodomy. See SECNAVINST 1900.9.
- (4) Indecent exposure.
- (5) Indecent act(s) with or assault upon a child.

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

b. Frequent involvement of a discreditable nature with civil or military authorities. No specific number of acts or omissions are contemplated herein. Each case must be evaluated in light of its own particular facts to determine whether, because of such frequent involvement, the member concerned has clearly demonstrated that he is unqualified for retention and, if so, whether the character of his service has been other than honorable.

c. An established pattern of shirking.

d. Drug addiction, habituation, or the unauthorized use or possession of narcotics, dangerous drugs, marijuana, or any substance considered to be habit forming or to have a potential for abuse because of its depressant or stimulant effect on the central nervous system or because of their hallucinogenic effect; except that those cases involving the use or possession of marijuana, where the member has been tried by court-martial for the same offense and all available evidence was considered during the court-martial, are not required to be recommended for discharge. Members who have been tried by court-martial for the use or possession of marijuana will be recommended for discharge if the member is considered unfit for retention (see paragraph 6005).

e. An established pattern showing dishonorable failure to pay just debts.

f. An established pattern showing dishonorable failure to contribute adequate support to dependents, or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.

g. For unsanitary habits, which include, but are not limited to, the occurrence of repeated venereal disease infections during the member's current enlistment or period of service. See Department of the Navy General Order No. 18 and the current edition of SECNAVINST 6222.1.

3. Action with a view to discharging a member as unfit for any of the reasons set forth in subparagraphs 6017.2b, c, e, f, and g, above, will not normally be initiated unless the member has previously been afforded a reasonable opportunity to overcome his deficiencies. When it is determined that a member may come within the purview of these specific categories, the member shall be notified of his deficiencies and he shall be counseled concerning them. A brief summary of all counseling measures taken in compliance with this subparagraph shall be recorded on page 11 of the member's service record book. If no improvement is forthcoming within a reasonable time, the member should then be processed for the appropriate type of discharge. Failure on the part of a member to receive or understand the counseling prescribed herein may be considered by discharge boards and discharge authorities, along with all other factors in the case, in determining whether or not a discharge is appropriate, and if so, the type

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and character of discharge to be awarded. However, in no event shall the failure of the member to receive or understand such counseling be considered a defense in an administrative discharge proceeding or a bar thereto.

4. Before recommending a member for discharge by reason of unfitness, the commanding officer or officer in charge shall investigate or cause each case to be investigated. The circumstances, facts and offenses shall be substantiated by entries or documents from the member's service records, and/or other pertinent information, and the original or copies thereof shall be enclosed with the recommendation.

5. At the time of submission of a recommendation for discharge, an entry will be made on page 11 of the member's service record book showing this fact and the reasons therefor. If the recommendation for discharge is finally disapproved, an entry to this effect will likewise be recorded on page 11 of the member's service record book.

6. Except as provided in subparagraphs 6005.3 and 6025.2, all recommendations for a member's discharge by reason of unfitness will be referred to an administrative discharge board convened and conducted in accordance with paragraph 6024.

7. A member recommended for an undesirable discharge by reason of unfitness will be advised in accordance with paragraph 6023 and will be accorded those rights prescribed by paragraphs 6005, 6023, and 6024. The nature of the advice given and the method by which it is transmitted to a respondent, and the nature of the rights to be accorded a respondent, under the applicable provisions of this chapter, will depend upon whether or not the respondent is on active duty, whether or not the respondent is under military control, the extent to which a respondent effectively waives his rights, and whether or not the respondent requests discharge for the good of the service.

8. Where an administrative discharge board is held, the report of the board will be submitted to the convening authority thereof in accordance with paragraph 6024. Upon receipt of the board's report, the convening authority will take the following action thereon:

◆ a. If the convening authority is not the appropriate discharge authority, he will forward the record of the case, including the report of the board and his recommendations thereon, to the Marine commander exercising general court-martial jurisdiction, or to the Commandant of the Marine Corps (Code AI) for disposition.

b. If the convening authority is the appropriate discharge authority, he will take one of the actions permitted by subparagraph 6024.9b.

9. Where no administrative discharge board is held because of the applicability of any of the provisions of subparagraphs 6005.3 and 6025.2, the authority empowered to convene an administrative discharge board and to whom the case has been submitted will take the following action thereon:

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a. If such authority is not the appropriate discharge authority, he will forward the entire record of the case, together with his recommendations thereon, to the appropriate discharge authority indicated in subparagraph 6017.8a for final disposition.

b. If such authority is the appropriate discharge authority, he will take one of the following actions, regardless of the recommendations of the member's commanding officer or officer in charge (see subparagraph 6002.18).

(1) Direct the member's retention in the service.

◆ (2) Approve the member's discharge, specifying the type and basis therefor, but suspending the execution of the discharge for a specified period of probation in accordance with paragraph 6026.

◆ (3) Direct the member's discharge, specifying the type and basis therefor.

10. Members serving outside the continental United States shall be transferred to the nearest Marine Corps activity in the continental United States by the Marine commander exercising general court-martial jurisdiction who directs or recommends the discharge. Except where the discharge authority is the Commandant of the Marine Corps or the Secretary of the Navy, the authority for discharge will be included in the orders transferring the member to the continental United States. (Women Marines will be transferred to a major (Marine Corps) command housing Women Marines.)

11. Commanders of activities outside the continental United States, not under the command of a Marine commander exercising general court-martial jurisdiction other than the Commandant of the Marine Corps, will transfer to the nearest Marine Corps activity in the continental United States those members who have been recommended for discharge by an administrative discharge board convened under the provisions of paragraph 6024 or those members who have been recommended for administrative discharge by their commanding officer or officer in charge and who have waived, in writing, the right to have their case heard by an administrative discharge board. Commanders, in their endorsement of the proceedings of the board, or in the recommendation for the member's discharge, will indicate the activity in the continental United States to which the member is being transferred.

12. When final action has been taken on any report or recommendation by a discharge authority other than the Secretary of the Navy or the Commandant of the Marine Corps, the discharge authority will forward all papers pertaining to the case to the Commandant of the Marine Corps (Code AI) for review (see subparagraph 6005.8).

6018 DISCHARGE BY REASON OF MISCONDUCT

- ◆ 1. The Commandant of the Marine Corps and all Marine commanders exercising general court-martial jurisdiction may authorize or direct the retention in the service or the discharge of members by reason of misconduct, except that cases

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involving procurement of a fraudulent enlistment, induction, or period of active service through any deliberate material misrepresentation, omission, or concealment of preservice homosexual act(s) or tendencies will be referred to the Commandant of the Marine Corps (Code AI) for disposition. However, in the case of recruits, the Commanding Generals, Marine Corps Recruit Depot, Parris Island, South Carolina and San Diego, California are authorized to take ~~final~~ action on recommendations involving preservice homosexual (acts) at such time as the information is corroborated with the Naval Investigative Service. The standard form 89 shall not be used as a basis for processing a recruit for discharge by reason of fraudulent enlistment.

2. The commanding officer or officer in charge shall make a report of suspected or apparent misconduct by a member for any of the following reasons, and shall include in the report all relevant and material documentary evidence pertaining to the case, and his specific recommendation for discharge or for retention in the service of the member concerned:

a. When a continuous unauthorized absence of more than 1 year has been established by official records, but the execution of an approved punitive discharge of the member has not been authorized by competent authority. See subparagraph 6005.3a where the member is beyond military control. If the member has returned or been returned to military control, see subparagraphs 6002.13 through 6002.15.

b. Procurement of a fraudulent enlistment, induction or period of active service through any deliberate material misrepresentation, including the omission or concealment of facts which, if known at the time thereof, would have reasonably been expected to have precluded, postponed, or otherwise affected the member's eligibility for enlistment or induction. See the current edition of MCO P1100.61, Recruiting Service Manual, chapter 2, part B. The enlistment of a minor with false representation as to age, or without proper consent from his parents or legal guardians, will not, by itself, be considered as a fraudulent enlistment. See subparagraph 6015.7. The procurement of a fraudulent enlistment, induction, or period of active service may be based upon, but is not limited to, any deliberate material misrepresentation of or concerning the following:

(1) A police record, or conviction by civil court.

(2) A record as a juvenile delinquent, wayward minor, or youthful offender. See, however, subparagraph 6012.2c. Except as otherwise provided in subparagraph 6012.2, and in addition to any other action required by the provisions of this chapter, in a case involving the procurement of a fraudulent enlistment, induction, or period of active service through a deliberate material misrepresentation, as defined herein, involving a record as a juvenile delinquent, wayward minor, or youthful offender, the following action will be taken:

(a) All the relevant facts pertaining to the case will be ascertained by establishing liaison with the civil authorities in order to determine the actual offense(s) committed by the member; all the circumstances in the case, and the final disposition by juvenile or youthful offender courts (when permitted by local law) including the actual period of confinement served and whether civil probation exists.

(b) Any other information deemed relevant to an evaluation of the member's case will be obtained.

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(c) An evaluation of the facts obtained, the member's statement, the character of the member's military service rendered, and the provisions of subparagraph 6002.3 will be made to determine whether the member's discharge or retention should be directed.

(d) If discharge is deemed proper in these cases, it should normally be under honorable conditions, unless the particular circumstances of the case clearly warrant a less favorable type of discharge.

(3) Previous service in any branch of the Armed Forces.

(4) Physical defects.

(5) Marriage or dependents. See subparagraph 6012.2b.

(6) Preservice homosexual act(s) or tendencies. See the current edition of SECNAVINST 1900.9 for controlling policy and additional action required in homosexual cases.

c. Conviction by civil authorities (foreign or domestic), or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the Uniform Code of Military Justice is death or confinement in excess of one year; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender or is placed on probation or punishment in any way as the result of an offense involving moral turpitude. If the offense is not listed in the Manual for Court-Martial Table of Maximum Punishments, or is not closely related to an offense listed therein, the maximum punishment authorized by the U. S. Code, or the District of Columbia Code, whichever is lesser, applies.

(1) A member subject to administrative separation pursuant to the provisions of subparagraph 6018.2c may be processed therefor, notwithstanding the fact that he has filed an appeal or has stated his intention to do so. However, no approved administrative separation from the naval service, which is based solely or in part upon a conviction, or upon a juvenile, wayward minor, or youthful offender adjudication by civil authorities, during the period an appeal from such conviction or adjudication is actually pending, or is reasonably expected to be pending, will be executed without the prior express approval and direction of the Secretary of the Navy. Requests should not be made to the Secretary of the Navy for his approval and direction of the execution of an administrative discharge under these circumstances, except in those unusual cases where such action is essential in the interests of justice, discipline, and proper administration within the naval service. For example, such requests should be made to the Secretary of the Navy when the member's current period of obligated active or inactive service will expire before final action on the member's appeal can reasonably be expected, or in a case where it appears that the member's continued presence with the command is considered inimical to the health, morals, or welfare of the other members of the command.

(2) In each case where a member is recommended for discharge by reason of misconduct because of the applicability of the provisions of subparagraph 6018.2c, the permanent record will contain, where available, a copy of the court

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empowered to convene an administrative discharge board having jurisdiction over the member will take or cause to be taken the following action:

(1) Notify the member, in writing, of the proposed discharge action and the basis therefor.

(2) Advise the member of the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records. (See subparagraph 6001.3b.)

(3) Advise the member that he has the following rights, which unless he waives such rights in writing, will be afforded to him:

(a) Present to and have his case considered by an administrative discharge board composed of not less than three officers, at least one of whom will be a field grade officer;

(b) Appear in person before such board, subject to his availability;

(c) To be represented by military counsel, who will be a lawyer within the meaning of UCMJ, article 27(b)(1) unless appropriate authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel.

(4) Advise the member that if he does not waive a hearing before an administrative discharge board, and upon the hearing of his case before such board, he will be entitled to those rights set forth in subparagraphs 6024.3b through 6024.3e, 6024.3f, 6024.3n, 6024.3o, 6024.3r, 6024.6 and 6024.7. The advice as to the respondent's rights contained in the cited subparagraphs of paragraph 6024 may be given in a summarized form. Further advise the member that before waiving any of these rights, in writing, it would be to his advantage to consult with counsel and that he will be given the opportunity to do so.

(5) Advise the member who indicates that he wishes to submit a request for discharge for the good of the service, pursuant to paragraph 6021 that, if such request is accepted, he may receive a discharge under other than honorable conditions without administrative discharge board action, and further advise him of the adverse nature of such discharge and the possible consequences thereof. Before a member is permitted to actually submit a request for discharge for the good of the service, he will be advised that it would be to his advantage to consult with counsel and he will be given the opportunity to do so.

◆ b. Advice to respondent not under military control. In each case when a member on active duty is not under military control and either is recommended for an undesirable discharge or, having 8 or more years of continuous active military service, is recommended for a general discharge by reason of unsuitability, the officer empowered to convene an administrative discharge board in the member's case will take or cause to be taken the following action:

◆(1) If the member is unable to appear before an administrative discharge board because of his confinement by civil authorities, advise the member in writing and by registered mail sent to the civil institution where the member is confined:

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- (a) Of the proposed discharge action and the basis therefor,
- (b) Of the type of discharge certificate that may be issued,
- (c) Of the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records (see subparagraph 6001.3b), and
- ◆ (d) Of the fact that administrative discharge action has been suspended to afford him the opportunity to exercise the following rights:

1 To request the appointment of a military counsel who will be a Judge Advocate unless appropriate authority certifies in the permanent record the nonavailability of a Judge Advocate, and sets forth the qualifications of the substituted counsel.

2 To have his counsel represent him, and in his (the respondent's) absence present his case before an administrative discharge board,

3 To submit statements in his own behalf, and

4 To waive the foregoing rights either in writing or by the failure to reply to the letter of notification within the prescribed reasonable time limit specified therein.

◆ (2) If the member is in a status of unauthorized absence (separation of members of the Marine Corps Reserve is subject to 10 USC 1163), advise the member in writing and by registered mail sent, as appropriate, either to the current home of record address of the member or to the current address of the member's next of kin as reflected in the member's service records:

- (a) Of the proposed discharge action and the basis therefor,
- (b) Of the effective date of the proposed discharge action,
- (c) Of the type of discharge certificate that may be issued, and
- (d) Of the purpose and scope of the Navy Discharge Review Board and the Board for Correction of Naval Records (see subparagraph 6001.3b).

c. Recording advice given respondent under military control. In each case where a member on active duty and under military control is recommended for an undesirable discharge, or has 8 or more years of continuous active military service and is recommended for discharge by reason of unsuitability, or requests discharge for the good of the service within the purview of paragraph 6021 and

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CHAPTER 7

GENERAL INSTRUCTIONS FOR DISCHARGES

7001 TIME AND PLACE OF DISCHARGE

1. A Regular or reservist stationed within the continental limits of the United States will be discharged from the Marine Corps at the duty station to which assigned at the time he becomes eligible for such discharge.

2. Prior to expiration of enlistment or expiration of any extension of enlistment or when separation from active duty for any other reason is authorized, Marines serving on foreign shores and at sea, including such times as a ship may be in a United States port, who do not desire or are not eligible to reenlist or extend their enlistments will be transferred by the field commander concerned or commander of Marine detachment afloat to the Marine Corps activity nearest a port of entry within the continental United States. Transfer will be effected to ensure arrival not later than 10 days prior to the effective date of discharge or release.

3. Enlisted personnel becoming eligible to be separated under honorable conditions while serving outside the United States or its territories or possessions, in other than belligerent countries may, at their own request, be separated at their duty stations. Personnel shall indicate their election by executing on page 11 of the service record a request to be so separated. Such separation in the case of enlisted women becoming eligible to be separated by reason of pregnancy is contingent upon the individual's establishment of residence in the area in which the duty station is located or being married to a person who has such a residence.

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

b. In the case of enlisted personnel the commander shall, prior to separation of the individual, ascertain that he will be issued a passport and has been or will be granted permission to remain in the foreign area. In this connection, the commander may accept a written statement from the appropriate consular or diplomatic representative to the effect that the individual concerned has applied for a passport and that it appears that he is eligible to receive a passport upon

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his separation from the service. In general a consular or diplomatic representative will be in a position to make this latter statement upon receipt of proper proof of the individual's claim to United States citizenship or nationality. Permission to travel or reside in a foreign country may be substantiated by a written statement from the foreign government concerned that the individual has been granted or it is anticipated that he will be granted permission to remain in the foreign area in question.

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

7002 EFFECTIVE TIME OF SEPARATION

1. A discharge takes effect upon delivery of the discharge certificate. The release to inactive duty of members of the Regular Marine Corps who are transferred to the Marine Corps Reserve and concurrently released to inactive duty, takes effect upon delivery of the separation document.
2. In cases where discharge has been authorized or directed and the individual is unavailable due to his unauthorized absence or confinement in a civilian jail, prison, or institution and personal delivery of the certificate is not possible or feasible, the discharge will be effective on the date shown on the discharge certificate.
3. Title 38 USC, 106(c) provides that, for the purpose of entitlement to benefits administered by the Veterans' Administration, an individual discharged or released from a period of active duty shall be deemed to have continued on active duty during that period of time immediately following the date of such discharge or release from such duty determined in accordance with regulations to be required for him to proceed to his home by the most direct route, and in any event, until midnight of the date of such discharge or release. If a discharged member is injured while returning home and requires hospitalization, he may be eligible for benefits from the Veterans' Administration and should be advised to file an appropriate claim to that agency.
4. If discharge is being effected as a result of immediate entry or reentry into any component of the Armed Forces, the discharge will be dated as of the date preceding such entry or reentry.
5. The release from active duty of a reservist who was assigned to active duty as a reservist is effective at the expiration of authorized travel time. The discharge of a reservist as the result of expiration of enlistment or fulfillment of service obligation will be effective on the date shown on the discharge certificate.

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

7. Discharge certificates and final pay or a substantial portion thereof will be prepared and ready for delivery to the Marine concerned upon the date of discharge or release from active duty.

a. Delivery of discharge certificates will be made on the date of discharge to those Marines who have indicated that they do not desire to extend or reenlist.

b. Marines who desire to extend or reenlist will be required to execute their enlistment contracts or extensions of reenlistment on the dates their current enlistment contracts expire, or prior thereto, to be effective on the date next succeeding the date of discharge or expiration of enlistment. Delivery of the discharge certificate must be accomplished on a date subsequent to the date of discharge.

c. Consistent with the Marine's military obligation (military obligation is terminated upon discharge) commanders are authorized to effect discharge (Regular or reservists), or to order release from active duty (Regular or reservists) on the last working day preceding a Saturday, Sunday or holiday when the normal separation date, or separation date established by higher authority falls on one of those days, providing the Marine concerned consents in writing. The reason for discharge will be for convenience of the Government. Subparagraph 6012.1a and this subparagraph will be cited as authority. Personnel desiring to reenlist immediately will not be discharged early under this subparagraph. The following statement of consent will be entered on page 11 of the service record and signed by the Marine concerned:

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

(1) The following instructions are applicable to personnel discharged or released early under authority contained in this subparagraph:

(a) Personnel shall be considered eligible for the Good Conduct Award in all instances where eligibility therefor would have been established through normal expiration of obligated active service.

(b) Recoupment of reenlistment bonus will not be made.

(c) In the event of future recall, personnel will be considered in the same status as those who have completed their enlistments or periods of extended active duty.

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7003 CATEGORIES FOR DISCHARGE AT DUTY STATIONS WITHIN THE UNITED STATES

1. Commanders will process and discharge, at their present stations, all enlisted personnel eligible for discharge who fall within one of the following categories (for personnel arriving in the United States from sea or foreign duty, the commander referred to is that of the post or station at or nearest the port or aerial port of entry):

a. Those who have no obligated service under law and who will be discharged for reason of expiration of enlistment.

b. Those who will be discharged for enlistment or reenlistment.

c. Those whose discharge is directed by proper authority prior to expiration of enlistment.

2. Except for reenlistment or when discharge is otherwise directed by competent authority, enlisted personnel who have not completed their obligated service under law will not be discharged upon expiration of enlistment. They will be transferred to the Marine Corps Reserve in accordance with current directives.

7004 TRAVEL UPON SEPARATION

1. Detailed instructions relating to the travel of personnel upon separation from the service or release from active duty are contained in Joint Travel Regulations and in the U. S. Navy Travel Instructions.

2. If it is impossible to verify the place elected for the purpose of mileage from local records, the commander will accept a certificate from the individual as substantiation which will state the place elected for purpose of mileage and identify such place as the home of record, place from which ordered to active duty, the place of induction, or the place of entry into the service as he may elect. This certificate will be inserted in the service record book or officer's qualification record.

7005 RETENTION IN SERVICE TO LIQUIDATE INDEBTEDNESS

1. Neither Regular nor Reserve personnel will be retained on active duty for the purpose of liquidating indebtedness to the Government.

7006 PHYSICAL EXAMINATIONS, TREATMENT AND PROCEEDINGS

1. A complete physical examination shall be given to all enlisted personnel prior to discharge, transfer to Reserve, or release from active duty. Examinations in the cases of personnel being discharged or retired upon the approved report of a medical board, or a physical evaluation board shall be made in accordance with the Manual of the Medical Department and current directives. If as a result of such examination the enlisted person is found unfit for the performance of duty, his case shall be referred to an appropriate medical board.

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regimental commander, or if that is impracticable, by the company commander, accompanied by the expression of a hope that the individual will reenlist or good wishes for a successful career.

7015 ARMED FORCES OF THE UNITED STATES REPORT OF TRANSFER OR DISCHARGE (DD 214)

1. The Armed Forces of the United States Report of Transfer or Discharge, DD 214, will be prepared and delivered to each person at the time of his separation from active service for reasons other than death.
2. Instructions contained in paragraph 11001 shall govern preparation and disposition of the Armed Forces of the United States Report of Transfer or Discharge.

7016 HONORABLE DISCHARGE BUTTONS AND PINS

1. Each enlisted person of the Marine Corps who is honorably discharged or discharged under honorable conditions from the service and does not reenlist will be issued a Marine Corps honorable discharge button, or pin in the case of women. Such devices will be worn only with civilian dress.
2. Each enlisted Reservist, who has served on continuous active duty for 30 days or more, will be issued one of these buttons upon honorable discharge or discharge under honorable conditions from the Marine Corps Reserve provided he does not reenlist.

7017 WEARING OF UNIFORM AFTER DISCHARGE

1. Marines whose character of discharge is honorable or under honorable conditions except when discharge is for unsuitability or for reason of security, may retain and wear their uniforms from the place of discharge to their homes, within 3 months after date of discharge. The phrase "from the place of discharge to his home, within 3 months after the date of such discharge," refers to the period between the date of discharge and the date of the person's arrival at his home and does not permit the wearing of the uniform after arrival home, even though the 3-month period has not expired. If such personnel served during war; they shall, when not on active service, be entitled upon occasion of ceremony, to wear the uniform of the highest grade held by them during their war service.

7018 NATIONAL SERVICE LIFE INSURANCE AND INSURANCE UNDER THE INSURANCE ACT
OF 1951

1. In case an individual held National Service Life Insurance, he should receive the fourth copy of the notification of discontinuance of allotment for National Service Life Insurance, Form VA 365.
2. Each individual carrying National Service Life Insurance should receive explicit notice that he may pay premiums direct to the Veterans' Administration, District Office, P.O. Box 8079, Philadelphia, Pennsylvania 19101, if he wishes to continue his insurance.

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3. Each individual covered by the Insurance Act of 1951 should be carefully counseled regarding the postservice insurance available to him. The time limitation on applying for this insurance should be emphasized (38 USC 701-724, 781-784).

7019 BENEFIT PAMPHLET

1. Each individual separated will be given a copy of the DD Pamphlet "Once a Marine" (NAVMC 2537).

7020 WARNING TO INDIVIDUALS NOT ELIGIBLE FOR REENLISTMENT

1. Every person discharged who is not eligible for reenlistment will be informed that:

a. Fraudulent enlistment in any branch of the service will undoubtedly be detected by fingerprints, and

b. If concealment of his previous service and discharge results in his reenlistment, he will be subject to disciplinary action.

7021 CLOSING OUT SERVICE RECORD BOOK

1. The service record book of each person separated will be completed in accordance with the instructions contained in MCO P1070.8, IRAM, chapter 4.

7022 FORWARDING SERVICE RECORD BOOK

1. In all cases where individuals have been discharged, the service record books will be forwarded in accordance with instructions in MCO P1070.8, IRAM, subparagraph 4001.6.

2. In order to avoid confusion and delay in final settlement, no transfers will be made or authorized after an individual's accounts have been close preliminary to discharge.

7023 DELIVERY OF BAGGAGE AND PERSONAL EFFECTS

1. The individual's baggage and personal effects, upon discharge, will be delivered to the railroad station or other point of departure by the command concerned.

7024 VOID ENLISTMENTS

1. The law prohibits the enlistment in the Marine Corps of a person who is:

a. A male and under 14 years of age;

b. A female and under 18 years of age;

c. Insane;

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d. Intoxicated; or

e. Has deserted in time of war from any of the Armed Forces unless, in time of war, his enlistment is permitted by such authority as the Secretary of the Navy designates (10 USC 5532).

2. An enlistment entered into by a person of one of the categories listed in subparagraph 1 is void.

3. All cases of enlistments apparently entered into in violation of the prohibition in 10 USC 5532 shall be reported to the Commandant of the Marine Corps (Code DGK) immediately. After investigation of the facts and subject to any provision of law pertinent thereto, the Commandant of the Marine Corps will direct the action to be taken and the disposition of the person concerned. The foregoing reporting requirement applies in addition to cases falling under subparagraph 1, to the following illegal enlistments:

a. Unauthorized execution of a contract of enlistment into the Marine Corps or Marine Corps Reserve while already a member of any component of any Armed Force of the United States or execution of such contract while on a retired list of any component of any Armed Force of the United States.

7025 NOTIFICATION TO IMMIGRATION AND NATURALIZATION SERVICE

1. Provision is made by law to revoke the citizenship of naturalized citizens who are discharged either dishonorably or under other than honorable conditions. The Immigration and Naturalization Service, Department of Justice, is responsible for the institution of proceedings for the revocation of citizenship in any such cases.

2. In the event any naturalized citizen who is a member of the Marine Corps is being discharged either dishonorably or under other than honorable conditions, the commander of the dischargee shall forward immediately to the Commandant of the Marine Corps (Code AI) a report of such case in order that the required certification may be prepared and transmitted to the Immigration and Naturalization Service upon the person's discharge for determination as to the propriety of revocation of citizenship. This report will include the fact of discharge and the date thereof. The report will also include whatever information is shown on the dischargee's service records with respect to naturalization.

7026 SEPARATION OF ALIENS

1. In any case where personnel who are not citizens of the United States are to be separated within the United States or its territories or possessions, the nearest district office of the Immigration and Naturalization Service, Department of Justice, shall be notified of such pending separation and prospective date thereof. Such notification shall be submitted in sufficient time to permit the immigration authorities to take such action as they may deem appropriate prior to the date on which the individual is to be separated.

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2. Section 328 of the Immigration and Nationality Act (8 USC 1439) provides for expeditious naturalization of permanent resident aliens upon completion of 3 full years' service in the Armed Forces of the United States provided certain other qualifications are met. In order not to jeopardize their eligibility for naturalization, permanent resident aliens serving on an enlistment or tour of ~~extended~~ duty of 3 years or more will not be discharged until completion of 3 full years' service, solely for the convenience of the Government under the provisions of any early release program. Further, the above provisions will be explained to any alien who makes application for discharge by reason of own convenience or hardship prior to completion of 3 years' service. Notwithstanding the foregoing, if any alien desires discharge for one of the above reasons, he may be discharged provided he makes the following signed statement on page 11 of the service record:

◆ "I have read the current edition of MCO 1910.25 and I understand that my requesting discharge prior to completion of 3 full years of service may jeopardize my eligibility for expeditious naturalization under Title 8, USC 1439. However, understanding the above, I request early discharge."

3. The above policy should not be construed as giving aliens an entitlement to retention in service for at least 3 full years regardless of their military records. Adequate provisions are contained in this manual for the separation of personnel whose performance of duty or conduct does not justify their continued retention in the service.

4. Section 315 of the Immigration and Nationality Act (8 USC 1426) provides for permanent denial of eligibility to become a citizen of the United States to any alien who applies or has applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground that he is an alien, and is or was relieved or discharged from such training or service on application for discharge by reason of own convenience on the grounds that he is an alien. Aliens accepting discharge solely on grounds of being an alien shall be required to make the following signed statement of understanding on page 11 of the service record:

"I understand that 8 USC 1426 provides that any alien who applies for discharge from the service of the United States on the ground that he is an alien, and is discharged from such service on such ground, shall be permanently ineligible to become a citizen of the United States."

5. Aliens separated under the foregoing conditions are not eligible and shall not be recommended for reenlistment.

7027 DISCHARGE OF ALIENS

1. Title 10 USC 651 provides that each male person who enlists in the Armed Forces prior to his 26th birthday incurs a military service obligation. Aliens accepted for enlistment are not exempt by law from the military service obligation, and upon separation from active service are normally transferred to or retained in appropriate Reserve component to complete any remaining period of obligated service.

2. Commanders are authorized to discharge an alien upon completion of a term of active service or from an inactive duty Reserve status, upon the written request of the individual concerned, provided the applicant indicates that immediately subsequent to discharge he will establish permanent residence in his native country or other country foreign to the United States. (See current edition of MCO 1910.25.)
3. Aliens who declare their intention to establish a permanent residence in the United States will not be relieved of their military service obligation.
4. Aliens who declare their intention to establish permanent residence outside the United States may be retained in an obligor status upon request.

7028 NOTIFICATION TO PARENTS, SPOUSES, OR GUARDIANS OF ENLISTED PERSONS TO BE TRIED ON SERIOUS CHARGES OR WHO ARE TO BE DISCHARGED PRIOR TO THE EXPIRATION OF THEIR ENLISTMENT

1. Whenever an enlisted person is to be tried by a general or special court-martial, is to be tried by a civil court charged with a felony, or is charged with serious offenses before a foreign court and trial appears probable, it is considered desirable that the parents, spouse, or guardian, as appropriate, be advised of the circumstances. A serious offense before a foreign court is construed to include any offense for which 6 months' confinement, whether or not suspended, is normally imposed.
2. When any of the above occurs, the commander should ensure that the individual is counseled to advise his parents, spouse, or guardian, as appropriate of the circumstances, or, in the alternative, to authorize the commander to do so:
 - a. If the enlisted person is 21 years of age or over and refuses to do either, no further action will be taken except to have the fact of his refusal and the name of the officer receiving such refusal recorded on page 11 of the individual's service record;
 - b. If the enlisted person is under 21 years of age and refuses to do either, the commander will, unless some compelling reason to the contrary appears, inform the parents, spouse, or guardian, as appropriate, by letter or other means of the details considered pertinent and proper under the circumstances. In the event the commander decides not to make such notification, he will record his reasons for this decision on page 11 of the individual's service record.
3. Whenever an enlisted person under 21 years of age is to be involuntarily separated from the service prior to the expiration of his enlistment with either a punitive or any administrative type discharge, his parents, spouse, or guardian, as appropriate, shall be notified 10 days in advance of the time, date, and place of discharge. Commanding Generals, Marine Corps Recruit Depots and Marine Corps Bases, Camp Lejeune and Camp Pendleton, processing recruits for unsuitable discharge or for medical reasons prior to completion of recruit training will make notification as expeditiously as possible and not later than the date of discharge. A copy of the letter of notification will be forwarded to the Commandant of the Marine Corps (Code DGH). This notification is required in order to permit parents or guardians to assume custody of their minor son or daughter upon separation.

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4. Whenever an enlisted person over 21 years of age is to be involuntarily separated from the service prior to the expiration of his service with either a punitive or administrative type discharge, he shall be counseled to advise his parents, spouse, or guardian, as appropriate, of the circumstances or, in the alternative, to authorize the commander to do so. If the individual ~~refuses~~ to do either, no further action will be taken other than to have the fact of his refusal and the name of the officer receiving such refusal recorded on page 11 of the individual's service record.

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should not be submitted until the individual is found to be physically qualified for retirement. If after a member has submitted a request for voluntary retirement, disease or injury intervenes and such disease or injury may warrant consideration for physical disability retirement or medical treatment beyond the requested date of retirement, the cognizant command will immediately notify the Commandant of the Marine Corps by message and the individual will be advised to withdraw his application for retirement pending determination of his case.

6. An individual being released from active duty upon retirement shall be directed to inform the Commanding Officer, Marine Corps Finance Center, Retired Pay Branch, Kansas City, Missouri 64197 for pay purposes of any change in address and of the necessity in all communications of giving full name, grade, and service number. He shall be further directed to keep the Commandant of the Marine Corps (Code DGH) informed at all times of current home mailing address where he will receive mail and messages addressed to him. This report of current address is in addition to that submitted for pay purposes. He shall also be informed that he may wear his uniform from place of release to home, if travel is performed within 3 months after the date of his release, and on other occasions when the wearing of the uniform is appropriate (see current edition of MCO P1020.34, Marine Corps Uniform Regulations).

7. Upon retirement, the individual's service records will be closed out and forwarded to the Commandant of the Marine Corps (Code DGH) and the disbursing officer who is carrying the pay records of the member will be notified. Prior to forwarding the service records, the commander will include in the member's record a home mailing address.

8. When an enlisted member of the Marine Corps is to be placed on the retired list after 30 years' service, the presentation of his retirement papers will be made an occasion of ceremony, the scope of the ceremony and the number of troops participating being left to the discretion of the commander of the post or station.

9. When an enlisted member of the Marine Corps is placed on the disability retired list or the temporary disability retired list as directed by the Commandant of the Marine Corps, the service record book will be closed out and forwarded to the Commandant of the Marine Corps (Code DGH). No discharge certificate will be issued.

9003 RETIREMENT OF MEMBERS OF THE FLEET MARINE CORPS RESERVE

1. When a member of the Fleet Marine Corps Reserve has completed 30 years of combined active and inactive service, or when he is found not physically qualified, he shall without application be transferred to:

a. The retired list of the Regular Marine Corps if he was a member of the Regular Marine Corps at the time of his transfer to the Fleet Marine Corps Reserve.

b. The Retired Reserve of the Marine Corps Reserve if he was a member of the Marine Corps Reserve at the time of his transfer to the Fleet Marine Corps Reserve.

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2. For the purpose of retirement, a member's years of service are computed by adding:
 - a. The years of service credited to him upon his transfer to the Fleet Marine Corps Reserve.
 - b. His years of active and inactive service in the Armed Forces before his transfer to the Fleet Marine Corps Reserve not credited to him upon that transfer;
 - c. His years of service, active and inactive, in the Fleet Marine Corps Reserve.
3. Unless otherwise entitled to higher pay as set forth in paragraph 9004, each member transferred to the retired list as provided in this paragraph is entitled to retired pay at the same rate as the retainer pay to which he was entitled at the time of his transfer to the retired list or the Retired Reserve (10 USC 6331).
4. Upon an individual's retirement from the Fleet Marine Corps Reserve, appropriate entries shall be made in his service record book by the Commanding Officer, Marine Corps Reserve Forces (Class III). The service record book will then be closed out and forwarded to the National Personnel Records Center at St. Louis, Missouri for permanent file.

9004 ENLISTED PERSONNEL ON THE RETIRED LIST

1. An individual on the retired list may be ordered to active duty in time of war or national emergency. A retired person serving on active duty shall receive full pay and allowances of his grade.
2. A retired individual serving on active duty in time of war or national emergency will be released from active duty only in accordance with such instructions as may be issued by the Commandant of the Marine Corps.
3. Retired enlisted personnel not on active duty shall receive such retired pay as may be provided by law and shall be paid monthly by the Marine Corps Finance Center (Retired Pay Division) Kansas City, Missouri.
4. Retired enlisted personnel not on active duty are entitled to medical treatment and hospitalization. When hospitalized in a naval hospital, they are entitled to a daily ration.
5. Upon transfer to the retired list, enlisted members who formerly served as officers will be advanced on the retired list to the highest officer grade in which they served satisfactorily under a temporary or permanent appointment as determined by the Secretary of the Navy. A warrant officer, W-1, or enlisted member so advanced to a commissioned grade on the retired list who applies to the Secretary of the Navy within 3 months after his advancement, if the Secretary approves, shall be restored on the retired list to his former warrant officer or enlisted grade, as the case may be, and shall thereafter be considered for all purposes as a warrant officer, W-1, or an enlisted member as the case may be.

a. Each enlisted member other than a former member of the Fleet Marine Corps Reserve, who is advanced on the retired list under the provisions of subparagraph 5, upon retirement after completion of 30 years of active service, is entitled to retired pay at the rate of 75 percent of the basic pay to which he would be entitled ~~if~~ serving on active duty in the grade to which advanced on the day before retirement.

b. Each former member of the Fleet Marine Corps Reserve who is advanced on the retired list under the provisions of subparagraph 5 is entitled to retired pay based upon the grade to which advanced. Such retired pay shall be at the rate of $2\frac{1}{2}$ percent of the basic pay of the grade to which advanced determined by the same period of service used to determine the basic pay of the grade upon which his retainer pay is based multiplied by the number of years of service creditable for his retainer pay at the time of retirement, but the retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based (10 USC 6151).

◆ 9005 ELIGIBILITY FOR TRANSFER TO THE FLEET MARINE CORPS RESERVE

1. An enlisted member of the Regular Marine Corps or Marine Corps Reserve who has completed 19 years and 6 months or more of active service in the Armed Forces, at his request, may be transferred to class I(d) of the Fleet Marine Corps Reserve. The approval or disapproval of a request for such transfer will be based on the needs of the service and the criteria in effect at the time the request is received.

a. Each member who is transferred to class I(d) of the Fleet Marine Corps Reserve is entitled, when not on active duty, to retainer pay at the rate of $2\frac{1}{2}$ percent of the basic pay that he received at the time of transfer multiplied by the number of years of active service in the Armed Forces. For the purpose of determining the basic pay to be used in computing retainer pay, a part of a year that is 6 months or more is counted as a whole year and a part of a year that is less than 6 months is disregarded. Retainer pay may be recomputed to include any active duty performed after transfer.

b. If the member has been credited by the Secretary of the Navy with extraordinary heroism in the line of duty, which determination by the Secretary is final and conclusive for all purposes, his retainer pay shall be increased by 10 percent. However, in no case may a member's retainer pay be more than 75 percent of the basic pay which the computation of retainer pay is based. In the event that a determination as to entitlement to extraordinary heroism pay has not been made by the time normal processing for transfer to the Fleet Marine Corps Reserve has been completed the member will be transferred on the date prescribed by the Commandant of the Marine Corps and the decision of the Secretary of the Navy shall be the subject of separate correspondence.

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c. All active service as defined in subparagraph 9001.2 is included in computing service for transfer to class I(d). A completed minority and an enlistment in the Regular Navy terminated within 3 months before the end of the term of enlistment is counted as active service for the full term. For the purpose of determining the number of years of service to be used as a multiplier in computing retainer pay, a part of a year that is 6 months or more is counted as a whole year and part of a year that is less than 6 months is disregarded.

d. Deductions will be made for time lost in accordance with subparagraph 9001.3.

e. A member must be serving on a valid contract of enlistment or extension thereof to be eligible for transfer to the Fleet Marine Corps Reserve. There is no existing authority for automatic retention beyond the expiration date of an enlistment contract solely for transfer to the Fleet Marine Corps Reserve. If a member is retained beyond the expiration of his enlistment for medical purposes, and is returned to duty status as fit for duty, he must immediately extend his contract or reenlist, notwithstanding his expressed intention to transfer to the Fleet Marine Corps Reserve in the near future.

2. Except as otherwise provided herein, Marines in the grade of gunnery sergeant or above must serve on active duty in grade for a minimum of two years prior to discharge, transfer to the Fleet Marine Corps Reserve, or release from active duty. Exceptions will normally be authorized in individual cases if at least one of the following conditions exist:

a. A substantial hardship of a compassionate or unusual financial nature exists which can be alleviated only by separation from active duty.

b. Temporary officers who have a permanent enlisted status are not required to serve two years in their enlisted grade prior to transfer to the Fleet Marine Corps Reserve.

c. The individual has limited assignability by reason of health or national security.

d. It has been determined by the Commandant of the Marine Corps that continued active service of the individual inconsistent with the best interests of the Marine Corps.

e. Exceptions will not be authorized on the basis of an individual's request for an administrative reduction in grade in order to negate the 2 years service in grade requirement, nor will granting of exceptions be contingent upon, require or authorize such reduction. Exceptions, when authorized, will be granted without any penalty to the individual.

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f. Exceptions to the requirement to execute an extension of enlistment or reenlistment may be authorized by the Commandant of the Marine Corps (Code DHB), if execution thereof would cause a financial loss to the individual. If an exception is granted, the Commandant of the Marine Corps will ~~direct~~ a date on which the extension of enlistment or reenlistment will be effected. If the individual subsequently fails to reenlist on the date directed, he will be discharged on that date, and transfer to the Fleet Marine Corps Reserve will not be authorized.

3. Favorable consideration will not be given to requests from noncommissioned officers of any grade for transfer to the Fleet Marine Corps Reserve when the request is made on or after the date of issuance of permanent change of station orders to overseas duty wherein the requested effective date of transfer is prior to the end of the prescribed overseas tour of duty (see current edition of MCO 1300.8).

4. Personnel who are assigned to a unit (joined or attached) which is scheduled to deploy outside CONUS for a period in excess of thirty days may not make application for transfer to the Fleet Marine Corps Reserve unless the scheduled deployment date is more than six months from the date they were assigned to such unit. Commanders will not forward applications which do not conform to this policy. If he desires, the Marine may make application upon his return to CONUS.

5. Personnel who desire to request a waiver of the provisions of paragraphs 9005.2, or 9005.3 will provide complete justification for such requests in the remarks section of the application to transfer to FMCR, NAVMC 10831 (see paragraphs 9006.4c and 9006.4d).

9006 APPLICATION FOR TRANSFER TO THE FLEET MARINE CORPS RESERVE

1. Applications for transfer to the Fleet Marine Corps Reserve shall be submitted directly to the Commandant of the Marine Corps (Code DMB-3). Such applications will be forwarded in sufficient time to arrive at Headquarters, U. S. Marine Corps not earlier than 6 months and not later than 4 months prior to the effective date requested. Applications received at Headquarters, U. S. Marine Corps which do not permit a minimum of 4 months processing time will be filed without further action and the applicant so notified. Applicants who request that their transfer be effected at the expiration of their active obligated service are no exception to the minimum processing time specified herein, therefore, unless the Commandant of the Marine Corps has specified that no further extensions or reenlistments are authorized, the applicant will be required to extend his enlistment to permit 4 months processing time. Temporary officers who desire to revert to their enlisted status and transfer to the Fleet Marine Corps Reserve will also submit their applications as outlined herein, however, their applications will be forwarded to the Commandant of the Marine Corps (Code DMA).

2. Prior to preparing an application the Marine will be required to undergo a physical examination to determine his physical fitness for transfer. Such examinations shall be given in accordance with the Manual of the Medical Department, U. S. Navy, and will be completed not more than 6 months prior to the requested date of transfer. If the Marine is found to be physically qualified the appropriate medical facility will provide his commanding officer a statement which contains the date the Marine was certified to be physically qualified.

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This date will not be earlier than 6 months prior to the effective date of transfer requested, otherwise re-certification will be necessary. This procedure eliminates the requirement to forward a Report of Medical Examination SF 88 (in duplicate) with the Marine's application (see paragraph 9006.3g). A Marine will not submit his application until he is certified to be physically qualified. In those cases where the Marine has appeared before a Medical Board or is undergoing Physical Disability Proceedings his application will not be submitted until the Commandant of the Marine Corps (Code DMD) notifies him that he has been found fit for duty. Should a Marine be assigned to limited duty as a result of appearance before a Medical Board, he will not submit his application until he is subsequently re-evaluated and found fit for duty.

3. Personnel who are certified to be physically qualified and who desire to make application may do so utilizing the "APPLICATION TO TRANSFER TO FMCR, NAVMC 10831" (see figure 9-1). Only the original of the application shall be forwarded directly to the Commandant of the Marine Corps (Code DMB-3 or DMA, as appropriate). Should local commanders desire copies of the application for planning purposes, they should issue appropriate instructions for the preparation and distribution of such copies. If the NAVMC 10831 is not available the application may be submitted in Naval letter format, however, all items of information, including required remarks, will be contained in the letter. The application (NAVMC 10831) will be prepared on a typewriter and each item will be completed in accordance with the following instructions:

a. Items 1 through 3. Enter the Marine's military service number, current grade, last name, first name and middle initial (s).

EXAMPLES

<u>1.</u>	<u>2.</u>	<u>3.</u>
65 42 91	GySgt	APPLESEED, John J.
110 51 72	MSGt	WILLOUGHBY, Paul S.M.

b. Items 4 through 8. Enter the Marine's future home address.

EXAMPLE

<u>4.</u>	<u>5.</u>
500 Robert E. Lee Place, Apt 107	Groveton

<u>6.</u>	<u>7.</u>	<u>8.</u>
Virginia	Fairfax	22306

c. Items 9 through 13. If the Marine desires his Retainer paycheck mailed by an address other than that shown in items 4 through 8, enter the complete check mailing address. Otherwise enter "N/A" in item 9 only.

d. Item 14. Enter "Id".

e. Item 15. Enter the Marine's Current Strength Category Code as defined in paragraph 6252, IRAM.

f. Item 16. For Marines overseas, enter their Rotation Tour Date (i.e., 11Jan72) as determined by the provisions of the current edition of MCO 1300.8. Otherwise enter "N/A".

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- g. Item 17. Enter the actual number of days or "None", as appropriate.
 - h. Item 18. Enter any other Marine Corps service number that the Marine was assigned.
 - i. Item 19. For personnel serving in pay grades E-7, E-8 or E-9 enter their date of rank (i.e., 1Jun68). Otherwise enter "N/A".
 - j. Item 20. If such action is pending enter "See remarks." Otherwise enter "N/A".
 - k. Item 21. If the Marine has performed any heroic acts or deeds during his current enlistment, check "Yes." Otherwise check "No."
 - l. Item 22. Enter the effective date of transfer desired by the Marine (i.e., 31Mar72). This date must either be the last day of a month or the Marine's expiration of active obligated service.
 - m. Item 23. If the Marine is in receipt of Permanent Change of Station orders check "Yes" and enter the Monitored Command Code of the new duty station. Otherwise check "No."
 - n. Item 24. If the Marine has made an election check "Yes". Otherwise check "No."
 - o. Item 25. Enter the Marine's Pay Entry Base Date (i.e., 20Jan49).
 - p. Item 26. Enter the Marine's Social Security Account Number (i.e., 012-345678).
 - q. Item 27. Enter the date that the Marine was certified to be physically qualified (see paragraph 9006.2).
 - r. Item 28. Enter the Marine's current expiration of active obligated service (i.e., 1Jul74).
 - s. Item 29. Enter the complete mailing address of the Marine's current duty station.
4. Prior to signing and forwarding the application the Marine's commanding officer or his designated representative will comply with the following:
- a. Verify the information entered in items 1 through 29.
 - b. Ensure that the application is being submitted within the time frames established in paragraph 9006.1.
 - c. Compare the date entered in item 16 to that entered in item 22. If the Marine is requesting transfer prior to completion of the prescribed overseas tour and the date entered in item 22 is not the same as that entered in item 28, complete justification for a waiver will be entered in the remarks section (see paragraphs 9005.3 and 9005.5).

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d. Compare the date entered in item 19 to that entered in item 22. If the Marine is required to serve two years in grade and he will not do so on the date entered in item 22, complete justification for a waiver will be entered in the remarks section (see paragraphs 9005.2 and 9005.5).

e. Ensure that the Marine will be serving on a valid enlistment contract on the date entered in item 22.

f. If item 20 contains the entry "See remarks", briefly summarize the basis upon which such action was taken in the remarks section.

g. Ensure that the date entered in item 27 is not more than 6 months prior to that entered in item 22 (see paragraph 9006.2).

5. Once the application has been forwarded, the Commandant of the Marine Corps (Code DMB-3) will be advised by message when any of the following occur:

a. The Marine becomes the subject of disciplinary action.

b. The Marine acquires lost time (include number of days and reason).

c. The Marine is found to be not physically qualified (include diagnosis and estimated period of hospitalization). Such a report will terminate processing action at Headquarters, U. S. Marine Corps. Accordingly, the Marine will promptly be informed that he must re-submit his application (if he so desires) at such time as he is certified to be physically qualified by a medical officer, or by the Commandant of the Marine Corps (Code DMD) wherein he actually appeared before a Medical Board or Physical Evaluation Board. Also, if the Marine's physical disqualification results in a change of his Current Strength Category Code, such a change will be reported on the Unit Diary in accordance with paragraph 6252, IRAM.

d. The Marine desires to withdraw his application. Included in the message will be the specific reasons for the request. Such requests will not be approved unless they are based on unforeseen meritorious conditions.

e. The Marine's Rotation Tour Date changes.

f. The Marine is returned to CONUS prior to completion of his overseas tour (include reason for early return and date departed overseas command).

9007 TRANSFER TO THE FLEET MARINE CORPS RESERVE AND RELEASE FROM ACTIVE DUTY

1. Upon receipt of the new NAVMC HQ 370 (see figure 9-2) the actual orders transferring a Marine to the Fleet Marine Corps Reserve will be issued by the Commandant of the Marine Corps. In the interim period the current authorization for transfer NAVMC HQ 370 (Rev 4-69) will continue to be utilized. Transfers shall be effected on the last day of the month and personnel will assume their status as members of the Fleet Marine Corps Reserve on the first day of the following month. Exceptions to the foregoing will be made only in those cases where transfer has been requested upon expiration of enlistment. In such cases transfers will be effected on the date the enlistment expires and the Marine concerned will assume status as a member of the Fleet Marine Corps Reserve on the following date. Except in time of war or national emergency, personnel transferred to the

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Fleet Marine Corps Reserve shall be released from active duty on date of such transfer, unless an order to the contrary has been received.

2. Transfer to the Fleet Marine Corps Reserve shall not be made on a date other than as contained in the orders, unless the Commandant of the Marine Corps' authority for a change in the date is first obtained. When such a change is authorized by the Commandant of the Marine Corps, it will be attached to the original orders. Any change must be authorized by the Commandant of the Marine Corps prior to the effective date of transfer.

3. Once a Marine's orders have been received the Commandant of the Marine Corps (Code DMB-3 or DMA, as appropriate) will be advised by message when any of the conditions outlined in paragraphs 9006.5a, 9006.5b, or 9005.5c occur.

4. Commands effecting an individual's transfer to the Fleet Marine Corps Reserve and release to inactive status shall comply with the following:

a. Forward two copies of the Marine's orders (see figure 9-2) to the Commandant of the Marine Corps (Code DGH and CDH), and one copy to the Commanding Officer, Marine Corps Reserve Forces (Class III), 1500 East Bannister Road, Kansas City, Missouri 64131.

b. A new health record shall be prepared for the enlisted person and the old health record shall be disposed of in accordance with current instructions from the Bureau of Medicine and Surgery.

c. Forward the service record and new health record to the Commanding Officer, Marine Corps Reserve Forces (Class III), 1500 East Bannister Road, Kansas City, Missouri 64131.

9008 RETIREMENT OF ENLISTED RESERVISTS

1. Additional provisions pertaining to the retirement of enlisted reservists are set forth in chapter 4.

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APPLICATION TO TRANSFER TO FMCR (1830)
NAVMC 10831 (1-70)

				DATE OF APPLICATION 1 July 1970	
1. MILITARY SERVICE NO. 144 45 78		2. GRADE MSGT	3. NAME (Last) DAVIDSON		(First) Charlie
				(Middle Initial) B.	
4. HOME ADDRESS (No., Street, Apt. No., P. O. Box) 1502 Fairmont Place, Apt 1099				5. CITY Groveton	
6. STATE/COUNTRY Virginia		7. COUNTY/PROVINCE Fairfax		8. ZIP CODE 22306	
9. CHECK MAILING ADDRESS (No., Street, Apt. No., P. O. Box) Bank of Virginia, Box 6330				10. CITY Arlington	
11. STATE/COUNTRY Virginia		12. COUNTY/PROVINCE Prince William		13. ZIP CODE 23114	
14. CLASS Id	15. CURRENT STRENGTH CATEGORY CODE 0		16. ROTATION TOUR DATE 2Dec70		
17. TIME LOST CURRENT ENLISTMENT (No. of days) None			18. OTHER OFFICER/ENLISTED MILITARY SERVICE NO. 09 88 77		
19. DATE OF RANK 1Nov68	20. DISCHARGE ACTION PENDING N/A		21. EXTRAORDINARY HEROISM CURRENT ENLISTMENT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
22. DATE REQUESTED TO TRANSFER TO FMCR 31Dec70		23. IN RECEIPT OF PCSO? (ENTER NEW MCC) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No MCC 010			
24. RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN OPTION(S) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No.				25. PAY ENTRY BASE DATE 17Sep45	
26. SOCIAL SECURITY ACCOUNT NUMBER 031301594		27. DATE CERTIFIED TO BE PHYSICALLY QUALIFIED 1Jul70			
28. EXPIRATION ACTIVE OBLIGATED SERVICE 15Mar71		29. CURRENT DUTY STATION F Company, 2ndBn, 1stMarines, 1stMarDiv, FMF (Rein) c/o FPO, San Francisco, Calif 96602			
REMARKS NOTE: For mandatory entries see subparagraphs 9006.4c, 9006.4d, and 9006.4f.					
SIGNATURE OF REQUESTER /s/ Charlie B. Davidson					
FIRST ENDORSEMENT FROM: CO, F Co, 2ndBn, 1stMar TO: Commandant of the Marine Corps (Code DMB-3) 1. The above information has been verified. SIGNATURE /s/ John J. Hardcore, Capt, USMC				DATE: 2Jul70 FOR HQMC USE ONLY	

Figure 9-1

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NAVMC HQ 370 (Rev. 2-70)(1830)

DEPARTMENT OF THE NAVY
HEADQUARTERS U.S. MARINE CORPS
WASHINGTON, D.C. 20360

DMB-3-sas
1 Oct 1970

FROM: Commandant of the Marine Corps
TO: Master Sergeant Charlie B. DAVIDSON 144 45 78/0141 USMC

VIA: Commanding General, Marine Corps Air Station, El Toro
Santa Ana, California 92709

SUBJ: Transfer to the Fleet Marine Corps Reserve

REF: (a) Title 10, USCS 6330

ENCL: (1) Retired Pay Data Form
(2) FMCR Certificate
(3) FMCR Button
(4) General Information Sheet
(5) Current Address Notice

1. In accordance with reference (a) you are transferred to the Fleet Marine Corps Reserve, Class I(d), effective: 31 December 1970. You are released from active duty at 2400 on the effective date of your transfer and will assume your status in the Fleet Marine Corps Reserve on the following day.
2. Your Service Records will be forwarded to the Marine Corps Automated Services Center (Code RP), Kansas City, Missouri 64131. Your retainer pay account will be maintained by the Marine Corps Finance Center, Retired Pay Division, Kansas City, Missouri 64197.
3. Your official records indicate you were accepted for reenlistment at: MCB, Camp Pendleton, California.
4. Enclosures (2), (3), (4), and (5) are provided for your retention.
5. On the effective date of your transfer to the Fleet Marine Corps Reserve, you completed: 20 years, 6 months and 4 days active service.
6. You have given your future home address as: 1502 Fairmont Place, Apt 1099, Groveton, Virginia 22306.
7. You are/~~XXXXXX~~ entitled to extraordinary heroism pay.
8. On the effective date of your transfer you will complete enclosure (1) and forward it to the Marine Corps Finance Center, Retired Pay Division, Kansas City, Missouri 64197. Payment of your retainer pay will not commence until enclosure (1) is received.
9. Expenditures under these orders are chargeable to appropriation 171105.2754, MPMC-1971, AAA 27, BCN 45690, TT 2D. Enl Tvl: OC 21, CC 74123. Depn. Tvl: OC 21, 74160. HHE: OC 22, CC 74162.

/s/ F. J. APPL JR.
F. J. APPL JR.
By direction

Copy to:
Via Addressee
Disb O
MCFC, Retd Pay Div, KSC
CO, MCASC, (Code RP), KSC
CMC (Code DF)
CMC (Code DGH)
CMC (Code DNC)
CMC (Code DMB)

Figure 9-2

9-15
Ch 3

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c. Presumption. It is presumed, in the absence of clear and convincing evidence to the contrary, that disease or injury was incurred in the line of duty.

9. Misconduct

a. Elements of misconduct. Misconduct is wrongful conduct. Simple or ordinary negligence or carelessness, standing alone, does not constitute misconduct.

b. Presumption. In the absence of clear and convincing evidence to the contrary, it is presumed that disease or injury suffered by a Marine is not the result of his misconduct.

c. Special rules. See Disability Separation Manual, paragraph 0218.

10. Aggravation by service. Disease or injury noted prior to service or shown by clear and convincing evidence, including accepted medical principles, to have had its inception prior to service, will be conceded to have been aggravated when such disability underwent an increase in severity during the service unless such increase in severity is shown by clear and convincing evidence including medical facts and principles, to have been due to the natural progress of the disease. In the case of Marines with more than three years of service, any increase in severity of a pre-existing disease or injury will be considered as evidence of service aggravation.

11. Promotion. Promotions cannot be authorized on or after the date the Secretary of the Navy directs retirement for physical disability or transfer to the Temporary Disability Retired List. Promotions authorized prior to the Secretary's action may be effected at any time.

12. Processing time. Handling of all aspects of the disability evaluation processing (see figure 10-1). Processing time must be expeditious for the achievement of economy and efficiency within the system and for fair treatment of disabled Marines. Continuous vigorous effort must be exerted at all echelons to accomplish expeditious processing time. Processing time specifically includes:

- a. Date medical board convened.
- b. Date of action by convening authority of medical board.
- c. Date medical board received by the physical evaluation board.
- d. Date statement of service received, if requested.
- e. Date medical records, if any, received from Bureau of Medicine and Surgery.
- f. Date case considered under prima facie stipulation.
- g. Date prima facie findings forwarded to the Marine concerned.
- h. Date of Marine's statement of acceptance or demand for full and fair hearing received.

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SEPARATION AND RETIREMENT MANUAL

PHYSICAL DISABILITY EVALUATION SYSTEM

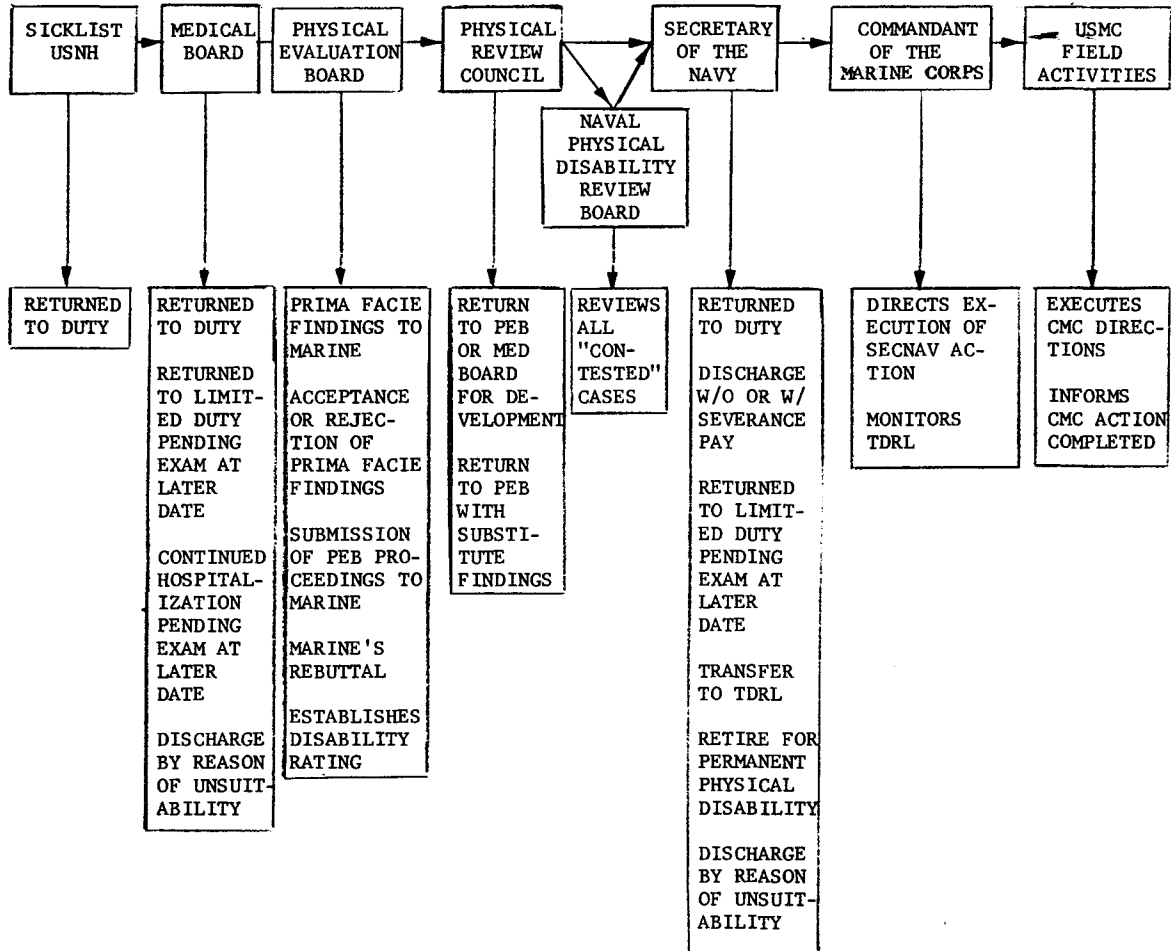


Figure 10-1

MARINE CORPS
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PART D: DISCHARGES FOR MARINES NOT PHYSICALLY QUALIFIED FOR RETENTION

10401 DISABILITY DISCHARGES WITH SEVERANCE PAY

1. Sections 1203 and 1206, Title 10, U. S. Code provide that certain Marines not eligible for retirement by reason of physical disability but who are nevertheless found unfit for duty by reason of physical disability may be discharged from the Marine Corps with severance pay. Eligibility requirements are contained in tables 10-3 and 10-4.

10402 DISABILITY DISCHARGES WITHOUT SEVERANCE PAY

1. A Marine who incurs a physical disability that, in the determination of the Secretary of the Navy, renders him unfit to perform the duties of his office, grade, rank, or military occupational specialty and which results from his intentional misconduct or willful neglect or which was incurred during a period of unauthorized absence shall be separated from the Marine Corps without entitlement to benefits under the law. Additionally, Marines unfit for retention on active duty because of physical disability which was neither incurred nor aggravated during any period in which the Marine was entitled to basic pay shall be discharged without severance pay.

10403 SEPARATION PROCEDURES FOR DISCHARGE WITH OR WITHOUT SEVERANCE PAY

1. The Commandant of the Marine Corps will direct discharge, with or without severance pay, of Marines by reason of physical disability. Upon receipt of the message directing discharge of a Marine, with or without severance pay, the cognizant commanding officer will advise the Commandant of the Marine Corps (Code DMD) of the actual date of discharge utilizing the format contained in figure 10-7.

2. In the case of transferred personnel, messages will be readdressed to the new command for appropriate action, providing an information copy to the Commandant of the Marine Corps (Code DMD).

10404 DISCHARGE FOR DISABILITIES EXISTING PRIOR TO SERVICE

1. The Disability Separation Manual and current edition of BUMEDINST 1910.2, provides information relative to medical boards convened for the purpose of discharging enlisted Marines for physical disability not incurred in or aggravated by service. Commanding generals and commanding officers of all Marine activities within the United States (less Alaska and Hawaii) are authorized to discharge enlisted or inducted members, of the Marine Corps and the Marine Corps Reserve, on active duty including active duty for training because of physical disability provided:

MARINE CORPS
SEPARATION AND RETIREMENT MANUALFORMAT FOR REPLYING TO CMC DISCHARGE DIRECTIVES PURSUANT TO PHYSICAL DISABILITY

FROM: (ORGANIZATION)

TO: CMC

UNCLAS

FOR CODE DMD

1. CMC (DATE TIME GROUP) REFERS
2. A. NAME.
- B. GRADE.
- C. MSN
- D. (WILL BE) (HAS BEEN) DIS ON (DATE),

OR

2. SEPARATION INFORMATION REQUIRED ON FOLLOWING PERS NO SRB AVAIL,

OR

2. A. NAME.
- B. MSN
- C. NOT A MBR THIS COMMAND. YOUR (DATE TIME GROUP) READDRESSED TO (ORGANIZATION).

Figure 10-7

5 US.C. 552 (b)(2) HIGH

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11001

(b)(2) Expiration of active obligated service. Paragraph 6009, Marine Corps Separation and Retirement Manual."

(b)(2) Dependency. Paragraph 6014, Marine Corps Separation and Retirement Manual."

(b)(2) Hardship. Paragraph 6014, Marine Corps Separation and Retirement Manual."

(b)(2) Own convenience. Paragraph 6013, Marine Corps Separation and Retirement Manual."

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual." (Early separation under an authorized program or circumstances.)

(b)(2) Convenience of the Government. Paragraph 6012.6, Marine Corps Separation and Retirement Manual." (Early separation of overseas returnees.)

(b)(2) Convenience of the Government. Paragraph 6012.5, Marine Corps Separation and Retirement Manual." (To enter or return to college, university or approved vocational/technical school.)

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual." (Early release for Christmas.)

d. If "Type of Transfer or Discharge" in Item 11a is indicated by "Transferred to the Fleet Marine Corps Reserve," enter one of the following remarks as appropriate:

(b)(2) Transfer to the Fleet Marine Corps Reserve. Paragraph 9007, Marine Corps Separation and Retirement Manual."

(b)(2) Released from EAD and reverted to FMCR. Paragraph 9007, Marine Corps Separation and Retirement Manual."

(b)(2) Released from EAD. Retired under 10 U. S. Code, 1131-1337 in lieu of receiving severance pay."

e. If "Type of Transfer or Discharge" in Item 11a is indicated by "Temporarily Retired," enter the following remark:

(b)(2) Placed on Temporary Disability Retired List. VA Code _____. Paragraph 10001, Marine Corps Separation and Retirement Manual."

f. If "Type of Transfer or Discharge" in Item 11a is indicated by "Retired," enter one of the following remarks as appropriate:

5 U.S.C. 552 (b)(2) HIGH

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(b)(2) Voluntary retirement (30 years' service). Paragraph 9001, Marine Corps Separation and Retirement Manual."

(b)(2) Permanently retired by reason of physical disability. VA Code ___. Paragraph 10001, Marine Corps Separation and Retirement Manual."

g. If "Type of Transfer or Discharge in Item 11a is indicated by "Release from Active Duty," enter one of the following remarks as appropriate:

(b)(2) Expiration of active obligated service. Paragraph 6009, Marine Corps Separation and Retirement Manual."

(b)(2) To enter NROTC Program. Title 10 U. S. Code, Section 2107."

(b)(2) Dependency. Paragraph 6014, Marine Corps Separation and Retirement Manual."

(b)(2) Hardship. Paragraph 6014, Marine Corps Separation and Retirement Manual."

(b)(2) Avoidance of enlistment or induction. Paragraph 6015.3, Marine Corps Separation and Retirement Manual."

(b)(2) Own convenience. Paragraph 6013, Marine Corps Separation and Retirement Manual."

(b)(2) Convenience of the Government. Paragraph 6012.6, Marine Corps Separation and Retirement Manual." (Early separation of overseas returnees.)

(b)(2) Convenience of the Government. Paragraph 6012.5, Marine Corps Separation and Retirement Manual." (To enter or return to college, university, or equivalent educational institution.)

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual." (Early release for Christmas.)

h. If "Type of Transfer or Discharge" in Item 11a is indicated by "Released from Initial Tour of Active Duty for Training," enter one of the following remarks as appropriate:

(b)(2) Expiration of active obligated service. Paragraph 6009, Marine Corps Separation and Retirement Manual."

(b)(2) Dependency. Paragraph 6014, Marine Corps Separation and Retirement Manual."

(b)(2) Hardship. Paragraph 6014, Marine Corps Separation and Retirement Manual."

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i. In all cases involving separation by reason of disability, insert Veterans' Administration Diagnostic Code numbers if shown on the Commandant of the Marine Corps letter authority directing discharge, temporary disability retirement, or retirement for reason of disability."

- 11d. EFFECTIVE DATE. The entry in this item will be the date release of discharge from active military service is effective. In the case of personnel granted travel time incident to separation from active service, construct the effective date to include such travel time. For personnel accepting appointment to warrant officer or commissioned grade and officers changing component by acceptance of appointment, the date of discharge shown will be the date prior to the date of acceptance of such appointment.
12. LAST DUTY ASSIGNMENT AND MAJOR COMMAND. Enter the last unit, or similar element, to which assigned for duty rather than the element of which individual was a part while moving to a separation point. Assignments to units for the purpose of transfer from an overseas command to the United States are considered part of the movement to a separation point. The title and/or number of the organization will be precisely as indicated in the service record. Example: A Marine is being processed for separation at Marine Barracks, Treasure Island, California. He returned from an overseas command aboard the USNTS Benjamin Harrison. His overseas duty assignment was with Company B, 1st Battalion, 4th Marines (Reinf), 3d Marine Division, Fleet Marine Force, Pacific. The entry for Item 12 would show: Co B, 1st Bn, 4th Mar (Reinf), 3rd MarDiv, FMFPac, and Item 11b would show: Casual Co, Marine Barracks, Treasure Island, California. However, a Marine permanently assigned duty at Marine Barracks, Treasure Island, California, upon being separated, would have that activity entered in Item 12 as last duty assignment and major command.

13a. CHARACTER OF SERVICE

OFFICERS:

Enter in capital letters "HONORABLE," "UNDER HONORABLE CONDITIONS," "UNDER CONDITIONS OTHER THAN HONORABLE," as appropriate, consistent with the reason and authority for separation.

ENLISTED:

Enter in capital letters one of the following, consistent with the reason and authority for separation:

HONORABLE

UNDER HONORABLE CONDITIONS

UNDER CONDITIONS OTHER THAN HONORABLE (includes undesirable and bad conduct discharge)

DISHONORABLE

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▶ "Character of service" for personnel who are not discharged at the time of separation but are retired, assigned or transferred to the Reserve, or released from initial tour of active duty for training in the case of reservists assigned to the Six Months Training Program will be determined by separately computing the average of conduct and proficiency markings assigned during current tour of active duty and applying the same criteria as if the individual were being discharged. Average markings in these cases will not be entered in the service record. In any case where doubt exists as to the correct "character of service" to be awarded, instructions shall be requested from the Commandant of the Marine Corps (Code DM).

- 13b. TYPE OF CERTIFICATE ISSUED. Enter the numbers of certificates issued (other than DD 214); e.g., "DD 256-MC," "DD 257-MC."
14. DISTRICT AREA COMMAND OR CORPS TO WHICH RESERVIST TRANSFERRED. Self-explanatory.
15. REENLISTMENT CODE. Enter the appropriate code from the following table to provide specific information concerning eligibility for reenlistment.

RE-1 Recommended for reenlistment.

▶ RE-2 Recommended for reenlistment, but ineligible. This will be used for any member whose status would make him ineligible for reenlistment by current directives; e.g., Fleet Marine Corps reservist; retired (except for disability); personnel separated under special programs that preclude immediate reenlistment (early release programs and those enlisted commissioning programs that require a discharge prior to acceptance of appointment), etc."

RE-3 Recommended for reenlistment upon removal of disqualifying factor. This code will be followed by a letter that indicates the factor involved, as follows:

RE-3H Hardship-dependency
RE-3P Physical
RE-3U Underage
RE-3R Rank reappointment restriction
RE-3S Sole surviving son

RE-4 Not recommended for reenlistment.

16. TERMINAL DATE OF RESERVE/UMT&S OBLIGATION. Enter terminal date of reserve obligation under the Universal Military Training and Service Act. If the individual has no obligated service remaining, enter "None."
17. CURRENT ACTIVE SERVICE OTHER THAN BY INDUCTION
- 17a. SOURCE OF ENTRY. Type an "X" in the appropriate block. The block designated as "Other" would be marked when a Marine entered on active duty by direct commission, or appointment as a warrant officer, or by recall to active duty, etc.

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CHAPTER 7

GENERAL INSTRUCTIONS FOR DISCHARGES

CONTENTS

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7002	EFFECTIVE TIME OF SEPARATION
7003	CATEGORIES FOR DISCHARGE AT DUTY STATIONS WITHIN THE UNITED STATES
7004	TRAVEL UPON SEPARATION
7005	RETENTION IN SERVICE TO LIQUIDATE INDEBTEDNESS
7006	PHYSICAL EXAMINATIONS, TREATMENT AND PROCEEDINGS
7007	GOVERNMENT PROPERTY
7008	UNIFORMS AND CLOTHING
7009	ACCRUED LEAVE
7010	PAY ACCOUNTS
7011	CAREER ADVISORY INTERVIEWS
7012	ADDRESS OF MARINE CORPS DISTRICT DIRECTOR
7013	PREPARATION OF DISCHARGE CERTIFICATES
7014	DELIVERY OF DISCHARGE CERTIFICATES
7015	ARMED FORCES OF THE UNITED STATES REPORT OF TRANSFER OR DISCHARGE (DD 214)
7016	HONORABLE DISCHARGE BUTTONS AND PINS
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7018	NATIONAL SERVICE LIFE INSURANCE AND INSURANCE UNDER THE INSURANCE ACT OF 1951
7019	BENEFIT PAMPHLET
7020	WARNING TO INDIVIDUALS NOT ELIGIBLE FOR REENLISTMENT
7021	CLOSING OUT SERVICE RECORD BOOK
7022	FORWARDING SERVICE RECORD BOOK
7023	DELIVERY OF BAGGAGE AND PERSONAL EFFECTS
7024	VOID ENLISTMENTS
7025	NOTIFICATION TO IMMIGRATION AND NATURALIZATION SERVICE
7026	SEPARATION OF ALIENS
7027	DISCHARGE OF ALIENS
7028	NOTIFICATION TO PARENTS, SPOUSES, OR GUARDIANS OF ENLISTED PERSONS TO BE TRIED ON SERIOUS CHARGES OR WHO ARE TO BE DISCHARGED PRIOR TO THE EXPIRATION OF THEIR ENLISTMENT

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11001

WYOMING
All cities and counties

2360 East Pershing Blvd.
Cheyenne, Wyoming 82001

(3) Part III: Addresses of State directors, Selective Service System.
(Note: The number shown in parentheses following the State name is a code used by the Selective Service System which will be used in addition to the address when preparing and mailing DD 889, STANDBY RESERVE CONTROL.)

ALABAMA (1)
474 South Court Street
Montgomery, Alabama 36104

DISTRICT OF COLUMBIA (49)
916 G Street, N. W.
Washington, D. C. 20001

ALASKA (51)
Post Office Box No. 1608
Juneau, Alaska 99801

FLORIDA (8)
19 McMillan Street
(P. O. Box 1988)
St. Augustine, Florida 32084

ARIZONA (2)
1014 North Second Street
Phoenix, Arizona 85004

GEORGIA (9)
901 West Peachtree Street, N. E.
Atlanta, Georgia 30309

ARKANSAS (3)
Federal Office Building
Little Rock, Arkansas 72201

GUAM (55)
Post Office Box No. 3036
Agana, Guam 96910

CALIFORNIA (4)
Federal Building
805 Eye Street
Sacramento, California 95814

HAWAII (52)
Post Office Box No. 4006
Honolulu, Hawaii 96812

CANAL ZONE (56)
Post Office Box No. 2014
Balboa Heights, Canal Zone
APO New York, New York 09825

IDAHO (10)
Post Office Box No. 800
Boise, Idaho 83701

COLORADO (5)
Railway Exchange Building
Room 308, 909 17th Street
Denver, Colorado 80204

ILLINOIS (11)
405 E. Washington Street
Springfield, Illinois 62701

CONNECTICUT (6)
Post Office Box No. 1558
Hartford, Connecticut 06101

INDIANA (12)
Century Building
36 South Pennsylvania Street
Indianapolis, Indiana 46204

DELAWARE (7)
Prices Corner
3202 Kirkwood Highway
Wilmington, Delaware 19808

IOWA (13)
Building 68
Fort Des Moines, Iowa 50315

KANSAS (14)
Masonic Temple Building
10th and Van Buren Streets
Topeka, Kansas 66612

MARINE CORPS
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KENTUCKY (15)
220 Steele Street
Frankfort, Kentucky 40601

LOUISIANA (16)
Building TB 309
Jackson Barracks
New Orleans, Louisiana 70140

MAINE (17)
Federal Building
40 Western Avenue
Augusta, Maine 04330

MARYLAND (18)
Federal Building, Room 1119
31 Hopkins Plaza
Baltimore, Maryland 21201

MASSACHUSETTS (19)
John Fitzgerald Kennedy Federal Bldg.
Government Center
Boston, Massachusetts 02203

MICHIGAN (20)
Post Office Box No. 626
Lansing, Michigan 48913

◆ MINNESOTA (21)
Rm. 1503, U. S. Post Office and Customhouse
180 East Kellogg Boulevard
St. Paul, Minnesota 55101
MISSISSIPPI (22)
Post Office Building
Jackson, Mississippi 39201

MISSOURI (23)
411 Madison Street
Jefferson City, Missouri 65102

MONTANA (24)
Post Office Box No. 1183
Helena, Montana 59601

NEBRASKA (25)
Terminal Building, 10th Floor
941 O Street
Lincoln, Nebraska 68508

NEVADA (26)
Post Office Box No. 644
301 West Washington Street
Carson City, Nevada 89701

NEW HAMPSHIRE (27)
Post Office Box No. 427
Concord, New Hampshire 03302

NEW JERSEY (28)
402 East State Street
Trenton, New Jersey 08608

NEW MEXICO (29)
Post Office Box No. 5175
Santa Fe, New Mexico 87502

NEW YORK (30)
Old Post Office Building
Albany, New York 12207

NEW YORK CITY (50)
11th Floor, 205 E. 42nd Street
New York, New York 10017

◆ NORTH CAROLINA (31)
P. O. Box 26088
Raleigh, North Carolina 27611

NORTH DAKOTA (32)
Federal Building
Post Office Box No. 1417
Bismarck, North Dakota 58502

OHIO (33)
34 North High Street
Columbus, Ohio 43215

OKLAHOMA (34)
407 Federal Building
Oklahoma City, Oklahoma 73102

OREGON (35)
Post Office Box No. 4288
Portland, Oregon 97208

PENNSYLVANIA (36)
Post Office Box No. 1921
Harrisburg, Pennsylvania 17105



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

MCO P1900.16 Ch 4
DM-cb
28 May 1970

MARINE CORPS ORDER P1900.16 Ch 4

From: Commandant of the Marine Corps
To: Distribution List

Subj: Marine Corps Separation and Retirement Manual
(Short Title: MARCORSEPMAN)

Encl: (1) New page inserts to MCO P1900.16

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

2. Summary of changes

a. Chapters 6, 10, and 11 include minor but important changes in the processing of officer voluntary retirements and enlisted discharges.

b. There are significant changes to chapters 10 and 11 contained in this Change relative to processing of disability retirements, assignment of physical restricted personnel and reenlistment codes.

c. A minor change has been made in chapter 6 which changes the CMC code to which final action on unsuitability discharges for file will be forwarded.


3. Action

a. Remove and destroy present pages 6-37, 6-38, 10-3 through 10-8, 10-23, 10-24, 10-27, 10-28, 10-33, 10-34, 11-15 and 11-16 and replace them with corresponding pages contained in enclosure (1) hereto.

b. Remove and destroy present pages 10-25 and replace with new pages 10-25 and 10-26.

**CMC CENTRAL FILES
ADMINISTRATIVE DIVISION**

- c. Insert new pages 10-8a, 10-26a, 11-16a, and 11-16b.
- 4. Change Notation. Significant changes contained in this Change are denoted by an arrow (➤) symbol.
- 5. Filing Instructions. This Change will be filed immediately following page 8 of the basic Manual.
- 6. Certification. Reviewed and approved this date.


H. L. BECKINGTON
By direction

DISTRIBUTION "DY"

(4) For the advice to be given a member with 8 or more years of continuous active military service who is recommended for discharge by reason of unsuitability, and for the recording of such advice, see paragraph 6023.

(5) Should a member refuse to either request or waive his rights, an entry in explanation thereof will be made in the record of the case, and the member's case will be disposed of as if he had requested all of his applicable rights.

5. When final action has been taken by a discharge authority on a recommendation for discharge by reason of unsuitability for any of the specific bases prescribed in subparagraph 6016.1a through f. Such discharge authority will forward all papers, or copies thereof, pertaining to the case to the Commandant of the Marine Corps (Code DGH) for filing in the official record of the member concerned. However, where the specific basis for the discharge is one of the reasons prescribed in subparagraph 6016.1a through f, but there is evidence of homosexual or other aberrant sexual tendencies present in the case, the discharge authority, after completion of his final action thereon, will forward the case to the Commandant of the Marine Corps (Code AI) for review.

6017 DISCHARGE FOR UNFITNESS

1. The Commandant of the Marine Corps, and all Marine commanders exercising general court-martial jurisdiction, may authorize or direct the retention in the service or the discharge of members by reason of unfitness, except that cases involving sexual perversion as the specific basis for the proposed discharge will be referred to the Commandant of the Marine Corps (AI) for disposition. Where there is evidence of sexual perversion present in the case, but the local discharge authority determines that the specific basis for the proposed discharge should be one of the bases reflected in subparagraph 6017.2b, 2c, 2e, or 2g, he may direct the member's discharge and is not required to forward the case to the Commandant except for review as required by paragraph 6005.8.

2. A commanding officer or officer in charge will recommend a member for discharge by reason of unfitness when he determines that the member's military record includes one or more of the following:

a. Sexual perversion, including, but not limited to:

- (1) Lewd and lascivious act(s).
- (2) Homosexual act(s). See SECNAVINST 1900.9 or revisions thereof, for controlling policy and additional action required in homosexual cases.
- (3) Sodomy. See SECNAVINST 1900.9.
- (4) Indecent exposure.
- (5) Indecent act(s) with or assault upon a child.

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

b. Frequent involvement of a discreditable nature with civil or military authorities. No specific number of acts or omissions are contemplated herein. Each case must be evaluated in light of its own particular facts to determine whether, because of such frequent involvement, the member concerned has clearly demonstrated that he is unqualified for retention and, if so, whether the character of his service has been other than honorable.

c. An established pattern of shirking.

d. Drug addiction, habituation, or the unauthorized use or possession of narcotics, dangerous drugs, marijuana, or any substance considered to be habit forming or to have a potential for abuse because of its depressant or stimulant effect on the central nervous system or because of their hallucinogenic effect; except that those cases involving the use or possession of marijuana, where the member has been tried by court-martial for the same offense and all available evidence was considered during the court-martial, are not required to be recommended for discharge. Members who have been tried by court-martial for the use or possession of marijuana will be recommended for discharge if the member is considered unfit for retention (see paragraph 6005).

e. An established pattern showing dishonorable failure to pay just debts.

f. An established pattern showing dishonorable failure to contribute adequate support to dependents, or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.

g. For unsanitary habits, which include, but are not limited to, the occurrence of repeated venereal disease infections during the member's current enlistment or period of service. See Department of the Navy General Order No. 18 and the current edition of SECNAVINST 6222.1.

3. Action with a view to discharging a member as unfit for any of the reasons set forth in subparagraphs 6017.2b, c, e, f, and g, above, will not normally be initiated unless the member has previously been afforded a reasonable opportunity to overcome his deficiencies. When it is determined that a member may come within the purview of these specific categories, the member shall be notified of his deficiencies and he shall be counseled concerning them. A brief summary of all counseling measures taken in compliance with this subparagraph shall be recorded on page 11 of the member's service record book. If no improvement is forthcoming within a reasonable time, the member should then be processed for the appropriate type of discharge. Failure on the part of a member to receive or understand the counseling prescribed herein may be considered by discharge boards and discharge authorities, along with all other factors in the case, in determining whether or not a discharge is appropriate, and if so, the type

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(2) In the event late registration is permitted by the school, individuals who are ineligible for separation under the foregoing criteria may be separated on the first day within the last three months of service that they become eligible for separation.

f. Exceptions and Waivers. Applications from Marine's which do not meet the criteria specified herein or any other cases considered appropriate, will be forwarded to the Commandant of the Marine Corps (Code DMB-1) for final determination. If there is insufficient time to permit forwarding, the request may be made the subject of a message.

6. The commanding officer of the first Marine Corps activity to which a Marine reports upon returning to the Continental United States (CONUS) for reassignment is authorized and directed to separate him as soon as practicable provided he meets the following criteria. This paragraph and the current edition of MCO 1900.2, shall be cited as authority.

a. Criteria:

◆(1) His enlistment (including any extension thereof) or period of extended active duty will expire 120 days or less after the date of his arrival in CONUS.

(2) He consents in writing as outlined in subparagraph 6012.6d below.

(3) He is not indebted to the Government.

(4) He does not intend to reenlist.

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

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b. Military obligation. Separation should be consistent with the military obligation of the Marine. In this connection enlisted personnel whose total obligated service as defined in paragraph 3 of MCO 1001R.1C, will expire within a 60-day period may be discharged rather than released to inactive duty and their obligation shall be considered fulfilled. Personnel desiring to reenlist immediately will not be separated under the authority delegated in subparagraph 6012.6.

c. Separation prior to arrival in CONUS. A Marine who is entitled to and elects transportation to an area outside CONUS may be separated by one of the overseas discharging/releasing activities specified in the current edition of MCO 1910.5 provided:

(1) He would be eligible for release from active duty or discharge under the provisions of subparagraph 6012.6, based on his scheduled date of arrival in CONUS and consents to such separation in writing as outlined in subparagraph 6012.6d below.

(2) It is determined to be more economical to the Government.

(a) Overseas commanders having personnel returning to CONUS for re-assignment who meet the above criteria will so advise the Commandant of the Marine Corps (Code DFB) by message at least 10 days prior to their scheduled date of departure so that appropriate orders may be issued.

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

"I hereby consent to be (discharged) (detached for release from active duty) on _____ in lieu of my normal date of (expiration of enlistment) (detachment for release from active duty) on _____. I understand that entitlement to pay and allowances and credit for active federal service ceases on the actual date of my separation from active service."

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

e. Recoupment of Reenlistment Bonus. Recoupment of reenlistment bonus will not be made from personnel separated under subparagraph 6012.6.

f. Recall status. In the event of future recall, Marines separated early in accordance with subparagraph 6012.6 will be considered in the same status as those who have completed their enlistment or periods of extended active duty.

g. Good Conduct Medal. Personnel consenting to early discharge or release to inactive duty in accordance with subparagraph 6012.6, shall be granted a waiver not to exceed the actual number of days that the early release is effected, provided they are otherwise eligible for this award. The provisions of this subparagraph will not apply for special early release programs promulgated by Headquarters Marine Corps.

7. Discharge for the convenience of the Government to permit immediate reenlistment; to provide for early separation of members under various authorized programs and circumstances not included herein shall be processed and effected in accordance with separate directives pertaining specifically to these categories of separation.

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CHAPTER 10

PHYSICAL EVALUATION FOR SEPARATION AND RETIREMENT

10001 GENERAL

1. The laws pertaining to physical disability retirement or separation must be administered expeditiously, fairly, equitably and with due regard for the interest of both the Marine and the Government.
2. Disability retirement pay and severance pay authorized by chapter 61, Title 10, U. S. Code, are benefits provided for Marines who, if otherwise qualified, become unfit to perform duty because of physical disability while on active duty or inactive duty training.
3. Marines who, during active service, incur disabilities which impair their earning capacity for civil occupations but do not preclude performance of full military duties may be eligible for compensation under laws administered by the Veterans Administration even though they do not qualify for disability retirement or severance pay through the military disability system.
4. The fact that a Marine is determined to be unfit for duty while on active duty is not sufficient, in itself, to entitle him to disability benefits. There must be a determination that this unfitness incurred while entitled to receive basic pay. "While entitled to receive basic pay" encompasses all types of duty which entitled the Marine to receive active duty pay and any duty without pay which by law, may be counted as duty with pay.
5. The fact that a Marine was accepted as being physically qualified for active duty is not conclusive that the disability was incurred after acceptance. It is one piece of evidence to be considered with all of the medical evidence. In the case of Marines with more than three years of service, any increase in the severity of a pre-existing disease or injury will be considered as evidence of service aggravation.
6. Marines who are eligible for nondisability retirement are entitled to the same consideration under disability laws that is accorded to Marines with lesser amounts of service.
7. NAVEXOS P1990, Disability Separation Manual (DSM), and the current edition of SECNAVINST 1850.3, provides administrative procedures for the implementation of the law pertaining to physical disability separation and retirement for members of the Naval Service. This chapter implements, within the Marine Corps, those procedures and establishes additional and more detailed instructions.
8. The delegated authority conferred by provisions of this chapter is permissive and does not preclude referral of any case to the Commandant of the Marine Corps (Code DM) for final disposition.

10002 DEFINITIONS AND INTERPRETATIONS

1. For the purpose of this chapter the definitions and interpretations set forth in this paragraph will apply.

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2. Statutory authority. Chapter 61, Title 10, U. S. Code. (See subparagraph 10001.2.)
3. Regulatory authority. Disability Separation Manual (NAVEXOS P1990), and current edition of SECNAVINST 1850.3.
4. Physical disability. Any manifest or latent impairment of function due to disease or injury, regardless of the degree, which reduces or precludes a Marine's actual or presumed ability to engage in gainful or normal activity. The term "physical disability" includes mental disease but not inherent defects as behavior disorders, personality disorders, and primary mental deficiency.
5. Accepted medical principles. Accepted medical principles are fundamental deductions consistent with medical facts which are so reasonable and logical as to create a virtual certainty that they are correct.
6. Unfit because of physical disability. A Marine is unfit because of physical disability when he is unable because of disease or injury to perform the duties of his office, grade, rank, or military occupational specialty in such a manner as to reasonably fulfill the purpose of his employment on active duty. (See Disability Separation Manual, paragraph 0215.)
7. Optimum hospital improvement (for disposition purposes). The point during hospitalization when the patient's medical fitness for further active service can be determined, and it is considered probably that further treatment for a reasonable period in a military hospital will not result in material change in the patient's condition which would alter his ultimate type of disposition or amount of separation benefits.
8. Terminal cases. The time at which a Marine should be processed for disability separation must be determined on an individual basis. Before initiating disability retirement procedures for a patient who has been identified as a terminal case, the commanding officer of the naval hospital will ensure that optimum hospital benefit has been attained. When optimum hospital benefit has been attained, disposition of the patient will be governed by humanitarian consideration with due regard for economic conditions of the patient and his beneficiaries. Normally a terminal medical case will be processed in accordance with the separation instructions contained in paragraph 10303 of this manual, except separation processing time will be greatly reduced and in most cases retirement will be effected on the date the notification message from the Commandant of the Marine Corps is transmitted.
9. Rapid processing and early disposition of personnel who are unable to return to duty because of physical disability. The Secretary of Defense has directed that, when it has been determined that a member will not return to duty and when it would be advantageous to the member to draw Veterans Administration disability compensation (vice active duty pay from the Armed Forces), he may be immediately processed for transfer to the Temporary Disability Retired List or permanently retired for physical disability prior to attaining optimum service hospital benefits. The Veterans Administration is making every effort to provide servicemen (especially those returning from duty in a combat zone) with prompt service, including awards of disability compensation which often exceeds

Armed Forces monetary benefits. Whenever a Marine is admitted to a naval hospital with a condition such as severe injury to the nervous system, including quadriplegics, hemiplegics and paraplegics; blindness and deafness requiring definitive rehabilitation; major amputees; and such other diseases or injuries which make it obvious that the Marine will not return to duty, preparation for termination of his active duty status because of physical disability shall begin immediately. The Marine shall be counseled that, with his approval, his case shall be given special processing which will result in his name being placed on the Temporary Disability Retired List or ~~this~~ being permanently retired for physical disability within a very short time period, approximately two weeks. Normally these types of cases will be processed in accordance with the separation instructions contained in paragraphs 10202 or 10303, as appropriate, of this manual, except the administrative separation processing time will be greatly reduced.

10. Line of duty

a. General rule. Disease or injury suffered by Marines shall be considered to have been incurred in line of duty unless one of the following exceptions are applicable.

b. Exceptions. Disease or injury suffered by Marines shall not be considered to have been incurred in line of duty where found to have been incurred under any one of the following circumstances:

(1) As a result of the individuals misconduct, or

(2) While avoiding duty by desertion or absence without leave, or

(3) While confined under sentence of a court-martial which involved an unremitted dishonorable discharge, or

(4) While confined under sentence of a civil court following conviction of an offense which is defined as a felony by the law of the jurisdiction where convicted.

c. Presumption. It is presumed, in the absence of clear and convincing evidence to the contrary, that disease or injury was incurred in the line of duty.

11. Misconduct

a. Elements of misconduct. Misconduct is wrongful conduct. Simple or ordinary negligence or carelessness, standing alone, does not constitute misconduct.

b. Presumption. In the absence of clear and convincing evidence to the contrary, it is presumed that disease or injury suffered by a Marine is not the result of his misconduct.

c. Special rules. See Disability Separation Manual, paragraph 0218.

12. Aggravation by service. Disease or injury noted prior to service or shown by clear and convincing evidence, including accepted medical principles, to have had its inception prior to service, will be conceded to have been aggravated when such disability underwent an increase in severity during the service unless such increase in severity is shown by clear and convincing evidence including

medical facts and principles, to have been due to the natural progress of the disease. In the case of Marines with more than three years of service, any increase in severity of pre-existing disease or injury will be considered as evidence of service aggravation.

13. Promotion. Promotions cannot be authorized on or after the date the Secretary of the Navy directs retirement for physical disability or transfer to the Temporary Disability Retired List. Promotions authorized prior to the Secretary's action may be effected at any time.

14. Processing time. Handling of all aspects of the disability evaluation processing (see figure 10-1). Processing time must be expeditious for the achievement of economy and efficiency within the system and for fair treatment of disabled Marines. Continuous vigorous effort must be exerted at all echelons to accomplish expeditious processing time. Processing time specifically includes:

- a. Date medical board convened.
- b. Date of action by convening authority of medical board.
- c. Date medical board received by the physical evaluation board.
- d. Date statement of service received, if requested.
- e. Date medical records, if any, received from Bureau of Medicine and Surgery.
- f. Date case considered under prima facie stipulation.
- g. Date prima facie findings forwarded to the Marine concerned.
- h. Date of Marine's statement of acceptance or demand for full and fair hearing received.
- i. Date case heard by a physical evaluation board, when full and fair hearing is held.
- j. Date record of proceedings or prima facie findings forwarded to the Physical Review Council.
- k. Date case referred to Naval Physical Disability Review Board for further consideration or date referred to Secretary of the Navy for final action.
- l. If applicable, date Marine notified of time and place of hearing by Naval Physical Disability Review Board.
- m. If applicable, date of review or hearing by Naval Physical Disability Review Board.
- n. If applicable, date case forwarded to the Judge Advocate General for transmission to the Secretary.
- o. Date Secretary of the Navy directs final action. This action is commonly referred as "Indexed" or "EnBloc".

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PHYSICAL DISABILITY EVALUATION SYSTEM

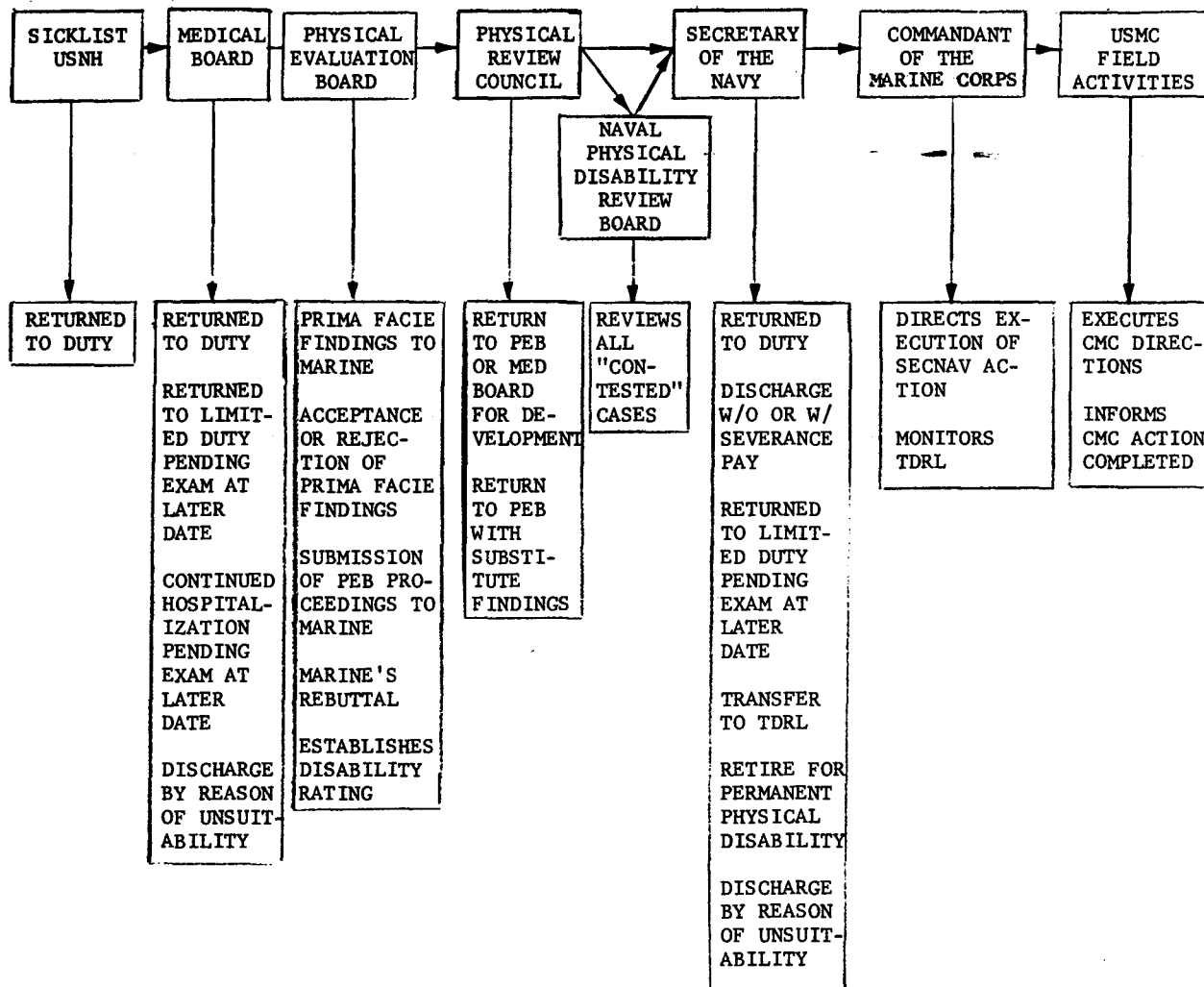


Figure 10-1

p. Date the Commandant of the Marine Corps directs execution of the Secretary's action.

q. Date field activity reports to the Commandant of the Marine Corps that the Secretary's action has been accomplished.

15. Released from active duty. Released from active duty includes:

a. Marines transferred to the Temporary Disability Retired List (TDRL).

b. Marines retired by reason of permanent disability.

c. Marines discharged by reason of physical disability with severance pay or without severance pay.

10003 COUNSELING

1. Each Marine will be counseled throughout the course of disability evaluation processing by an officer-lawyer or other officer conversant with physical evaluation procedures. The object of counseling is to ensure that the Marine fully understands the significance of all findings and recommendations made by the medical board, physical evaluation board, Physical Review Council, and Naval Physical Disability Review Board concerning his case, and of the benefits to which he may become entitled as a result of any physical disability which he may have incurred.

2. Counseling is provided at the following stages of the physical disability evaluation process:

a. When the approved findings and recommendations of the medical board are made known to the Marine.

b. When an enlisted Marine appears eligible for discharge for disabilities existing prior to service.

c. When the member's case is to be considered by the physical evaluation board.

d. When the findings and recommendations of the physical evaluation board are announced.

e. When the findings and recommendations of the Physical Review Council are made known to the Marine.

f. When the findings and recommendations of the Naval Physical Disability Review Board are made known to the Marine.

3. The Marine should be specifically counseled as to his rights to rebuttal at all of the foregoing stages of processing.

4. Additionally, commanding officers must ensure that no Marine is discharged, retired or released from active duty until:

a. He has been counseled concerning veterans' benefits, and

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b. He has submitted a "Veterans's Application for Compensation or Pension at Separation from Service, VA Form 21-56e", or has refused to submit, and

c. An appropriate entry has been entered in his officer qualification record or service record book concerning his receipt of counseling and desires to submit or not submit an application for benefits from the Veterans Administration.

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FORMAT FOR ORDERS TO PROCEED HOME PENDING FINAL DISPOSITION PHYSICAL EVALUATION
BOARD PROCEEDINGS

UNIT HEADING

DATE

From: Commanding Officer

To: Staff Sergeant James DOE 914141/0369 USMC

Subj: Orders to proceed home pending final disposition of Physical Evaluation
Board proceedings

Ref: (a) MCO P1900.16

Encl: (1) Form for reporting itinerary of travel (DD Form 1351-2)
(2) Form for reporting itinerary of travel (DD Form 1351-2)

1. In accordance with authority contained in reference (a), and upon discharge from treatment at the U. S. Naval Hospital, you will stand detached from your present station and duties; will proceed to your home or such other place as you may select (MCC W95) and await orders pending final disposition on the physical evaluation board proceedings in your case. Your home of record is shown as Boston, Massachusetts.* You will continue to be carried on the rolls of this organization. You will at all times keep your commander informed of your current address. (Any travel performed by you in excess of that from your last duty station to your home of record will be at your own expense.)

2. When placed on the retired list or when discharged, your leave record will be balanced as of the day prior to the date you are placed on the retired list, or to include the date of your discharge. Time spent awaiting orders will be debited to your leave record. You will be entitled to cash settlement of any balance of unused leave remaining to your credit after deduction for the period of time spent awaiting orders.

3. Your pay record will be retained by the Disbursing Officer (mailing address of disbursing officer carrying pay record), during the period while you are at home awaiting final action on your case. In order that the disbursing officer may properly adjust your pay record and make reimbursement for travel performed, you will, upon arrival at destination, complete enclosure (1) and return it to the disbursing officer maintaining your pay record. During the period while awaiting final action on your case, all correspondence on matters relating to your pay and allowances will be addressed to the disbursing officer maintaining your pay record.

4. In the event you are notified by your commander that you have been found fit for duty, or if your commander notifies you to return to your station of duty for further hearing, these orders will remain in effect for the return travel involved. Upon completion of return travel, you will complete enclosure (2) submitting it together with the original and two (2) certified copies of these orders to the disbursing officer maintaining your pay record.

Figure 10-3

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DATE

5. **TravChar appn 1781105.2754, MPMC-68, BCN 45690, AAA 27, CC 74123 enl tv1, 74160 depns tv1 (enl ent1), 74162 trans HHE (enl ent1).

J. K. SMITH
By direction

* When the individual elects to proceed to a place other than home of record, the second sentence of paragraph 1 will be modified to read: "Your home of record is shown as Boston, Massachusetts, and you have elected to proceed to Washington, D. C."

**See Marine Corps Order 7301 series for accounting date for subsequent fiscal year.

Figure 10-3--Continued.

10109 ACTIVE DUTY FOR PHYSICALLY RESTRICTED PERSONNEL

1. The Commandant of the Marine Corps may recommend to the Secretary of the Navy that a Marine, particularly one with over 18 but less than 20 years of active service, be permitted to continue on active duty in an appropriate limited assignment. A Marine so continued on active duty must be unfit because of physical disability with a basically stabilized condition, or one in which accepted medical principles indicate a slow progression of the disabling condition. He must be able to maintain himself in a normal military environment, without adversely affecting his health or the health of other Marines, or requiring an inordinate amount of medical care. Additionally the Marine must request in writing that he be retained.
2. Enlisted Marines who have in excess of 16 years but less than 18 years of active service and wherein the proposed action of the Physical Review Council would result in the Marine being discharged with severance pay or placed on the Temporary Disability Retired List with a percentage of disability which may eventually become less than 30 percent may be considered for retention on active duty in limited duty status to complete 20 years active service.
3. The retention policy is applied to officers with over 16 but less than 20 years active service subject to their assignability.
4. Marines, particularly those with over 20 years of active service, will not be continued on active duty solely to increase their monetary benefits, nor will they be continued unless their employment is justified as being of value to the Marine Corps.
5. A Marine continued on active duty under these provisions shall be closely observed to assure that further continuance, or conversely, separation, is consonant with the best interests of the Marine and Marine Corps. When a Marine becomes unable to perform his duties in a limited duty assignment, he shall be admitted to a naval hospital for observation, treatment, and appropriate disposition.
6. Marines retained on limited duty pending reevaluation at a later date will be assigned in accordance with the specific instructions contained in the Commandant's endorsement of the medical board report. Care must be exercised to ensure that the Marine is reevaluated within the month designated by the Commandant.
7. The basic concept that must be employed as a point of departure in the retention of amputees is that, in accordance with accepted medical principles amputees are permanently physically unfit for full unrestricted duty. Accordingly the following facts must necessarily have a significant influence in developing criteria on which to base retention of amputees on active duty with appropriate assignment limitations:

a. Personal aspects

- (1) Motivation. In keeping with the requirement that retention on active duty must be voluntary, motivation is the most important aspect to be

considered. Not only initial motivation but continuing motivation is necessary. The factors that can degrade motivation include personal and medical factors and changing personnel policy. Motivation must vitally affect a determination to retain an amputee on active duty and the imposition of limitations on the period of active duty.

(2) Assignability. There is no doubt that some amputees can be advantageously employed to satisfy the needs of the Marine Corps in critical areas. Such employment, however, must necessarily be restricted to non-Fleet Marine Force billets.

(3) Retirement and civilian readjustment. Marines who suffer the loss or partial loss of a limb can be assured of ultimate retirement for physical disability with a minimum disability rating at 40 percent. In addition to a service disability retirement, amputees are eligible and may qualify for additional Veterans Administration benefits which include special compensation, entitlement to specially equipped automobiles, assistance in acquiring specially constructed homes, rehabilitation retraining, etc. These advantages are not available while an individual is in an active duty status. Amputees must eventually face retirement and readjustment and despite their initial individual motivation for retention it would not be in the best interests of most amputees to be retained. An exception to this would be Marines within 4 years of attaining minimum service retirement eligibility. It is a generally accepted principle that the longer an individual delays in making an inevitable readjustment the harder it becomes to make and his increased age will tend to lessen earlier advantages he may have enjoyed.

b. Medical aspects. Retention on active duty in accordance with accepted medical principles is basically summarized below.

(1) A Marine who has suffered the loss of an upper extremity involving the major hand or loss of lower extremity above the knee or loss of any two extremities is considered permanently unfit for retention on the active list in any category.

(2) A Marine who has suffered the loss of an upper extremity involving the minor hand or loss of lower extremity below the knee, and has been fitted with a functional prosthetic device is considered permanently unfit for full unrestricted duty. Such a Marine is however, considered fit for retention in a limited duty status provided the Marine concerned desires to be so retained and the Marine Corps desires to utilize the Marine in such a category.

(3) In those cases where a Marine is retained on the active list, he will be reevaluated at periodic intervals; however, the time span should not extend beyond 2 years.

(4) Unless there are other extenuating circumstances, any Marine so retained should have his case referred to a physical evaluation board upon completion of 20 years active service or sooner, if indicated, for disability retirement.

8. Retention of physically restricted Marines except as noted in subparagraph below should be accomplished as the result of action by the Secretary of the Navy on physical disability proceedings provided through the Physical Review Council. This procedure will provide for a full and fair hearing on an impartial basis and will constitute full compliance of the statutes pertaining to disability retirement.

a. Marines with over 18 but less than 20 years of active service, except amputees, may be retained on active duty at the direction of the Commandant of the Marine Corps based upon a favorable recommendation by the Chief, Bureau of Medicine and Surgery when such a recommendation is the result of a medical board report.

9. Marines retained on active duty in a physical limited duty status retain eligibility for consideration and selection for promotion. If selected, an officer who is otherwise eligible but is determined to be not physically qualified for promotion may be promoted when it is determined by the Chief, Bureau of Medicine and Surgery that the officer's physical disqualification was by reason of wounds received in the line of duty and that such wounds do not incapacitate the officer for the performance of useful service in the higher grade. In the case of enlisted personnel, see paragraph 10002.13.

PART B: PHYSICAL DISABILITY RETIREMENTS

10201 AUTHORITY

1. Sections 1201 and 1204, Title 10, U. S. Code provide that the Secretary of the Navy may retire certain members who are considered unfit to perform duties of their office, grade, rank or rating because of a permanent physical disability. See table 10-2 for eligibility determination.

10202 DISPOSITION INSTRUCTIONS

1. General

a. Expeditious handling of the administrative procedures attendant to the separation or retirement of disabled Marines is an integral part of the Marine Corps policy and it is incumbent upon each commander to exercise such policy with utmost consideration for the Marine. Particular attention must be given "rapid retirement required" notification messages transmitted by the Commandant of the Marine Corps.

b. In order not to inadvertently deprive Marines from receiving maximum benefits, it is necessary that action be accomplished to effect retirements at the earliest practicable date as Veterans' Administration compensation for Marines with high disability ratings may substantially exceed active duty pay or physical disability retired pay.

c. Prior to retirement a Marine may be authorized hospitalization at a Veterans' Administration hospital. Inasmuch as this authorization is based upon the provision that the Marine must be on active duty at time of admission, premature retirement may preclude this hospitalization. It becomes imperative that retirement of such personnel be held in abeyance and the Commandant of the Marine Corps be immediately notified.

d. The Commandant of the Marine Corps (Code DMD) will direct by message the cognizant command and the Marine Corps Finance Center to effect disability separation. This notification will contain the Marine's service number, date of release from active duty, date of retirement or transfer, date active pay and allowances terminate, percent disability and appropriation data.

2. Specific. To effect retirement of Marines for permanent physical disability, commanding officers will accomplish the instructions outlined below:

a. If the Marine is not attached to the local command, immediately read-address message to his current command for appropriate action. An information copy must be provided to the Commandant of the Marine Corps (Code DMD) and the Marine Corps Finance Center.

b. If the Marine is a member of the local command commence separation processing without delay.

(1) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is prior to the date of retirement, provide date required by subparagraph 2a above, and readdress the retirement message from the Commandant of the Marine Corps to the Marine's new administrative command for action.

FORMAT FOR ACKNOWLEDGING CMC MESSAGES DIRECTING RETIREMENT BY REASON OF
PHYSICAL DISABILITY

FROM: (ORGANIZATION)

TO: MCFC KSC

INFO: CMC

UNCLA

FOR CODE DMD

1. CMC (DATE TIME GROUP) REFERS
 2. A. NAME
 - B. GRADE
 - C. SERNO(MSN)
 - D. PAY ENTRY BASE DATE
 - E. TIME LOST CURRENT ENLISTMENT
 - F. YEARS OF ACTIVE SERVICE (YEARS, MONTHS, DAYS)
 - G. MAILING ADDRESS. (complete address, including zip code, where Marine may be contacted after retirement or transfer to TDRL)
- OR
2. (NAME MSN) NOT A MBR THIS COMMAND. YOUR (DATE TIME GROUP) READDRESSED TO (ORGANIZATION)
- OR
2. SEPARATION INFO REQUIRED. NO SRB AVAILABLE.
 3. ABOVE MBR(S) HAVE BEEN OR WILL BE RETIRED (OR TRANSFERRED TO THE TEMP DISABILITY RETIRED LIST) AS DIR ON (DATE).
- OR
3. PLEASE FORWARD RETIREMENT TO THIS COMMAND ASAP IN ORDER THAT PERSONAL DELIVERY AT APPROPRIATE RETIREMENT CEREMONY ON (DATE OF RETIREMENT) MAY BE ACCOMPLISHED.

Figure 10-4

PART C: TEMPORARY DISABILITY RETIRED LIST (TDRL)

10301 AUTHORITY

1. Section 1376, Title 10, U. S. Code, requires the Secretary of the Navy to maintain a Temporary Disability Retired List (TDRL) containing the names of Marines transferred to the TDRL pursuant to sections 1202 and 1205, 10 U.S. Code.

10302 COMPOSITION

1. The Commandant of the Marine Corps (Code DMD) is responsible for maintaining the TDRL. The list consists of Marines found to be unfit for performance of military duty because of physical disability which may be permanent, but which has not sufficiently stabilized to permit an accurate evaluation of a permanent degree of severity.

10303 TRANSFER TO THE TDRL

1. General

◆ a. Expeditious handling of the administrative procedures attendant to the transfer to the Temporary Disability Retired List of disabled Marines is an integral part of Marine Corps policy and it is incumbent upon each commander to exercise such policy with utmost consideration for the Marine. Particular attention must be given "rapid retirement required" notification messages transmitted by the Commandant of the Marine Corps.

b. In order not to inadvertently deprive Marines from receiving maximum benefits, it is necessary that action be accomplished to effect retirements at the earliest practicable date as Veterans' Administration compensation for Marines with high disability ratings may substantially exceed active duty pay or physical disability retired pay.

c. Prior to transfer to the Temporary Disability Retired List a Marine may be authorized hospitalization at a Veterans' Administration hospital. Inasmuch as this authorization is based upon the provision that the Marine must be on active duty at time of admission, premature transfer to the Temporary Disability Retired List may preclude this hospitalization. It becomes imperative that transfer to the TDRL of such personnel be held in abeyance and the Commandant of the Marine Corps be immediately notified.

d. The Commandant of the Marine Corps (Code DMD) will direct by message the cognizant command and the Marine Corps Finance Center to effect disability separation. This notification will contain the Marine's service number, date of release from active duty, date of retirement or transfer, date active pay and allowances terminate, percent of disability and appropriation data.

2. Specific. To effect transfer of a Marine to the TDRL, commanding officers will accomplish the instructions outlined below:

a. If the Marine is not attached to the local command, immediately readdress message to his current command for appropriate action. An information copy must be provided to the Commandant of the Marine Corps (Code DMD) and the Marine Corps Finance Center.

b. If the Marine is a member of the local command commence separation processing without delay.

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(1) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is prior to the date of transfer to the TDRL, provide data required by subparagraph 2a above and readdress the retirement message from the Commandant of the Marine Corps to the Marine's new administrative command for action.

(2) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is subsequent to the date of transfer to the TDRL, immediately advise the Commandant of the Marine Corps (Code DMD) of the effective date of transfer to the Veterans' Administration hospital.

c. Upon completion of separation processing but not later than, the date of transfer to the TDRL provide the Marine Corps Finance Center, with the Commandant of the Marine Corps (Code DMD) as an information addressee, with required personnel data of the Marine, using the appropriate message format contained in figure 10-4. Items of information required are:

- 1 Name
- 2 Grade
- ▶ 3 Service Number (MSN)
- 4 Pay Entry Base Date
- 5 Time Lost Current Enlistment
- 6 Years, Months and Days of Active Service (to include date of release from active duty)
- 7 Mailing Address (complete address, including zip code, where the Marine may be contacted after transfer to TDRL)
- 8 Date of Transfer to TDRL

d. Issue orders using the format contained in figure 10-6. Furnish the local disbursing officer settling the pay account a copy of the Commandant of the Marine Corps' notification message and two copies of the transfer orders immediately upon issuance. Additionally furnish the leave record and any other administrative information necessary to close the active duty pay account to the disbursing officer. The effective date of transfer is the day following the last day of active duty. Temporary disability retirements are governed by law and must be effected as directed. Effecting a temporary disability retirement on any date other than that directed is not authorized.

e. Notify those Marines who have been ordered home to await disposition of physical evaluation proceedings of the effective date of retirement, by message, on or before the effective date and immediately mail the retirement orders direct to the individual.

f. In the event the service record book is not available, request from the Commandant of the Marine Corps (Code DMD) in accordance with MCO P1070.8, IRAM, paragraph 4002, the required disability separation information utilizing the format contained in figure 10-4. Only disability separation information will be requested from the Commandant of the Marine Corps (Code DMD). All other separation information will be requested from the Commandant of the Marine Corps (Code DGK).

10304 TDRL PAY PROCEDURES

1. The Commanding Officer, Marine Corps Finance Center, administers the pay of all Marines placed on the TDRL.
2. To terminate credit of active duty pay and allowances for those Marines retired for physical disability, the disbursing officer will:

i. In all cases involving separation by reason of disability, insert Veterans' Administration Diagnostic Code numbers if shown on the Commandant of the Marine Corps letter authority directing discharge, temporary disability retirement, or retirement for reason of disability."

- 11d. EFFECTIVE DATE. The entry in this item will be the date release of discharge from active military service is effective. In the case of personnel granted travel time incident to separation from active service, construct the effective date to include such travel time. For personnel accepting appointment to warrant officer or commissioned grade and officers changing component by acceptance of appointment, the date of discharge shown will be the date prior to the date of acceptance of such appointment.
12. LAST DUTY ASSIGNMENT AND MAJOR COMMAND. Enter the last unit, or similar element, to which assigned for duty rather than the element of which individual was a part while moving to a separation point. Assignments to units for the purpose of transfer from an overseas command to the United States are considered part of the movement to a separation point. The title and/or number of the organization will be precisely as indicated in the service record. Example: A Marine is being processed for separation at Marine Barracks, Treasure Island, California. He returned from an overseas command aboard the USNTS Benjamin Harrison. His overseas duty assignment was with Company B, 1st Battalion, 4th Marines (Reinf), 3d Marine Division, Fleet Marine Force, Pacific. The entry for Item 12 would show: Co B, 1st Bn, 4th Mar (Reinf), 3rd MarDiv, FMFPac, and Item 11b would show: Casual Co, Marine Barracks, Treasure Island, California. However, a Marine permanently assigned duty at Marine Barracks, Treasure Island, California, upon being separated, would have that activity entered in Item 12 as last duty assignment and major command.

13a. CHARACTER OF SERVICE

OFFICERS:

Enter in capital letters "HONORABLE," "UNDER HONORABLE CONDITIONS," "UNDER CONDITIONS OTHER THAN HONORABLE," as appropriate, consistent with the reason and authority for separation.

ENLISTED:

Enter in capital letters one of the following, consistent with the reason and authority for separation:

HONORABLE

UNDER HONORABLE CONDITIONS

UNDER CONDITIONS OTHER THAN HONORABLE (includes undesirable and bad conduct discharge)

DISHONORABLE

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11001

REENLISTMENT CODE ASSIGNED

WHEN ASSIGNED

REMARKS

5 US.C. 552 (b)(2) HIGH

(b)(2)

Recommended Upon Removal of Disqualifying Factor	Failure to Meet Area Aptitude Prerequisites IAW MCO P1040.28, Par. 4004.2j.
Restricted Assignment	Assigned When Directed By CMC.
Reenlistment Authorized By CMC Only	Assigned When Directed By CMC.
Failure to Meet Minimum Disciplinary Standards	MCO P1040.28, Pars. 4004.2e and 4004.2f Apply. Waiver May Be Requested IAW MCO P1040.28, Par. 4005.
Recommended Upon Removal of Disqualifying Factor	Failure to Meet Pre-requisites IAW MCO P1040.28, Par. 4004.2.
Insufficient Grade	MCO P1040.28, Pars. 4004.2e(2) and 4004.2f(2) Apply. Waivers IAW MCO P1040.28, Par. 4005.
Hardship/Dependency	Assigned When Directed By CMC.
Failure to Meet Average Proficiency Mark	MCO P1040.28, Par. 4004.2h Applies. Waivers IAW MCO P1040.28, Par. 4005.
Ineligible Due to Dependency Status	MCO P1040.28, Par. 4004.2e(2) Applies.
Refused Assignment Orders Due to Insufficient Obligated Active Duty Remaining on Current Enlistment	CMC Approval Required Prior to Reenlistment.
Recommended Upon Removal of Disqualifying Factor	Failure to Meet Physical Standards.
Failure to Complete Overseas Tour	CMC Approval Required Prior to Reenlistment.
Underage	None
Women Marines Discharged For Pregnancy or Parenthood (If Otherwise Recommended)	CMC Approval Required Prior to Reenlistment.
Not Recommended for Reenlistment	None

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16. TERMINAL DATE OF RESERVE/UMT&S OBLIGATION. Enter terminal date of reserve obligation under the Universal Military Training and Service Act. If the individual has no obligated service remaining, enter "None."
17. CURRENT ACTIVE SERVICE OTHER THAN BY INDUCTION
- 17a. SOURCE OF ENTRY. Type an "X" in the appropriate block. The block designated as "Other" would be marked when a Marine entered on active duty by direct commission, or appointment as a warrant officer, or by recall to active duty, etc.



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

9/9/68

MCO P1900.16 Ch 5
DM-cb
4 Jul 1970

MARINE CORPS ORDER P1900.16 Ch 5

From: Commandant of the Marine Corps
To: Distribution List

Subj: Marine Corps Separation and Retirement Manual
(Short Title: MARCORSEPMAN)

Encl: (1) New page inserts to MCO P1900.16
(2) List of effective pages

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

2. Summary of Changes. Chapters 1, 4, 6 and 11 include minor but important changes which clarify voluntary retirement, retired grade, resignation of officers twice failing of selection, discharge or release from active duty, distribution of transfer to the Fleet Marine Corps Reserve orders and distribution of DD 214.

3. Action

a. Insert enclosure (1).

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

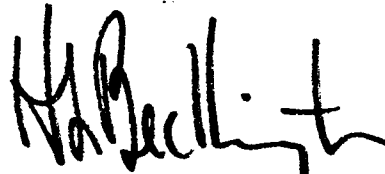
4. Change Notation. Significant changes contained in this Change are denoted by an arrow (►) symbol.

CMC CENTRAL FILES
ADMINISTRATIVE DIVISION

MCO P1900.16 Ch 5
4 Jul 1970

5. Filing Instructions. This Change will be filed immediately following page 10 of the basic Manual.

6. Certification. Reviewed and approved this date.



H. L. BECKINGTON
By direction

DISTRIBUTION: "DY"

MARINE CORPS SEPARATION AND RETIREMENT MANUAL
(MARCORSEPMAN)

LIST OF EFFECTIVE PAGES

1. Missing pages should be requisitioned by utilizing this list and the attached form. This procedure will not be used to requisition basic publications or complete changes. Basic publications and complete changes shall be requisitioned in accordance with MCO P5600.31, section III, part 3, as modified by MCBul 5600 of 23 Jul 1969.

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2-5	2	4-10	0	6-11	0	6-27	0	6-51	0
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7-7	0	10-3	1	10-31	2	11-15	0	13-1	0
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MARINE CORPS
SEPARATION AND RETIREMENT MANUAL

CHAPTER 1

ADMINISTRATIVE PROCEDURES FOR RETIREMENT OF REGULAR
COMMISSIONED OFFICERS AND WARRANT OFFICERS

1001 GENERAL

1. The provisions of this chapter are applicable to the retirements of commissioned officers and warrant officers of the Regular Marine Corps.
2. Retirements must be approved or directed by the President of the United States or the Secretary of the Navy.

1002 DEFINITIONS

1. Voluntary Retirement. Effective as a result of a request from a member who is eligible for retirement.
2. Involuntary Retirement. Mandatory under law and may not be deferred beyond the date directed by law or regulations.
3. Active Duty. Full-time duty in the active military service of the United States to include, full-time training duty, annual training duty, and active duty for training (10 USC 101).
4. Effective Date of Retirement. Notwithstanding other provisions of law, the Uniform Retirement Date Act requires that all retirements, except by reason of physical disability, shall become effective on the first day of a month (5 USC 8301, 10 USC 1221 and 1404).

1003 PHYSICAL EXAMINATIONS

1. Officers contemplating voluntary retirement and those subject to involuntary retirement shall complete a retirement physical examination not more than 6 months and not less than 3 months prior to the effective date of retirement. This physical examination should be accomplished far enough in advance of the prospective retirement date to permit correction of any minor physical defects, or if major defects are found, to permit completion of physical retirement proceedings prior to the scheduled retirement date. The time required for physical disability proceedings varies greatly, depending on the circumstances in each case. However, it may be expected that from 3 to 4 months will be required from the date of initial physical examination to the date of final action by the Secretary of the Navy. Longer periods may be required in exceptional cases (see chapter 10).
2. The retirement of officers who are subject to involuntary retirement cannot be delayed due to physical disability proceedings, except in the case of warrant officers as provided in paragraph 3008. Accordingly, it is possible that an officer who would otherwise be eligible for disability retirement would be forced into nondisability retirement while disability proceedings are in progress. The law requires that a Regular member must be in receipt of basic

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(active duty) pay at the time the Secretary of the Navy makes the final determination in order to be eligible for disability retirement.

3. In accordance with current instructions of the Bureau of Medicine and Surgery, each officer shall sign a certificate on the SF 88, Report of Medical Examination, indicating that he understands the current BUMED Instruction which provides that a member must be in receipt of basic pay in order to be eligible for disability retirement.

4. The voluntary retirement of an officer may not be effected until he is found to be physically qualified. If an officer has submitted a request for voluntary retirement which is permissive in nature, and disease or injury requiring medical treatment or hospitalization intervenes, the Commandant of the Marine Corps (Code DMA) will be immediately notified by message. Orders and correspondence with enclosures relative to retirement will be returned to the Commandant of the Marine Corps for cancellation in all cases where medical treatment is not completed by the retirement date designated in the orders. A SF 88, Report of Medical Examination, will be forwarded immediately to the Commandant of the Marine Corps (Code DMA) when an officer whose retirement has been delayed, is found physically fit. Orders will be reissued by the Commandant of the Marine Corps to effect retirement on the first day of the first month following receipt of SF 88. In the event the officer's case is referred to a Physical Evaluation Board, retirement cannot be effected until final action is taken by the Secretary of the Navy or the Commandant of the Marine Corps as appropriate.

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

1004 RETIREMENT ORDERS

1. Individual orders and authorizations for retirement will be issued by the Secretary of the Navy or the Commandant of the Marine Corps. Release from active duty on the occasion of retirement is normally effected on the day preceding the effective date of retirement and retired pay commences on the effective date of retirement. In addition to the release from active duty orders, the Commandant of the Marine Corps will issue a retirement letter with detailed information which is normally forwarded subsequent to the release from active duty orders.

2. Officers detached after the effective date of retirement are considered to be in a retired status from the effective date of retirement unless they are in receipt of orders prior to the effective date of retirement continuing them on active duty in a retired status. The Comptroller General of the United States has held that a retirement is effective from the date specified by law or by the Secretary of the Navy irrespective of whether retirement and release orders are received subsequent to the effective date of retirement (39 CompGen 312).

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CHAPTER 4

SEPARATION AND RETIREMENT OF RESERVE OFFICERS AND
RETIREMENT OF ENLISTED RESERVISTS

4001 DEFINITIONS

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

a. Active status. The status of a reservist who is not on the inactive status list or in the Retired Reserve. A reservist in an active status may be on active or inactive duty.

b. Reserve retirement credit and points. Terms used interchangeably and have reference to the method provided by law for awarding actual or constructive days of service for active duty and other duty or training. Each point represents a day of service. These points are used for determining both satisfactory Federal service counting toward eligibility for retirement and for computing the amount of retired pay to be received.

c. Year of satisfactory Federal service. Year in which a reservist is credited with a minimum of 50 Reserve retirement credits unless the year is declared unsatisfactory by the Commandant of the Marine Corps. See paragraph 4013 for service prior to 1 July 1949.

d. Anniversary dates. Assigned to all reservists based on the following criteria:

(1) Members of the Marine Corps Reserve on 1 July 1949, anniversary year begins on 1 July of each year as long as continuous active Marine Corps Reserve status is maintained.

(2) Members of the Marine Corps Reserve after 1 July 1949 but prior to 1 July 1965, anniversary year begins on the date of entry or reentry, and each succeeding "year" will begin on the anniversary of that date as long as continuous active Reserve status is maintained.

(3) Members of the Marine Corps Reserve after 30 June 1965, anniversary year begins on the date shown below; and each succeeding "year" will begin on the anniversary of that date as long as continuous active Reserve status is maintained.

(a) Member whose initial entry, or whose reentry after a break in service of more than 24 hours, into the service is after 30 June 1965, anniversary year begins on the date of entry or reentry, and each succeeding "year" will begin on the anniversary of that date as long as continuous service in any branch or component of the Armed Forces is maintained. A change of service or component which does not result in a break in service of 24 hours or more does not change this member's anniversary date.

(b) Members of a Reserve component of another Branch of the Armed Forces on 1 July 1965 and are subsequently enlisted or appointed in the Marine Corps Reserve without a break in service of 24 hours or more, anniversary year begins on the same date as the anniversary date established by the Armed Force in which they were a member.

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

(4) Members restored to an active status from the Inactive Status List, anniversary year begins on the date they are restored to an active status, and each succeeding "year" will begin on the anniversary of that date.

4002 RESIGNATION OF OFFICERS

1. The President, or the Secretary of the Navy acting for him, may accept the resignation of an officer of the Marine Corps Reserve, including chief warrant officers and warrant officers (W-1). Officers will include the reason for resignation in their letter. The provisions of paragraph 2001 pertaining to tendering and accepting of resignations of Regular officers are applicable except that periods of obligated service acquired under law or contractual agreement must be completed before a resignation will be accepted. Exceptions may be made when the separation of an officer is considered to be in the best interests of the service. Subject to the foregoing, a woman officer may tender her resignation at any time after completing 3 years of active commissioned service, unless a previous agreement specified 2 years of active duty, or 4 years of total commissioned service. In addition, a woman officer may tender her resignation by reason of marriage provided she has completed 3 years of active commissioned service. Reserve officers may tender their resignations for any of the reasons which would result in involuntary discharge.

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

a. "I have been fully advised concerning provisions of statutes and regulations relative to court-martial trials and action by boards of officers, and concerning the application of such statutes and regulations to the factual situation obtaining in my case. After fully weighing the benefits which might inure to me as a result of such action, and although considering that I would suffer no greater prejudice as a result of such action, I hereby waive any and all court-martial action under the Uniform Code of Military Justice, and I further waive any consideration of my case by any board of officers and findings and recommendations by any such board of officers. This waiver is made in the interest of expediting ultimate disposition of my case, as I feel that my position in the matter has been made clear, and I have full confidence in the ability and fairness of the officers in higher authority who will act upon my case," or

9. A woman Reserve officer who has completed 3 years of commissioned service shall not be involuntarily discharged unless:

a. Recommended for discharge by a board described in subparagraph 3 above, for reasons enumerated in subparagraphs 3b, c, d, e, or f, above.

b. Discharged or dismissed as provided in subparagraph 7 or 8, above, or paragraph 4008.

4004 TRANSFER TO ANOTHER RESERVE

1. A Reserve officer on inactive duty who desires to enlist or accept appointment in the Reserve component of another Armed Force shall:

a. Apply to the Secretary of the Navy via the unit of the Armed Force in which entry is sought, his commander and/or district director; Commanding General, Marine Air Reserve Training Command, or Commanding Officer, Marine Corps Reserve Forces (Class III), as appropriate, and the Commandant of the Marine Corps (Code DMR).

b. Include in his application evidence of fulfillment of one of the conditions in subparagraph 8006.1a as applies to enlisted reservists.

c. Tender the contingent resignation with his application to read: "I hereby tender my resignation from the U. S. Marine Corps Reserve. I request that my resignation be accepted contingent upon and effective as of the day prior to my enlistment or acceptance in the (specify service)."

2. Upon approval of the application, the Commandant of the Marine Corps will furnish the officer concerned a conditional release. This release will contain the elements set forth in subparagraph 8006.1c.

4005 RETIREMENT OR SEPARATION FOR AGE AND SERVICE

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

a. Reserve officers, other than general officers, and enlisted members of the Reserve, who, upon reaching age 60 and are then qualified for retirement with pay, shall be transferred to the Retired Reserve upon their own request, effective on the first of the month following their 60th birthday. However, if they fail to request retirement after being afforded an opportunity, they shall be discharged.

b. General officers of the Reserve, subject to their consent and upon specific orders of the Secretary of the Navy, may be retained in an active status

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until age 62. The Secretary, subject to their consent, may retain, within the number specified by law certain general officers in an active status until age 64.

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

(1) The first of the month following the date on which they first complete 20 years of satisfactory Federal service and become qualified for retirement with pay.

(2) If commissioned prior to 1 January 1953, the first of the month following their 62d birthdays if they cannot qualify for retired pay on or before their 64th birthdays. An officer in this category may be retired without his consent (10 USC 6391).

(3) If commissioned on or subsequent to 1 January 1953, the first of the month following their 62d birthdays. An officer in this category may be retired without his consent (10 USC 6391).

d. Enlisted members of the Reserve, upon reaching age 60, are qualified for retirement with pay and will be transferred to the Retired Reserve upon their request, effective on the first of the month following their 60th birthdays. However, if they fail to request retirement after being afforded an opportunity, they shall be discharged by the command concerned for convenience of the Government, citing subparagraph 6012.1f as authority.

e. Enlisted members who have attained age 60, but have not yet completed 20 years of satisfactory Federal service, shall be transferred to the Retired Reserve or discharged as indicated above as of the first of the month following the date on which they first complete 20 years' satisfactory Federal service and become qualified for retirement with pay.

2. A Reserve officer, except a limited assignment officer, not on active duty and not on a promotion list will be discharged, allowed to resign, or transferred to the Retired Reserve, if qualified, upon attaining the following ages in grade (see paragraph 4010 for exceptions):

Second and first lieutenants-----40 years

Captains-----46 years

Majors-----52 years

Lieutenant Colonels-----58 years

4006 RETIREMENT OR SEPARATION OF MALE OFFICERS AFTER TWICE FAILING OF SELECTION FOR PROMOTION

1. A Reserve officer in an active status in the permanent grade of warrant officer(W-1), commissioned warrant officer (W-2), or commissioned warrant officer

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(W-3) who is considered as having twice failed of selection for promotion to the next higher grade, shall be eliminated from an active status. An officer who is to be eliminated from an active status under this subparagraph, if qualified, shall be given an opportunity to request transfer to the appropriate Retired Reserve. If he is not transferred, he shall be discharged from the Marine Corps Reserve.

2. Subject to the exceptions outlined in paragraph 4010, a Reserve officer in an active status in the permanent grade of captain or first lieutenant, who is considered as having twice failed of selection for promotion to the next higher grade shall be eliminated from an active status. An officer who is to be eliminated from an active status under this subparagraph, if qualified, shall be given an opportunity to request transfer to the appropriate Retired Reserve. If he is not transferred, he shall be discharged from the Marine Corps Reserve.

3. Subject to the exceptions outlined in paragraph 4010, a Reserve officer in an active status in the permanent grade of major or above, who is considered as having twice failed of selection for promotion to the next higher grade, if qualified, shall be given an opportunity to request transfer to the appropriate Retired Reserve. If he is not transferred, he shall be discharged from the Marine Corps Reserve if he has completed a period of total commissioned service equal to that specified below for the permanent grade in which he is serving:

Colonel----- 30 years

Lieutenant Colonel----- 26 years

Major----- 20 years

4. For the purposes of this paragraph, the total commissioned service of an officer who shall have served continuously in the Marine Corps Reserve following appointment therein in the grade of second lieutenant shall be computed from 30 June of the fiscal year in which he accepted appointment. Each other officer shall be deemed to have for these purposes as much total commissioned service as any officer of the Regular Marine Corps not restricted in the performance of duty who has served continuously since original appointment as a second lieutenant in the Regular Marine Corps and has not lost numbers or precedence and who is or has been after 6 September 1947 junior to such other officer, except that the total commissioned service of such other officer may not be less than the actual number of years he has served in commissioned officer status above the grade of chief warrant (W-4). Notwithstanding the first two sentences of this subparagraph, the Secretary of the Navy may defer the retirement or discharge under this paragraph of an officer serving in the permanent grade of major or above for a period of time which does not exceed the amount of constructive service in an active status which was credited to the officer at the time of his original appointment or thereafter under any provision of law, if the officer can complete at least 20 years of satisfactory Federal service during the period of such deferment (10 USC 6389 as amended by Act of 30 June 1960, Public Law 86-559).

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4007 REVOCATION OF LIMITED ASSIGNMENT STATUS AND SUBSEQUENT RETIREMENT OR SEPARATION

1. Limited assignment designation may be revoked for one of the following reasons:
 - a. Failure to be selected for continued limited assignment on annual review.
 - b. Failure of selection for promotion to next higher grade a second time.
 - c. Failure to maintain an active status, and
 - d. For other good and sufficient reasons when determined by the Commandant of the Marine Corps.
2. Upon revocation of limited assignment designation an officer will be discharged, allowed to resign, or transferred to the Retired Reserve under the provisions of paragraph 4005 or 4006.

4008 RETIREMENT OR SEPARATION OF WOMEN OFFICERS FOR AGE AND SERVICE

1. A woman Reserve officer shall be afforded an opportunity to transfer, if qualified, to the Retired Reserve, but if not transferred, be allowed to resign or be discharged upon attainment of age of length of commissioned service as follows:
 - a. Pursuant to the regulations prescribed for male Reserve officers in paragraph 4005.
 - b. If initially appointed after 12 June 1948:
 - (1) Majors and below who attain age 50 and are not on a promotion list.
 - (2) Majors who complete 20 years of commissioned service and are not on a promotion list.
2. No woman Reserve officer shall be involuntarily eliminated from an active status pursuant to this paragraph except upon the recommendation of a board which shall be appointed by the Secretary of the Navy and convened at such times as the Secretary of the Navy may direct (10 USC 6403).
3. See paragraph 4010 for exceptions to this paragraph.

4009 RETIREMENT OR SEPARATION FOR UNSATISFACTORY PARTICIPATION

1. Each nonobligor officer of Class III Volunteer Marine Corps Reserve in an active status, who is credited at the end of his anniversary year with less than 27 retirement points, shall be separated or retired unless qualified for assignment to the inactive status list or retention in an active status in accordance with current directives, except company grade officers who have not completed more than 3 years in an inactive duty status since date of last release from active duty. In the latter case the action described above will be taken in the event the officer fails to accrue a minimum of 16 Reserve retirement credits at the end of his anniversary year. Such a member will be informed by letter by the

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9008

Fleet Marine Corps Reserve shall be released from active duty on date of such transfer, unless an order to the contrary has been received.

2. Transfer to the Fleet Marine Corps Reserve shall not be made on a date other than as contained in the orders, unless the Commandant of the Marine Corps' authority for a change in the date is first obtained. When such a change is authorized by the Commandant of the Marine Corps, it will be attached to the original orders. Any change must be authorized by the Commandant of the Marine Corps prior to the effective date of transfer.

3. Once a Marine's orders have been received the Commandant of the Marine Corps (Code DMB-3 or DMA, as appropriate) will be advised by message when any of the conditions outlined in paragraphs 9006.5a, 9006.5b, or 9005.5c occur.

4. Commands effecting an individual's transfer to the Fleet Marine Corps Reserve and release to inactive status shall comply with the following:

◆ a. A new health record shall be prepared for the enlisted person and the old health record shall be disposed of in accordance with current instructions from the Bureau of Medicine and Surgery.

◆ b. Forward the service record and new health record to the Commanding Officer, Marine Corps Reserve Forces (Class III), 1500 East Bannister Road, Kansas City, Missouri 64131.

9008 RETIREMENT OF ENLISTED RESERVISTS

1. Additional provisions pertaining to the retirement of enlisted reservists are set forth in chapter 4.

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APPLICATION TO TRANSFER TO FMCR (1830)
NAVMC 10831 (1-70)

DATE OF APPLICATION
1 July 1970

1. MILITARY SERVICE NO. 144 45 78		2. GRADE MSgt	3. NAME (Last) DAVIDSON	(First) Charlie	(Middle Initial) B.
4. HOME ADDRESS (No., Street, Apt. No., P. O. Box) 1502 Fairmont Place, Apt 1099				5. CITY Groveton	
6. STATE/COUNTRY Virginia		7. COUNTY/PROVINCE Fairfax		8. ZIP CODE 22306	
9. CHECK MAILING ADDRESS (No., Street, Apt. No., P. O. Box) Bank of Virginia, Box 6330				10. CITY Arlington	
11. STATE/COUNTRY Virginia		12. COUNTY/PROVINCE Prince William		13. ZIP CODE 23114	
14. CLASS Id	15. CURRENT STRENGTH CATEGORY CODE 0		16. ROTATION TOUR DATE 2Dec70		
17. TIME LOST CURRENT ENLISTMENT (No. of days) None			18. OTHER OFFICER/ENLISTED MILITARY SERVICE NO. 09 88 77		
19. DATE OF RANK 1Nov68	20. DISCHARGE ACTION PENDING N/A		21. EXTRAORDINARY HEROISM CURRENT ENLISTMENT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
22. DATE REQUESTED TO TRANSFER TO FMCR 31Dec70		23. IN RECEIPT OF PCSO? (ENTER NEW MCC) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No MCC 010			
24. RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN OPTION(S) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No.			25. PAY ENTRY BASE DATE 17Sep45		
26. SOCIAL SECURITY ACCOUNT NUMBER 031301594		27. DATE CERTIFIED TO BE PHYSICALLY QUALIFIED 1Jul70			
28. EXPIRATION ACTIVE OBLIGATED SERVICE 15Mar71		29. CURRENT DUTY STATION F Company, 2ndBn, 1stMarines, 1stMarDiv, FMF (Rein) c/o FPO, San Francisco, Calif 96602			
REMARKS NOTE: For mandatory entries see subparagraphs 9006.4c, 9006.4d, and 9006.4f.					
				SIGNATURE OF REQUESTER /s/ Charlie B. Davidson	
FIRST ENDORSEMENT FROM: CO, F Co, 2ndBn, 1stMar TO: Commandant of the Marine Corps (Code DMB-3) 1. The above information has been verified. SIGNATURE /s/ John J. Hardcore, Capt, USMC				FOR HQMC USE ONLY 	

Figure 9-1

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11001

27c. MONTH ALLOTMENT DISCONTINUED. If individual has an allotment currently in effect, enter month and year of discontinuance; otherwise enter "N/A."

28. VA CLAIM NUMBER. The claim number is as important to the Veterans' Administration as the service number is to the Armed Forces. If one has been assigned to the individual, it may be obtained from any correspondence which he has received in connection with benefits for which he has previously applied.

29. SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE (\$10,000, \$5,000, None). Enter an "X" in the appropriate block.

30. REMARKS. Continue in this space items that cannot be completed within the space provided. In such cases cross-references must be used to indicate the item being continued. (Example: 26a, continued.) If more space is required, enter the words "Continued on reverse" in the last line of this space and complete the entries on the reverse of the form.

a. If discharge for physical disability is effected as the result of the approved findings of a physical evaluation board, with severance pay, insert under Item 30 the following appropriate entry: "Paid \$ (amount) disability severance pay." If not entitled to disability severance pay, insert "Not entitled to severance pay."

b. Enter the additional military occupational specialty number and title and its related occupation and DOT number, if any.

c. Enter any special qualifications, i.e.; Aerial Gunnery (UH-IE, CH-46, CH-34); Military Motor Vehicle Operator's Permit (2½ ton or larger and Special Equipment).

d. Enter the following remarks as appropriate:

(1) Enlisted in the United States Marine Corps/Reserve.

(2) Reenlisted in U. S. Marine Corps/Reserve.

(3) Is undecided about reenlistment.

(4) Extension of service was at the request and for the convenience of the Government.

(5) Accepted Regular commission/warrant.

(6) Not available for signature.

(7) Good Conduct Medal period commences (date).

(8) Certain Marine Corps Orders require entries to be made under "Remarks." Ensure that those appropriate entries are made.

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e. The following notations will be made for personnel who are released or separated from active duty training under 10 USC 511 (d), formerly "Reserve Forces Act of 1955 Six-Months Active Duty for Training."

(1) "6 MO AD TNG"

(2) "Not a Final Discharge"

31. PERMANENT ADDRESS FOR MAILING PURPOSES AFTER TRANSFER OR DISCHARGE (Street, RFD, City, County, State and ZIP Code). Information for this item shall be obtained by interview with the individual being separated. The individual's complete home address, that is, the place where he intends to reside permanently following separation, shall be entered in this item. If the permanent address for mailing purposes is the same as the home of record, "See Item 21" may be inserted.
32. SIGNATURE OF PERSON BEING TRANSFERRED OR DISCHARGED. The signature of the individual being separated should be signed with a black ink ball-point pen or indelible pencil to ensure that all copies bear a legible signature. If not available for signature, enter "See Remarks."
33. TYPE NAME, GRADE AND TITLE OF AUTHORIZING OFFICER. Self-explanatory.
34. SIGNATURE OF OFFICER AUTHORIZED TO SIGN. This item will be signed by the officer responsible for preparation of the form. A black ink ball-point pen or indelible pencil will be used to ensure that the signature appears on all copies.

7. Distribution Instructions

a. Distribution will be made as indicated below (mailing addresses for certain activities are listed in subpar. b, below):

Copy No. 1 (INDIV): Deliver to the individual being separated/transferred prior to his departure from the separation activity (subject to exceptions stated in subparagraph 11001.5a).

Copy No. 2 (SR/OQR or HQMC): Place this copy in closed-out SRB or OQR of each person who is discharged, retired, or reenlisted. For each Marine released or transferred to reserve status, forward this copy to CMC (Code DGH).

Copy No. 3: Forward to appropriate recruiting officer via the Marine Corps district indicated by the address shown in Item 31 of the form.

◆ Copy No. 4: In case of immediate reenlistment, insert Copy No. 4 as a document in the new service record book. If the individual being separated has been transferred to a VA hospital, Copy No. 4 should accompany the clinical and treatment records forwarded to that hospital. If the individual has completed VA Form 21-526e, Veterans Application for Compensation or Pension at Separation from Service, Copy No. 4 should accompany photostatic or typewritten copies of the health record (except cover) when they are forwarded to the VA Regional Office. It should be stressed to members who plan to apply for veterans' compensation or pension that faster processing generally may be expected if application to the VA is completed at time of separation. In all other cases, place Copy No. 4 in the closed-out SRB or OQR.

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Copy No. 5 (STATEDIRSS): Forward this copy to the State Director of Selective Service System of the state shown in Item 10b, if shown; otherwise as in Item 21.

Copy No. 6 (VAWASHDC): Forward this copy to the Veterans' Administration (0340), Central Office, Washington, D. C. 20420. (Destroy this copy if individual reenlists immediately.)

Copy No. 7 (MCD): Forward this copy to the appropriate Marine Corps district indicated by the address shown in Item 31 or to the Fourth Marine Aircraft Wing/ Marine Air Reserve Training. However, for personnel being transferred to inactive duty whose records will be forwarded to Marine Corps Automated Services Center, 1500 East Bannister Road, Kansas City, Missouri 64131, insert this copy as a document in the SRB or OQR for concurrent forwarding.

b. Addresses for distribution of DD 214 MC

(1) Part I. List of Marine Corps districts showing jurisdiction:

Director, 1st Marine Corps District
605 Stewart Avenue, Garden City,
Long Island, New York 11533

Maine, New Hampshire, Vermont,
Massachusetts, Rhode Island,
Connecticut, New York, New Jersey
(Counties of Monmouth, Middlesex,
Hunterdon, Morris, Sussex, Somerset,
Union, Warren, Essex, Passaic,
Bergen, and Hudson)

Director, 4th Marine Corps District
1100 South Broad Street
Philadelphia, Pennsylvania 19146

Pennsylvania, Delaware, Maryland,
West Virginia, Kentucky,
Ohio
(Less counties shown in the 9th
District)
New Jersey
(All other counties not included
in the 1st District)
North Carolina
(Counties of Gates, Pasquotank,
Camden, Currituck, Chowan and
Perquimans)
District of Columbia, Virginia,
Indiana (Counties of Dearborn, Ohio,
Gibson, Dubois, Crawford,
Jefferson, Warrick, Posey,
Harrison, Switzerland, Pike,
Perry, Clark, Spencer,
Vanderburgh and Floyd)

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Permanent address situated outside the continental United States or its territorial possessions and is not within a designated Marine Corps district.

Director, 6th Marine Corps District
275 Peachtree St. N.E.
Atlanta, Georgia 30303

South Carolina, Georgia, Florida,
Alabama, Tennessee, Mississippi,
North Carolina
(All other counties not included
in the 4th District)

Director, 8th Marine Corps District
Federal Office Building (Loyola)
701 Loyola Avenue
New Orleans, Louisiana 70113

Louisiana, Arkansas, Oklahoma,
Texas, New Mexico

Director, 9th Marine Corps District
1500 East Hannister Road
Kansas City, Missouri 64131

Michigan, Illinois, Wisconsin,
Minnesota, Iowa, Missouri, North
Dakota, South Dakota, Nebraska,
Kansas, Colorado, Wyoming,
Ohio
(Counties of Ottawa, Sandusky,
Lucas, Wood, Fulton, Henry,
Williams, and Defiance)
Indiana
(All other counties not included
in the 4th District)

Director, 12th Marine Corps District
100 Harrison Street
San Francisco, California 94106

Arizona, California, Utah, Nevada,
Washington, Oregon, Idaho, Montana,
Alaska

Director, 14th Marine Corps District
Marine Barracks
U. S. Naval Base
FPO, San Francisco 96610

Hawaii

Commanding General, Marine Air
Reserve Training Command
U. S. Naval Air Station
Glenview, Illinois 60026

(Individuals possessing aviation
MOS's regardless of the separatee's
permanent address)

(2) Part II: Jurisdiction and addresses of Veterans' Administration
Regional Offices:

TERRITORY ALLOTTED TO

ALABAMA
All cities and counties

VA REGIONAL OFFICE

Aronov Building
474 South Court Street
Montgomery, Alabama 36104



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

MCO P1900.16 Ch 6
DM-cb
15 Oct 1970

MARINE CORPS ORDER P1900.16 Ch 6

From: Commandant of the Marine Corps
To: Distribution List

Subj: Marine Corps Separation and Retirement Manual
(Short Title: MARCORSEPMAN)

Encl: (1) New page inserts to MCO P1900.16

1. Purpose. To transmit new page inserts to the subject Manual.
2. Summary of Changes. Chapters 2 and 6 include minor but important changes which clarify resignations of officers and discharges of enlisted Marines.
3. Action
 - a. Remove and destroy present pages 2-3, 2-4, 2-7, 2-8, 6-24e, 6-24f, 6-45, and 6-46 and replace them with corresponding pages contained in enclosure (1) hereto.
 - b. Insert new page 2-8a.
4. Change Notation. Significant changes contained in this Change are denoted by an arrow (➤) symbol.
5. Filing Instructions. This Change will be filed immediately following page 12 of the basic Manual.
6. Certification. Reviewed and approved this date.


E. E. ANDERSON
By direction

DISTRIBUTION: "DY"

MARINE CORPS
SEPARATION AND RETIREMENT MANUAL

CHAPTER 2

SEPARATION AND RETIREMENT OF REGULAR COMMISSIONED OFFICERS

PART A: MALE OFFICERS

2001 RESIGNATIONS

1. Letters of resignation will be addressed to the Secretary of the Navy via official channels and must be in accordance with the instructions contained herein. With the exception of requests from the officers subject to the provisions of paragraph 2002, requests for resignations shall be submitted so as to arrive at Headquarters Marine Corps not more than 6 months and not less than 3 months prior to the requested effective date of separation. When an officer submits his resignation and it is accepted by the President, or the Secretary of the Navy acting for him, he shall be separated from the service. A resignation may be withdrawn prior to its acceptance by the President, or the Secretary of the Navy acting for him, but once it has been duly accepted, it normally cannot be withdrawn. Resignation is a voluntary act on the part of the officer concerned and must be without condition. However, if an officer has not completed his obligated service under the law, the acceptance of his resignation normally will be contingent upon his acceptance of a Reserve commission. A statement that he will accept such commission should be included in his letter of resignation. Paragraph 5005 should be consulted in cases of resignation which result from a recommendation that an officer be administratively separated from the Marine Corps.
2. Commissioned officers of the Marine Corps serve at the pleasure of the President; hence the acceptance of their resignation will be adjudged on the needs of the service and on the basis of the following criteria:
 - a. Completion of 4 years' active commissioned, commissioned warrant or warrant service, as appropriate. Those officers who are appointed in the regular Marine Corps through the augmentation programs will not have their initial active duty obligation increased as a result of such augmentation. All active service, exclusive of active duty for training, in the grade of warrant officer or above, will be counted.
 - b. Completion of 36 or 42 months as appropriate since completing flight training, except for those officers who entered flight training under a contract which specified a shorter period of obligation.
 - c. Completion of 24 months since completing a service or civilian school of 5 months' to 24 months' duration attended in compliance with official orders. Officers serving their initial obligated active duty tour who are involuntarily ordered to attend such school are excluded from the above provisions.
 - d. Completion of a period of time equal to the length of schooling since completion of service or civilian schools of more than 24 months' duration attended in compliance with official orders.
3. The provisions of subparagraphs b, c, and d above, will not apply in cases where applicants for certain training or schooling voluntarily agree in their

MARINE CORPS
SEPARATION AND RETIREMENT MANUAL

applications to a longer period of service, following completion of the training or schooling, before submitting their resignations.

4. Officer resignations normally will not be recommended for approval if:

- a. Orders have been issued overseas where dependents are not authorized.
- b. Scheduled for an operation or maneuvers outside the United States.
- c. Serving overseas. (The tour must be completed prior to acceptance of resignation.)

5. Exceptions to the foregoing policies will be considered in those cases where an undue hardship would result from the officer's retention.

6. NROTC graduates are obligated to serve as commissioned officers as provided by the signed agreements into which they have entered in connection with their participation in the program. Normally, such officers are required to serve a minimum of 3 consecutive years on active duty unless this period is extended under provisions of subparagraph b, above. (Regular NROTC students appointed Midshipmen, Naval Reserve, are presently required to serve upon graduation on active duty for 4 years as commissioned officers unless sooner released by the Secretary of the Navy.) Following the period of obligated active duty, they may have their Regular commissions terminated and be appointed in the Marine Corps Reserve.

7. An officer submitting his resignation or request for termination of his permanent appointment will obtain from the disbursing officer carrying his accounts and statement as to his status of indebtedness to the Government as shown by his records. The following statement is required in the text of the letter of resignation:

"I certify that I am not financially indebted to the Government of the United States."

or

"I certify that I am financially indebted to the Government of the United States in the following amount: _____. If this resignation is granted I propose to pay such indebtedness as follows: _____."

8. An officer submitting his letter of resignation or request for termination of his permanent appointment will include therein the reason for its submission. A desire to attend school, enter business, or accept a position in civil life is frequently given as the reason. If, however, an officer desires separation because he considers his opportunity for promotion poor, the pay inadequate, or the deprivation of home life excessive, these reasons should be given in addition to any others. While the Marine Corps does not desire to pry into the personal affairs of an officer, for its own information and for the information of Congress, it is desirable to know why officers separate themselves from the Marine Corps and give up a service career.

9. An officer may be released from active duty, permitted to resign, or discharged, as appropriate, for the purpose of performing the duties of: the President of the United States; the Vice President of the United States; a Presidential appointee to a statutory office; a member of either of the legislative bodies of the United States; a Governor, any other State official chosen by

temporary or Reserve officer is included. Application for such reversion will be forwarded to the Commandant of the Marine Corps (Code DMA) via official channels.

7. An officer above the grade of second lieutenant and below the grade of colonel who is found by a naval examining board to be from any cause arising from his own misconduct not morally qualified to perform the duties of the grade for which he is being examined shall, if the finding is approved by the President, be discharged with not more than 1 year's pay. He is not eligible for enlistment (10 USC 5864).

2004 REVOCATION OF COMMISSIONS

1. The Secretary of the Navy may revoke the commission of any officer of the Regular Marine Corps who has completed less than 3 years of continuous service as a commissioned officer as of the date the Secretary of the Navy signs the document effecting the revocation of commission.

2. Detailed instructions and procedures relative to revocation of commissions are contained in Navy Department General Order No. 16.

2005 VOLUNTARY RETIREMENTS

1. Requests for voluntary retirement will be addressed to the Secretary of the Navy via official channels using the format contained in figure 2-1. Requests should be submitted so as to arrive at Headquarters Marine Corps not more than 6 months and not less than 3 months prior to the requested retirement date. Requests should include the following:

a. The requested effective date of retirement (must be the first day of the month).

b. The commanding officer by endorsement, see figure 2-1, will certify that officers have been found physically qualified for retirement. The retirement report of medical examination (SF 88) will be forwarded to Chief, Bureau of Medicine and Surgery as the top document on the terminated Health Record.

or

A physical examination has been scheduled for the officer and the Commandant of the Marine Corps (Code DMA) will be notified by message immediately of the results.

or

Officer has been admitted to the U. S. Naval Hospital (name of hospital) for appearance before a medical board. This endorsement will not be necessary in those cases where the officer has appeared before a physical evaluation board within a period of 6 months prior to the requested date of retirement, and has been found fit to perform the duties of his grade by the Secretary of the Navy as a result of the disability proceedings. See paragraph 1003 for instructions regarding physical examinations.

c. Complete and detailed justification should be included if retirement is requested as an exception to current policy.

2. An officer who is subject to involuntary retirement may request voluntary retirement to be effective on or prior to the date of involuntary retirement, provided he is eligible for voluntary retirement.

3. Requests for voluntary retirement, once submitted in the proper manner, will not normally be canceled. However, when a request for cancellation is made by an officer, due to unforeseen meritorious conditions, the case shall be referred to the Commandant of the Marine Corps with all pertinent facts, together with affidavits or other supporting documentary evidence showing changed conditions that could not be foreseen.
4. Voluntary retirements normally will not be recommended for approval unless an officer has completed 24 months service since completing a service or civilian school of 5 months to 24 months duration attended in compliance with official orders.
5. An officer who applies for retirement after completing more than 20 years of active service in the Army, Navy, Marine Corps, Air Force, or Coast Guard, or Reserve components thereof, of which at least 10 years was service as a commissioned officer in the grade of chief warrant officer (CWO-2), or above, at the discretion of the President, may be retired. To be eligible for retirement under this provision of law, an officer must complete at least 1 day more than 20 years of active service (10 USC 6323).
6. A chief warrant or warrant officer, who applies for retirement after completing 20 or more years of active service, at the discretion of the Secretary of the Navy, may be retired (10 USC 1293).
7. An officer holding a permanent appointment in the grade of warrant officer (W-1), or above, who applies for retirement after completing 30 or more years of active service, at the discretion of the Secretary of the Navy, may be retired (10 USC 6322).
8. Each temporary commissioned officer or temporary warrant officer of the Regular Marine Corps holding a permanent enlisted grade, who applies for retirement after completing 30 or more years of active service, shall be retired by the President (10 USC 6326).
9. Each officer holding a permanent appointment in the grade of warrant officer (W-1), or above, who applies for retirement after completing 40 or more years of active service, shall be retired by the Secretary of the Navy (10 USC 6321).

2006 TOTAL COMMISSIONED SERVICE FOR INVOLUNTARY RETIREMENT

1. The succeeding paragraphs of this part will refer to this paragraph, where appropriate, in connection with total commissioned service as computed for the purpose of determining eligibility for involuntary retirement, separation, or continuation on the active list.
 - a. For the purpose indicated above, the total commissioned service of a male officer on the active list of the Marine Corps who has served continuously on the active list since his regular appointment in the grade of second lieutenant, either upon graduation from the Naval Academy or under 10 USC 2106, 2107, or 6909, is computed from 30 June of the fiscal year in which he accepted that appointment. An officer described above will be referred to as a Type A officer and every other officer on the active list will be referred to as a Type B officer, but only for the purposes of clarity in this paragraph.
 - b. Each male commissioned officer on the active list of the Marine Corps is considered to have the same total commissioned service for this purpose, as the Type A officer described in subparagraph 1a, above, with the maximum total commissioned service who meets the following criteria:

- (1) Has not lost number or precedence; and

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SEPARATION AND RETIREMENT MANUAL

From:

To: Secretary of the Navy

Via: (1) Chain of Command
(2) Commandant of the Marine Corps (Code DMA)

Subj: Voluntary Retirement, request for

Ref: (a) MARCORSEPMAN, paragraph 2005
(b) BUMED INST 6120.6 _____

1. It is requested that I be placed on the Retired List of the Marine Corps in accordance with the provisions of reference (a) effective (must be on first day of month).

2. I certify that I have been informed of and understand the provisions of reference (b) which states that in order to qualify for physical disability retirement benefits outlined in Chapter 61, U. S. Code, Title 10, I must be on active duty at the time the Secretary of the Navy approves any proceedings of a Physical Evaluation Board.

FIRST ENDORSEMENT

From: Commanding Officer

To: Secretary of the Navy

Via:

1. Forwarded recommending _____.

2. It is certified that subject-named officer has been found physically qualified for retirement. Report of medical examination (SF 88) will be forwarded to Chief, Bureau of Medicine and Surgery as the top document on the terminated Health Record.

OR

2. A physical examination has been scheduled for _____ and Commandant of the Marine Corps (Code DMA) will be notified by message immediately of the results.

OR

2. This officer has been admitted to the U. S. Naval Hospital, _____ for appearance before a medical board.

► Figure 2-1

(8) Regardless of whether the applicant desires to attend an institution of higher education or a vocational/technical school he must furnish documentary evidence that he has been accepted without qualification. The words "without qualification" means that the applicant must be accepted for admission without being subject to any further approval by the school prior to his entrance. A statement that an applicant is admissible subject to a review of his records, or subject to passing an entrance examination, qualifies such acceptance and does not meet the requirements for early release. On the other hand, an applicant who is accepted on probation does meet the requirements for early release as he will be permitted to begin the specified course of instruction at the school. The term "full-time resident course of instruction" means that the applicant must take the minimum number of credit hours for the semester, quarter or term that is considered by the school to be full-time course instruction, and does not include night school.

(9) It is not the intent of this early release program to authorize release for attending summer school sessions at various colleges so that the Marines may make up deficiencies to prepare himself for enrollment in classes during the regular semesters at these schools. It is recognized that certain schools now operate on a year-round basis. Summer sessions at such institutions constitute full-time courses of instruction. In the event a determination cannot be made the application will be forwarded to the Commandant of the Marine Corps (Code DMB) in accordance with subparagraph 6012.5f.

d. Preparation and processing of applications. Applications for early separation will be submitted by the Marine to the Commandant of the Marine Corps (Code DMB-1), or to the cognizant commander authorized to approve such applications via official channels. The application will include the following:

(1) When the application is for separation to attend an institution of higher education, the institution will provide a statement which establishes the following:

(a) The institution is listed or approved for listing in Part 3, Higher Education Directory.

(b) The course to be pursued requires full-time attendance and leads to an associate, baccalaureate or higher degree.

(c) The applicant has been accepted without qualification.

(d) The latest date of registration for the specified school term.

(e) The convening date of class for the specified school term.

(f) The registration and class convening date of the next succeeding school term.

(g) Certification that any registration fee required has been paid. If not paid, statement from applicant regarding willingness or ability to pay such fee.

(2) When application is for separation to attend a vocational/technical school, the school will provide a statement which establishes the following:

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(a) A statement regarding the school's specific accreditation status, including the date such status was acquired and the name of the accrediting agency or association granting such accreditation.

(b) The applicant has been accepted without qualification.

(c) The specified school term is a full-time resident course of instruction of no less than three months duration.

(d) The latest registration date and class convening date for the next class.

(e) The latest registration date and class convening date for the school term which the applicant is accepted.

(f) Statement regarding the cost of the course or whether registration fees have been paid. If not paid, a statement of willingness to pay must be made by the applicant.

(3) The commanding officer's endorsement shall contain, but is not limited to, the following:

(a) Applicant's normal EAS and PEBD.

(b) Certification that the applicant will be eligible for an honorable separation.

(c) Certification that in his opinion the applicant is not requesting early separation to avoid service.

◆ e. Action to be taken upon applications. Those commanders listed in this paragraph will take final action on those applications which meet the criteria specified herein. The effective date of separation must be within the three months' period prior to the applicant's normal expiration of active-obligated service or involuntary extension thereof, and, within this limitation not normally earlier than 10 days prior to the class starting date prescribed by the institution and in no event will exceed 30 days prior to such starting date. The normal expiration of active-obligated service is the date on which the applicant would normally be eligible for release from active duty. It is not the "advanced" separation date established by any other early separation program which might be in effect. Commanding generals of commands located outside the continental United States are authorized to return Marines whose applications have been approved to the United States for separation. The authority for such separation will be included in the transfer orders. After processing the application with endorsements will be forwarded to the Commandant of the Marine Corps (Code DGH) for filing in the Marine's official record. Notwithstanding the above limitations regarding the effective date of separation the following exceptions may be made when appropriate:

(1) Individuals returned from overseas who are required to move their families to the locations of the educational institution may, on submitting specific evidence that the period between the separation date specified above and the class starting date is insufficient, be released up to 30 days prior to the day classes convene.

is submitted directly to the Office of the Judge Advocate General without review by an officer exercising general court-martial jurisdiction, will be effected after appropriate entries have been made in the service record book to show the action taken by the convening authority.

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

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

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

9. When an enlisted person serving within the United States, attached to a vessel or organization destined for transfer to foreign duty, has been sentenced to discharge and the discharge has not been suspended for a stated number of months to permit the person to continue in the service after serving satisfactorily during a probationary period, he shall be transferred to a Naval Disciplinary Command if he meets the established criteria for transfer to such a command; otherwise he shall be transferred to the Marine Corps activity nearest to the port of departure prior to sailing. In such cases, a report of transfer will be made as set forth in subparagraph 8, above.

10. An enlisted woman who has been sentenced to discharge will be transferred to the nearest post, station, or barracks where women are serving.

► 11. Where execution of a portion of a sentence which adjudges a discharge is suspended subject to a probationary period, the suspension may be vacated pursuant to the procedure in MCM 1969. Commanders are directed to give careful consideration to reports of offenses committed by personnel serving in such status, and to undertake proceedings for the vacation

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of suspension of the sentence only where it is established by the record that such action is appropriate and in the best interest of the Marine Corps. For a new offense the commander may:

- a. Award nonjudicial punishment, or recommend or direct trial by court-martial;
- b. Initiate procedure for vacation of suspension; or
- c. Both.

12. A chief warrant officer may be dismissed from the service and a warrant officer may be dishonorably discharged from the service, pursuant to the sentence of a general court-martial. In time of war, the President may order the dismissal of such officers.

6020 DISCHARGE BY REASON OF SECURITY

1. Only the Commandant of the Marine Corps or the Secretary of the Navy may direct the discharge of a member with an honorable, general, or undesirable discharge, for reason of security. See current edition of SECNAVINST 5521.6 and subparagraph 6002.2k.

6021 REQUEST FOR DISCHARGE FOR THE GOOD OF THE SERVICE

1. All requests for discharge for the good of the service in cases involving security matters, sexual perversion, procurement of a fraudulent enlistment, induction, or period of active service through any deliberate material misrepresentation, omission or concealment of preservice homosexual act(s) or tendencies will be referred to the Commandant of the Marine Corps (Code AI) for disposition. In other cases, the Commandant of the Marine Corps, or any Marine commander exercising general court-martial jurisdiction, without administrative discharge board action, may authorize or direct the discharge, with an undesirable discharge, of any member who submits a request for discharge for the good of the service (see subparagraph 6002.2j). Such requests may be submitted and processed where the member's conduct renders him triable by court-martial for an offense punishable by a punitive discharge (see MCM 1969, and UCMJ, articles 77-134); provided that the member has been afforded the opportunity to consult with counsel, and the member certifies in writing his understanding that:

- a. He will receive a discharge under other than honorable conditions.
- b. He understands the adverse nature of such a discharge.
- c. He understands the possible consequences thereof.

Notwithstanding a member's submission of a request for discharge for the good of the service, the appropriate discharge authority may disapprove such request and



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

06/1/70
MCO P1900.16 Ch 7
DM-cb
16 Nov 1970

MARINE CORPS ORDER P1900.16 Ch 7

From: Commandant of the Marine Corps
To: Distribution List

Subj: Marine Corps Separation and Retirement Manual
(Short Title: MARCORSEPMAN)

Encl: (1) New page inserts to MCO P1900.16
(2) List of effective pages

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

2. Summary of Changes. Chapter 10 has been revised to indicate the processing of Marines through the new naval disability evaluation system, which was fully implemented on 1 October 1970. Also changes to chapters 2 and 6 which permit women officers and enlisted personnel who acquire personal custody of children or become adoptive or stepparents to request retention on active duty.

3. Action

a. Insert enclosure (1).

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

4. Change Notation. Significant changes contained in this Change are denoted by an arrow (➤) symbol.

5. Filing Instructions. This Change will be filed immediately following page 13 of the basic Manual.

CMC CENTRAL FILES
ADMINISTRATIVE DIVISION

MCO P1900.16 Ch 7
16 Nov 1970

6. Certification. Reviewed and approved this date.



W. J. VAN RYZIN
Chief of Staff

DISTRIBUTION: "DY"

MARINE CORPS SEPARATION AND RETIREMENT MANUAL
(MARCORSEPMAN)

LIST OF EFFECTIVE PAGES

1. Missing pages should be requisitioned by utilizing this list and the attached form. This procedure will not be used to requisition basic publications or complete changes. Basic publications and complete changes shall be requisitioned in accordance with MCO P5600.31, section III, part 3, as modified by MCBul 5600 of 23 Jul 1969.

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PART B: WOMEN OFFICERS

2101 RESIGNATIONS

1. The provisions of paragraph 2001 concerning the general conditions under which resignations of male officers are tendered and accepted are equally applicable to Regular women officers. Resignations normally will be accepted from women officers under the following conditions:

a. After 4 years of active commissioned service, except in the case of an officer who has additional active service obligations under law, agreement, or policy. The provisions of subparagraph 2001.2a apply in the case of an officer who is appointed in the Regular Marine Corps through the augmentation programs.

b. By reason of marriage provided she has completed 3 years of active commissioned service.

c. For the same reasons which would result in termination of commission or warrant as outlined in subparagraph 2102.3.

2102 INVOLUNTARY DISCHARGES AND TERMINATIONS

1. Each woman officer serving in the permanent grade of captain or first lieutenant in the Regular Marine Corps, whose name, on 30 June of the fiscal year in which she completes 13 or 7 years active commissioned service in the Marine Corps, is not then on a promotion list for promotion to the next higher grade, shall be honorably discharged from the Marine Corps on that date. However, if she so requests, she may be honorably discharged at any time during that fiscal year. A captain is entitled to a lump-sum payment equal to 24 times the monthly basic pay to which she is entitled at the time of discharge, and a first lieutenant is entitled to a lump-sum payment equal to 2 months' basic pay at the time of discharge multiplied by the number of years of her active commissioned service in the Regular Marine Corps or the Marine Corps Reserve, except that no payment may exceed \$15,000. A part of a year that is 6 months or more is counted as a whole year and a part of a year that is less than 6 months is disregarded in the computation of such severance pay (10 USC 6401).

2. The commission or warrant of any woman serving in the Regular Marine Corps may be terminated regardless of grade, or length of service, by or at the direction of the Secretary of the Navy, except as may be otherwise provided by law, under the same circumstances, procedures and conditions and for the same reasons under which a male member of the Regular Marine Corps and of the same grade and length of service may be totally separated from the service by administrative action, whether by termination of commission, termination of appointment, revocation of commission, discharge, or otherwise.

3. The commission or warrant of any woman serving in the Regular Marine Corps:

a. Shall be terminated by the Secretary of the Navy when it is established that such woman:

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(1) Is pregnant; however, if pregnancy is terminated as a result of a spontaneous or therapeutic abortion or a stillbirth prior to separation from the service, a woman officer may be considered for retention if she so desires; or

(2) Has given birth to a living child while serving under her current appointment to warrant or commissioned grade in the naval service.

b. May be terminated by the Secretary of the Navy when it is established that such woman:

(1) Is the parent, by adoption of a child under the age of 18 years; or

(2) Has personal custody of a child under the age of 18 years; or

(3) Is the stepparent of a child under the age of 18 years who is within the household of the woman for a consecutive period of more than 30 days a year.

4. Requests for waivers of the provisions of subparagraph 2102.3b may be submitted to the Commandant of the Marine Corps (Code DM) in those cases where the woman officer is a stepparent, has personal custody of, or adopts a child. Each request will be considered on its own merits, taking into consideration such factors as length of service of the requestor, ages and number of children involved, record of the individual and the commanding officer's evaluation of the situation. Any waiver so granted will be effective only so long as such stepparenthood, personal custody or parenthood by adoption does not conflict with normal career assignment.

5. Each woman officer whose commission or warrant is terminated will be awarded a certificate of discharge of such type and character as may be warranted by her military record and the circumstances surrounding the termination.

6. In the event a woman officer does not submit her resignation when subject to separation under the provisions of subparagraph 3, above, her commander will submit a detailed report to the Commandant of the Marine Corps enclosing substantiating documents.

2103 VOLUNTARY RETIREMENT

1. All laws applicable to the voluntary retirement of male officers of the Regular Marine Corps are applicable in like manner to women officers of the Regular Marine Corps.

2104 INVOLUNTARY RETIREMENT

1. Each woman officer of the Regular Marine Corps who holds a permanent appointment in the grade of colonel shall be retired on the first day of the month following the month in which she completes 30 years of active commissioned service in the Regular Marine Corps and Marine Corps Reserve (10 USC 6398).

2. Each woman officer of the Regular Marine Corps who holds a permanent appointment in the grade of lieutenant colonel shall be retired on the first day of the month following the month in which she completes 26 years of active commissioned service in the Regular Marine Corps and Marine Corps Reserve (10 USC 6398).

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3. Each woman officer of the Regular Marine Corps who holds an appointment in the grade of major shall be retired on 30 June of the fiscal year in which she is not on a promotion list and she has completed 20 years of active commissioned service in the Regular Marine Corps and the Marine Corps Reserve (10 USC 6400).

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(12) Upon determination by a medical officer that a member of the Marine Corps Reserve, whether on active or inactive duty, as a member of any of the various Marine Corps officer candidate, officer training, or officer procurement programs, is not physically qualified for appointment as an officer in the naval service, provided the member's physical disqualification does not entitle the member for disability retirement or disability discharge under the provisions of part B, C or paragraphs 10401 and 10402 of chapter 10.

(13) Upon the written request of an individual enrolled in any of the Marine Corps Officer Candidate Programs, including the U. S. Naval Academy, to be disenrolled from such program; or when a member of any of the Marine Corps officer candidate programs including the U.S. Naval Academy, is disenrolled from or fails to satisfactorily meet any of the requirements for completion of the officer candidate program in which he is enrolled, provided the member is not considered qualified for enlisted status.

(14) Where a member of the Marine Corps Reserve (Component Class Reserve Status Code "J"), on inactive duty, becomes disqualified for enlistment in the Regular Marine Corps.

(15) Where a member is properly inducted, enlisted or reenlisted, but is erroneously given a higher grade than that to which he is entitled under applicable Marine Corps directives.

(16) Where a member is properly inducted, enlisted, or reenlisted, but, because of subsequent increased height, cannot be assigned duties appropriate to his office, rank, grade, or rating.

(17) Where a member is erroneously delivered a punitive discharge before review of the adjudged punitive discharge is final and, as a result of final review, the punitive discharge is set aside, suspended, or remitted.

(18) At the individual member's written request, to permit the member to take final vows in a religious order.

(19) At the individual member's written request, to permit the member to accept employment of a seasonal nature.

(20) As a result of the issuance of writ of habeas corpus wherein it has been determined that the member's retention in the naval service is illegal.

(21) In the case of a member of the Marine Corps Reserve on inactive duty who fails to comply with request for physical examination or to submit additional information in connection therewith.

g. When directed by the Secretary of the Navy, See section VII.B.11 of DOD Directive 1332.14, or revisions thereof.

2. Commanding generals of Marine Corps recruit depots may authorize or direct the administrative separation of recruits for the convenience of the Government, citing the authority in subparagraph 6012.1e (i.e., erroneous enlistment or induction), under the following conditions:

a. Upon receipt of a medical board which establishes the fact that the recruit failed to meet the required physical standards when accepted for enlistment or induction (see current edition of BUMED INST 1910.2).

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b. Upon enlistment the recruit concealed the fact he was married. See subparagraph 6018.2b(5); or

c. Upon enlistment the recruit concealed a juvenile or youthful offender record. See subparagraph 6018.2b(2).

3. Commanders shall discharge for the convenience of the Government (in the case of overseas commands, commanders will transfer for discharge to a major command within the continental United States housing Women Marines):

a. A married enlisted woman at her written request provided she is not stationed at or sufficiently close to the duty station or residence of her husband to permit the maintenance of a joint residence and provided she meets all applicable conditions set forth below:

(1) A transfer request to the same or nearby duty station or place of residence of her husband has been submitted by the enlisted woman to the Commandant of the Marine Corps (Code DF) and the request has been denied.

(2) The separation of husband and wife has exceeded 18 months.

(3) The enlisted woman is not serving on an extension of enlistment or reenlistment entered into subsequent to marriage.

(4) The enlisted woman has completed 24 months' service following completion of a service school if length of course was over 24 weeks.

◆ b. A woman member, whether married or unmarried, when it is established that such woman:

(1) Is the parent by birth of a child under 18 years of age; or

(2) During her current term of service, she has given birth to a living child.

◆ c. A woman member when it is established that such woman:

(1) Is the parent by adoption of a child under the age of 18 years; or

(2) Has personal custody of a child under the age of 18 years; or

(3) Is the stepparent of a child under the age of 18 years who is within the household of the woman for a consecutive period of more than 30 days a year.

◆ d. Requests for waivers of the provisions of subparagraph 6012.3c above may be submitted to the Commandant of the Marine Corps (Code DM) in those cases where the enlisted woman is a stepparent, has personal custody of, or adopts a child. Each request will be considered on its own merits, taking into consideration such factors as length of service of the requestor, ages and number of children involved, record of the individual and the commanding officer's evaluation of the situation. Any waiver so granted will be effective only so long as stepparenthood, custody or parenthood does not conflict with normal career assignment.

4. Administrative separation under the provisions of subparagraphs 6012.1f(3) through 1f(4) will not normally be initiated until the member concerned has been given a reasonable opportunity to overcome his deficiencies. When it is determined by a commander that a member may come within the purview of these specific categories, the member shall be notified of his deficiencies, and he shall be counseled concerning them. A summary of all counseling measures taken in compliance with this subparagraph shall be recorded on page 11 of the member's service record book. If no improvement is forthcoming within a reasonable time, the member should then be recommended for the appropriate type of administrative discharge to the Commandant of the Marine Corps (Code DM) in accordance with subparagraphs 6002.9 and 6012.1f. Failure on the part of a member to receive or understand the counseling prescribed herein may be considered by the Secretary of the Navy or the Commandant of the Marine Corps, along with all other factors in the case, in determining whether or not a discharge is appropriate, and if so, the type and character of the discharge to be awarded. However, in no event shall the failure of the member to receive or understand such counseling be considered a defense in an administrative discharge proceeding, or a bar thereto.

5. Subject to the satisfaction of all the requirements of this paragraph and consistent with the military obligation of the Marine, commanding generals, district directors and commanding officers Marine Barracks (CONUS) are authorized to discharge or release from active duty a Marine who makes application for separation for the purpose of furthering their education at a college, university or vocation/technical school. This paragraph and the applicable Marine Corps Order (see current edition of MCO 1900.2) shall be cited as authority for separation. When the date of discharge or release from active duty falls on a non-working day, separation may be effected on the last preceding working day (see subparagraph 7002.7c).

a. Purpose. To establish new policy and criteria to be used in making determinations governing the discharge or release of enlisted personnel from active service prior to the expiration of obligated service to enable them to further their education at a college, university or vocational/technical school. The principal purpose of this program is to encourage enlisted personnel to further their education to the end of becoming more productive and useful citizens.

b. Scope. The provisions of paragraph 6012.5f are applicable to all enlisted personnel with the exception of:

- (1) Six month trainees are not eligible for early separation.
- (2) Reservists ordered to active duty due to unsatisfactory participation as provided in 10 USC 673(a).
- (3) Aliens seeking to qualify for citizenship by completion of three years active duty unless they are to be transferred to inactive duty in a Reserve component (see current edition of MCO 1910.25).

c. Criteria. The following criteria will be applied in making determinations governing the early release of enlisted personnel under this program:

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(1) Inductees or Marines serving under a two year obligated active service contract or agreement who will have a Reserve obligation upon separation will not be released until they have completed a minimum of 21 months' active duty on their current term of service.

(2) The Marine's services must not be essential to the mission of the command.

(3) The latest acceptable registration date of the school must fall within the last three months of remaining service.

(4) The applicant must:

(a) When applying for separation to attend institutions of higher education, furnish documentary evidence that they have been accepted for enrollment commencing with a specific school term in a recognized institution of higher education in a full-time resident course of instruction leading to an associate, baccalaureate, or higher degree. A recognized institution is one which is listed in the Education Directory: Part 3, Higher Education published by the United States Office of Education, Department of Health, Education and Welfare, or an institution which has been determined by the United States Office of Education to be eligible for such listing.

(b) When applying for separation to attend a vocational/technical school, present documentary evidence that they have been accepted for enrollment commencing with a specific school term in a full-time resident course of instruction of no less than three months duration at a recognized vocational/technical school. A recognized school is one which is approved by the cognizant State Board of Vocational Education, or is accredited by one of the following agencies as listed by the United States Commissioner of Education:

1 Accrediting Commission for Business Schools.

2 National Association for Practical Nurse Education and

Service, Inc.

3 National League for Nursing, Inc.

4 National Association of Trade and Technical Schools.

5 Committee on Occupational Education of the Southern Association of Colleges and Schools.

(5) The applicant must demonstrate his ability and willingness to make the required payment of an entrance fee, if any, if he has not already done so.

(6) The applicant must clearly establish the specific school term for which he seeks release is academically the most opportune time for him to begin or resume his education and that delay of enrollment until normal expiration of service would cause undue handicap.

(7) The Marine's performance, as evidenced by his service record book, must be such that he would be eligible for an honorable separation.

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CHAPTER 10

PHYSICAL EVALUATION FOR SEPARATION AND RETIREMENT

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CHAPTER 10

PHYSICAL EVALUATION FOR SEPARATION AND RETIREMENT

10001 GENERAL

1. The laws pertaining to physical disability retirement or separation must be administered expeditiously, fairly, equitably and with due regard for the interest of both the Marine and the Government.
2. Disability retirement pay and severance pay authorized by Chapter 61, Title 10, U. S. Code, are benefits provided for Marines who, if otherwise qualified, become unfit to perform duty because of physical disability while on active duty or inactive duty training.
3. Marines who, during active service, incur disabilities which impair their earning capacity for civil occupations but do not preclude performance of full military duties may be eligible for compensation under laws administered by the Veterans Administration even though they do not qualify for disability retirement or severance pay through the military disability system.
4. The fact that a Marine is determined to be unfit for duty while on active duty is not sufficient, in itself, to entitle him to disability benefits. There must be a determination that this unfitness incurred while entitled to receive basic pay. "While entitled to receive basic pay" encompasses all types of duty which entitled the Marine to receive active duty pay and any duty without pay which by law, may be counted as duty with pay.
5. The fact that a Marine was accepted as being physically qualified for active duty is not conclusive that the disability was incurred after acceptance. It is one piece of evidence to be considered with all of the medical evidence. In the case of Marines with more than three years of service, any increase in the severity of a pre-existing disease or injury will be considered as evidence of service aggravation.
6. Marines who are eligible for nondisability retirement are entitled to the same consideration under disability laws that is accorded to Marines with lesser amounts of service.
7. The Disability Evaluation Manual, and the current edition of SECNAVINST 1850.3, provides administrative procedures for the implementation of the law pertaining to physical disability separation and retirement for members of the Naval Service. This chapter implements, within the Marine Corps, those procedures and establishes additional and more detailed instructions.
8. The delegated authority conferred by provisions of this chapter is permissive and does not preclude referral of any case to the Commandant of the Marine Corps (Code DM) for final disposition.

10002 DEFINITIONS AND INTERPRETATIONS

1. For the purpose of this chapter the definitions and interpretations set forth in this paragraph will apply.

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2. Statutory authority. Chapter 61, Title 10, U. S. Code. (See subparagraph 10001.2.)

3. Regulatory authority. The Disability Evaluation Manual, and current edition of SECNAVINST 1850.3.

4. Physical disability. Any manifest or latent impairment of function due to disease or injury, regardless of the degree, which reduces or precludes a Marine's actual or presumed ability to engage in gainful or normal activity. The term "physical disability" includes mental disease but not inherent defects as behavior disorders, personality disorders, and primary mental deficiency.

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

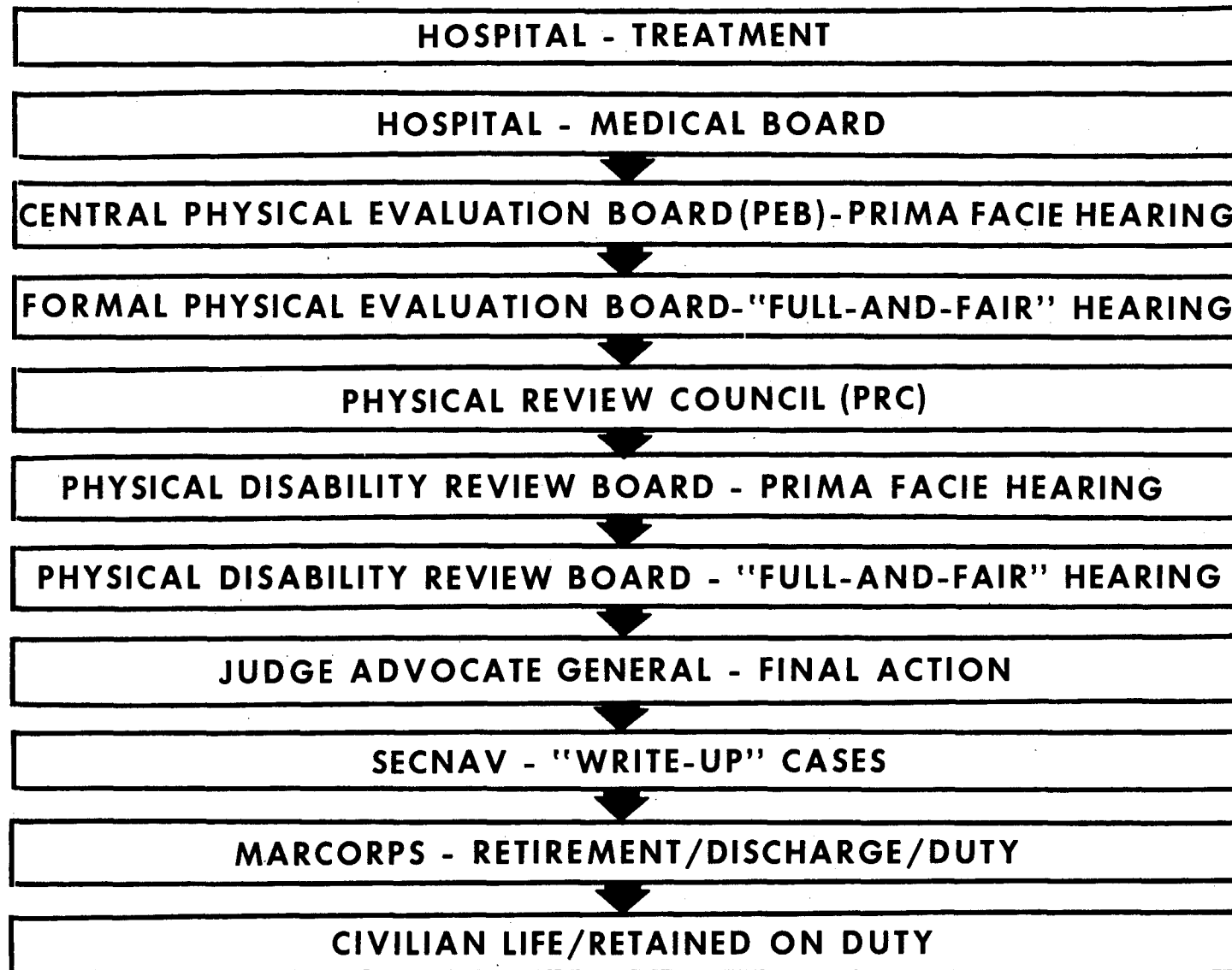
6. Unfit because of physical disability. A Marine is unfit because of physical disability when he is unable because of disease or injury to perform the duties of his office, grade, rank, or military occupational specialty in such a manner as to reasonably fulfill the purpose of his employment on active duty.

7. Optimum hospital improvement (for disposition purposes). The point during hospitalization when the patient's medical fitness for further active service can be determined, and it is considered probably that further treatment for a reasonable period in a military hospital will not result in material change in the patient's condition which would alter his ultimate type of disposition or amount of separation benefits.

8. Terminal cases. The time at which a Marine should be processed for disability separation must be determined on an individual basis. Before initiating disability retirement procedures for a patient who has been identified as a terminal case, the commanding officer of the naval hospital will ensure that optimum hospital benefit has been attained. When optimum hospital benefit has been attained, disposition of the patient will be governed by humanitarian consideration with due regard for economic conditions of the patient and his beneficiaries. Normally a terminal medical case will be processed in accordance with the separation instructions contained in paragraph 10303 of this manual, except separation processing time will be greatly reduced and in most cases retirement will be effected on the date the notification message from the Commandant of the Marine Corps is transmitted.

9. Rapid processing and early disposition of personnel who are unable to return to duty because of physical disability. The Secretary of Defense has directed that, when it has been determined that a member will not return to duty and when it would be advantageous to the member to draw Veterans Administration disability compensation (vice active duty pay from the Armed Forces), he may be immediately processed for transfer to the Temporary Disability Retired List or permanently retired for physical disability prior to attaining optimum service hospital benefits. The Veterans Administration is making every effort to provide servicemen (especially those returning from duty in a combat zone) with prompt service, including awards of disability compensation which often exceeds

NAVY DISABILITY EVALUATION SYSTEM



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p. Date the Commandant of the Marine Corps directs execution of the Secretary's action.

q. Date field activity reports to the Commandant of the Marine Corps that the Secretary's action has been accomplished.

15. Released from active duty. Released from active duty includes:

a. Marines transferred to the Temporary Disability Retired List (TDRL).

b. Marines retired by reason of permanent disability.

c. Marines discharged by reason of physical disability with severance pay or without severance pay.

10003 COUNSELING

1. Each Marine will be counseled throughout the course of disability evaluation processing by a Disability Evaluation System Counselor (DESC) or officer-lawyer or other officer conversant with physical evaluation procedures. The object of counseling is to ensure that the Marine fully understands the significance of all findings and recommendations made by the medical board, physical evaluation board, Physical Review Council, and Naval Physical Disability Review Board concerning his case, and of the benefits to which he may become entitled as a result of any physical disability which he may have incurred.

2. The DESC is an experienced, mature officer, senior enlisted member of the naval service (E-7 or above), or civilian employee at the hospital level, designated to perform the duties of counseling Marines who are undergoing physical disability evaluation. The DESC provides those Marines with authoritative and timely answers to their questions and aiding them in understanding their rights and entitlements.

3. Counseling is initially the responsibility of the DESC of the medical treatment facility which conducts the medical board on the Marine. If, upon advisement of the Central PEB's findings and recommendations, the Marine demands a formal hearing, the DESC will immediately notify the Recorder of the Central Physical Evaluation Board. The Recorder of the Central PEB will arrange for the Marine's appearance before a formal physical evaluation board. The counsel for the Marine at the formal PEB will assume the counseling responsibility.

4. Counseling is provided at the following stages of the physical disability evaluation process:

a. When the findings and recommendations of the medical board are made known to the Marine.

b. When an enlisted Marine appears eligible for discharge for disabilities existing prior to service.

c. When the findings and recommendations of the Central Physical Evaluation Board are made known to the Marine.

d. When the Marine's case is to be considered by a formal physical evaluation board.

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e. When the findings and recommendations of a formal physical evaluation board are announced.

f. When the findings and recommendations of the Physical Review Council (PRC) are made known to the Marine.

g. When the findings and recommendations of the Naval Physical Disability Review Board (NPDRB) are made known to the Marine.

5. Additionally, commanding officers must ensure that no Marine is discharged, retired or released from active duty until:

a. He has been counseled concerning veterans' benefits, and

b. He has submitted a "Veterans's Application for Compensation or Pension at Separation from Service, VA Form 21-56e", or has refused to submit, and

c. An appropriate entry has been entered in his officer qualification record or service record book concerning his receipt of counseling and desires to submit or not submit an application for benefits from the Veterans Administration.

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PART A: PHYSICAL DISABILITY EVALUATION SYSTEM

10101 GENERAL

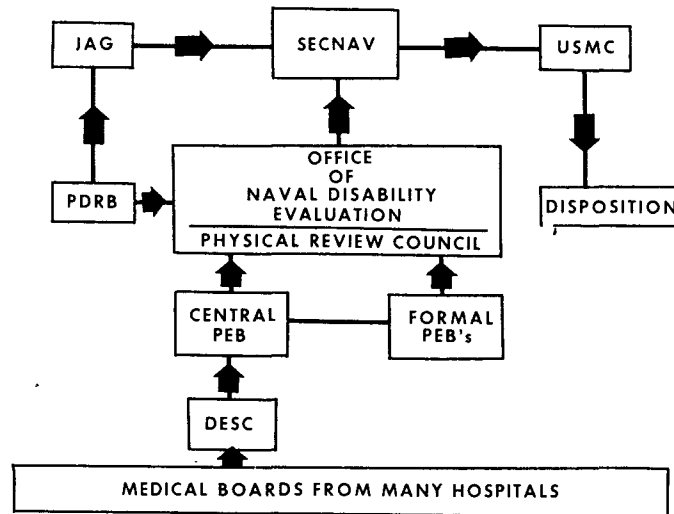
- ▶ 1. The Naval Service physical disability evaluation system is composed of a Central Physical Evaluation Board, three formal evaluation boards, the Physical Review Council, and the Naval Physical Disability Review Board. Purpose, composition, responsibilities, policies and procedures pertinent to these agencies are described in succeeding paragraphs of this part. Medical boards play an important part within the system in that approved medical board recommendations are generally the basis for entry of a Marine into the physical disability evaluation system. See figures 10-2 and 10-3.
- ▶ 2. A Marine found unfit to perform the duties of his office, grade, rank or military occupational specialty because of physical disability is processed through disability evaluation system. Disposition of cases so processed is as follows:
 - a. For determination of eligibility for processing see Table 10-1, Eligibility Index Table.
 - b. For disposition of physically unfit Regular Marines and Marine Reserves on active duty for more than 30 days refer to Table 10-2, Eligibility Index Table for Regular Marines and Reservists on Active Duty for More Than 30 Days.
 - c. For disposition of physically unfit Marine Reservists on active duty for 30 days or less see Table 10-3, Eligibility Index Table for Reservists on Active Duty for 30 Days or Less.
3. A member of the Marine Corps or Marine Corps Reserve who is discharged or released from active duty by reason of physical disability may be eligible to elect either compensation from the Veterans' Administration or retired pay from the Marine Corps, or both. In no instance may the total compensation received exceed the maximum granted by either the Marine Corps or the Veterans' Administration.

10102 MEDICAL BOARDS

- ▶ 1. General. Manual of the Medical Department, chapter 18, section III and Disability Evaluation Manual, chapter 3 contain full instructions relevant to medical boards. The following paragraphs contain information applicable to medical boards pertaining to the disability evaluation system and only that part of that information required by the commanding officer so that he may be conversant in the execution of his responsibilities.
2. Purpose. A medical board is convened to examine a Marine when doubt exists concerning his state of health. A medical board reports his exact physical condition and will recommend one of the following dispositions to the convening authority.

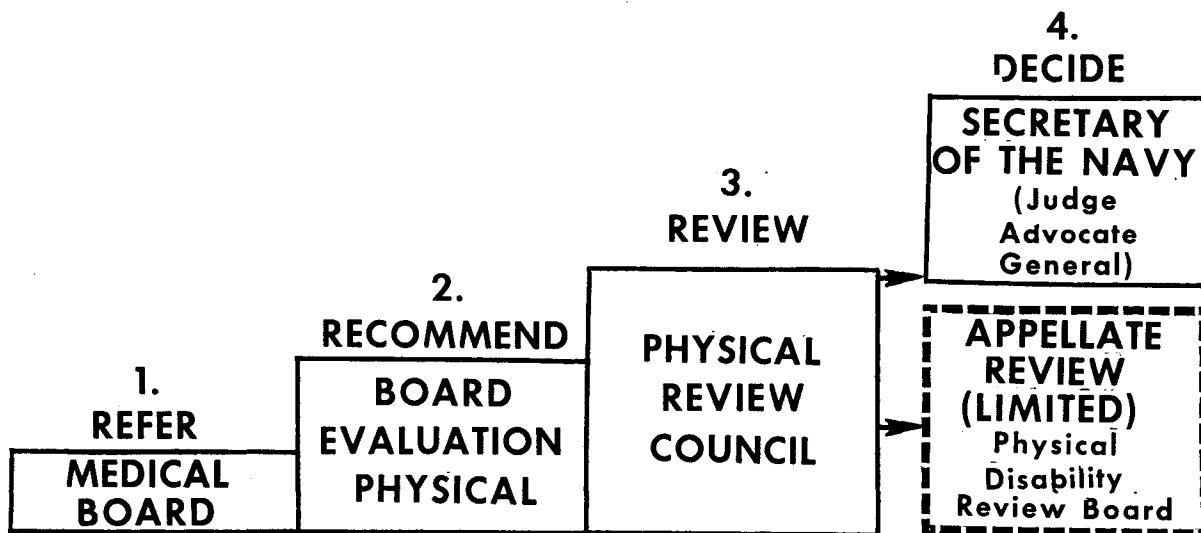
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NAVY DISABILITY EVALUATION SYSTEM



▶ Figure 10-2

NAVY DISABILITY EVALUATION SYSTEM



▶ Figure 10-3

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TABLE
10-1

ELIGIBILITY INDEX TABLE

R U L E	A	B
	IF THE MEMBER IS PHYSICALLY UNFIT BY REASON OF PHYSICAL DISABILITY AND	THE ACTION IS-----
1	the disability was the result of his intentional misconduct or willful neglect, or was incurred during a period of unauthorized absence	discharge without benefits (10 USC 1207)
2	he is a member of the Regular Marine Corps	(Go to table 10-2.)
3	he is a Marine Reservist on active duty more than 30 days except compulsory 45-day involuntary training	(Go to table 10-2.)
4	he is a Marine Reservist on active duty for 30 days or less, inactive duty training or is on active duty for compulsory 45-day involuntary training.	(Go to table 10-3.)

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TABLE 10-2

ELIGIBILITY INDEX TABLE FOR REGULARS AND RESERVISTS
ON ACTIVE DUTY FOR MORE THAN 30 DAYS (NOTE 1)

R U L E	A	B	C	D	E	F
	If the Marine is entitled to basic pay, and disability was incurred while he was entitled to basic pay	and if he has at least 20 years of creditable service	and the percentage of his disability is	and based upon accepted Medical principles the disability is	and the disability was incurred in time of war or national emergency (Note 2)	THE ACTION IS--
	1 no					discharge other than physical disability
	2 yes	yes	0-100	perm		permanent retirement (10 USC 1201)
	3 yes	yes	0-100	may be perm		transfer to TDRL (10 USC 1202)
	4 yes	no	30-100	perm	yes	permanent retirement (10 USC 1201)
	5 yes	no	30-100	may be perm	yes	transfer to TDRL (10 USC 1202)
	6 yes	no (Note 3)	less than 30	yes		discharge with disability severance pay (10 USC 1203) Note 4)

NOTE 1. Except those reservists undergoing compulsory 45-day involuntary training pursuant to 10 USC 270 (b).

NOTE 2. The national emergency proclaimed by the President on 16 December 1950 has not been terminated. Until it is terminated, it is not necessary to determine whether the Marine has completed at least 8 years of service or whether the disability is the proximate result of performing active duty in cases covered by this table.

NOTE 3. A Marine who has less than six months active service at separation is not entitled to disability severance pay.

NOTE 4. If a Reservist is eligible under 10 USC 1209 (has more than 20 years of satisfactory Federal service), he may elect to be transferred to the Retired Reserve instead of being separated with disability severance pay.

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TABLE 10-3

ELIGIBILITY INDEX TABLE FOR RESERVIST ON ACTIVE DUTY FOR 30 DAYS OR LESS; INACTIVE DUTY TRAINING OR COMPULSORY 45-DAY ACTIVE DUTY INVOLUNTARY TRAINING

R U L E	A	B	C	D	E	F
	If the disability was due to an injury	and was proximate result of performing active duty	and the member has at least 20 years of creditable service	and the percentage of his disability is	and based upon accepted medical principles the disability is	THE ACTION IS--
1	no					discharge other than for physical disability
2	yes	no				
3	yes	yes	yes	0-100	perm	permanent retirement (10 USC 1204)
4	yes	yes	yes	0-100	may be perm	transfer to TDRL (10 USC 1205)
5	yes	yes	no	30-100	perm	permanent retirement (10 USC 1204)
6	yes	yes	no	30-100	may be perm	transfer to TDRL (10 USC 1205)
7	yes	yes	no (NOTE 1)	less than 30		discharge with severance pay (10 USC 1206) (NOTE 2)

NOTE 1. A Marine who has less than six months active service at separation is not entitled to disability severance pay.

NOTE 2. If member is eligible under 10 USC 1029 (has more than 20 years of satisfactory Federal service), he may elect to be transferred to the Retired Reserve instead of being discharged with severance pay.

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- a. Return to duty.
- b. Return to limited duty pending further examination at a later date.
- c. Continued hospitalization pending another examination at a later date.
- ▶ d. Discharge by reason of physical disability upon determination that such disability existed prior to entry and not service aggravated.
- ▶ e. Discharge by reason of unsuitability; erroneous enlistment or Convenience of the Government. See current edition BUMEDINST 1910.2.
- ▶ f. Referral of the case to the Central Physical Evaluation Board.

3. Convening authority. A medical board may be appointed by the Commandant of the Marine Corps, commanding generals of Fleet Marine Force Commands or commanding officers of a shore field activity of the Department of the Navy. Normally, medical boards are convened by commanding officers of the naval hospitals at which the Marine is a patient. No Marine on active duty shall be referred to a medical board until he has been admitted to the sicklist.

4. Composition. A medical board, whenever practicable, shall consist of three medical officers of the Navy, otherwise, the board may consist, in whole or in part, of medical officers of the Army, Navy, Air Force, or of the Public Health Service. When the Marine before the board is a reservist, the membership of the board shall include Reserve representation, if available.

5. Procedure. The board shall meet to consider and report upon the case of a Marine who is referred to it by competent authority. There are no specific statutes or administrative holdings prescribing the procedure to be followed by medical boards. Hence, meetings and proceedings may be conducted informally and it is not required that the information upon which the findings of the board are based meet standards of admissibility, as evidence in a judicial proceeding.

▶ 6. Rebuttals. Unless it is considered that the information, findings, opinions and recommendations in the medical board report might have an adverse effect on the Marine's physical or mental health he shall be:

- a. Allowed to read the board report or be furnished a copy thereof.
- b. Afforded an opportunity to submit a statement in rebuttal to any portion of the board report.
- c. Furnished a NAVMED Form 6100/2 concerning the findings and recommendations of the board for his signature, which must be witnessed.

7. Action by the convening authority

- ▶ a. If the indicated disposition is appearance before a physical evaluation board and the convening authority concurs and is the commanding officer of a naval hospital or the Commandant of the Fourteenth Naval District he shall endorse and forward the medical board report to the Central Physical Evaluation Board.

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◆ b. When the convening authority of the medical board is other than the above and appearance before Central Physical Evaluation Board is the indicated disposition, the board report should be forwarded to the Commandant of the Marine Corps (Code DMD) via the Chief, Bureau of Medicine and Surgery (BUMED Code 3322) for appropriate action.

◆ c. When the indicated disposition is appearance before the Central Physical Evaluation Board and the convening authority of the medical board does not concur the convening authority shall advise the Marine concerned and afford him an opportunity to submit a statement in rebuttal. The convening authority shall then forward the medical board report with statements to the Commandant of the Marine Corps via the Chief, Bureau of Medicine and Surgery for determination.

d. Should the senior member of the physical evaluation board advise the convening authority of the medical board in a case where the Marine is retained on the sicklist pending physical evaluation proceedings, and that Marine has requested personal appearance before the physical evaluation board, the convening authority shall issue orders without delay directing the member to appear before the board.

◆ e. The issuance of orders and subsequent entitlement to travel and transportation allowance is dependent upon the medical status of the Marine. As long as the Marine remains on the sicklist and is properly classified as a patient he is entitled to transportation through medical channels; e.g., the DOD established Armed Services Medical Regulating Office (ASMRO). Marines will normally remain on the sicklist until findings of the physical evaluation boards have been accepted by the Marines. If further hospitalization is not indicated, the Marine shall be discharged from the sicklist and transferred to an appropriate administrative command. In those instances and when such orders involve entitlement to travel and transportation allowances and transportation is not available through medical channels, the orders shall be issued by the Commandant of the Marine Corps.

f. Provided the medical board so recommends and the convening authority of the medical board concurs commanding generals and commanding officers of Marine Corps activities within the United States (less Hawaii and Alaska) are authorized to discharge Marines on active duty including active duty for training by reason of physical disability. See paragraph 10404 of this chapter.

g. Provided the medical board so recommends and the convening authority of the medical board concurs commanding generals and commanding officers of Marine Corps Activities within the United States (less Alaska and Hawaii) are authorized to discharge Marines for character and behavior disorders of intelligence. See paragraph 10405 of this chapter.

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10103 PHYSICAL EVALUATION BOARDS

1. General. Disability Evaluation Manual, chapter 5, contains full instructions relevant to physical evaluation boards. The following paragraphs contain information applicable to the administrative responsibilities of commanding officers in the cases of Marines appearing before physical evaluation boards.
2. Purpose. Physical evaluation boards are constituted to afford a full and fair hearing incident to evaluate on of the physical fitness of Marines and former Marines to perform the duties of their office, grade, rank or military occupational specialty; to investigate the nature, cause, degree and probable permanency of disabilities presented by such members and to make recommended findings appropriate thereto. No Marine shall be separated or retired because of physical disability from an active duty status without a hearing before a physical evaluation board unless such hearing is waived by the Marine concerned. No Marine shall be separated or retired because of physical disability from an inactive duty status without a hearing before a physical evaluation board should the Marine demand it. Physical evaluation boards are not a function of the Bureau of Medicine and Surgery, but a function of the naval service as a whole. The board is not a part of the hospital at which it meets although the hospital administratively supports the needs of the physical evaluation board.
3. Convening authority. The Secretary of the Navy has convened the following physical evaluation boards:
 - a. Central Physical Evaluation Board, Department of the Navy, Office of Naval Disability Evaluation, Washington, D. C.
 - b. Formal physical evaluation boards:
 - (1) Naval Hospital, Bethesda, Maryland;
 - (2) Ninth Naval District Headquarters, Great Lakes, Illinois;
 - (3) Naval Hospital, San Diego, California.
4. Composition. A physical evaluation board is composed of three competent and mature commissioned officers, one of whom is a medical officer and two of whom are Marine field grade officers who are familiar with physical evaluation procedures, regulations and instructions of physical evaluation boards. When the Marine is a Reserve, a majority of the members of the board shall be Reserve officers, if available.
5. Counsel. The counsel for the physical evaluation board and the counsel for the Marine shall be competent, mature officers of sound judgement, familiar with procedures, regulations and instructions relating to the physical evaluation

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3. Composition. When reviewing cases involving Marine Corps personnel, the membership of the Physical Review Council shall consist of the Director of Personnel, Marine Corps, the Chief, Bureau of Medicine and Surgery, and the Judge Advocate General or their designated representatives. It is the duty of each member to advise the other members of the Council concerning those aspects of the proceedings and recommended findings of a physical evaluation board which fall within his area of responsibility or technical specialty.

4. Procedures. Each record of physical evaluation board proceedings referred to the Physical Review Council is reviewed. No Marine ever appears in person before the Physical Review Council. The Physical Review Council may take any one of the following actions.

a. If the Council agrees that the physical evaluation board findings are correct, the case is forwarded to the Secretary of the Navy for final action.

b. In the event the Council agrees that the physical evaluation board findings are not correct and that substitute findings as determined by the Council are not substantially detrimental to the Marine, the case is forwarded to the Secretary of the Navy for final action.

c. The council may request further information, in which instance, the case is returned directly to the physical evaluation board.

d. The Council may forward any case to the Naval Physical Disability Review Board for further consideration.

5. Action relative to the Temporary Disability Retired List. The Council also serves to review and evaluate the physical fitness of Marines on the Temporary Disability Retired List. See part C, this chapter.

10105 NAVAL PHYSICAL DISABILITY REVIEW BOARD

1. Purpose. The Naval Physical Disability Review Board is established to review disability cases which are referred by the Physical Review Council and certain other cases of former Marines. For further information see Disability Separation Manual, chapter 6. The board considers the issues before it in conformity with accepted medical principles, pertinent law and regulation and established personnel policies. The Board will take one of the following actions and forward the case to the Judge Advocate General for transmission to the Secretary of the Navy.

a. Concur with Physical Review Council.

b. Concur with recommendations of the Physical Evaluation Board.

c. Concur with the requests contained in the rebuttal submitted by the Marine being evaluated.

d. Specify new findings and recommendations.

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2. Convening Authority and Composition. The Secretary of the Navy shall convene the Naval Physical Disability Review Board. The Board consists of five commissioned officers, two of whom shall be medical officers, and when considering cases involving Marines, three Marine officers of lieutenant colonel or colonel ranks. A recorder also serves with the Board.

10106 ACTION BY THE SECRETARY OF THE NAVY

1. The findings and the recommendations with respect to the physical disability evaluation system pursuant to the statutory authority have no legal effect until approved by the Secretary of the Navy. The Judge Advocate General, the deputy Judge Advocate General, the Assistant Judge Advocate General (Civil Law), or the Deputy Assistant Judge Advocate General (P&R) may, for the Secretary, approve the findings in the majority of the cases processed. This authority is permissive and does not prevent the referral of any case to the Secretary.

2. Normally the effective date of retirement is specified by the Commandant of the Marine Corps, but the date shall be no later than the first day of the month following the month during which final disposition was directed by the Secretary.

3. Relief from the executed final disposition may be granted by the Secretary of the Navy. The filing of a petition for relief must be in accordance with Disability Evaluation Manual, chapter 8 and shall have no effect upon the case until the Secretary so directs.

10107 DISPOSITION OF PERSONNEL AWAITING FINAL DETERMINATION OF PHYSICAL DISABILITY

1. A regular or a reservist on active duty for more than 30 days whom a physical evaluation board finds unfit for duty and that continued treatment is not warranted may, subject to his consent, be ordered home to await final disposition of his physical evaluation board proceedings. Commanders should utilize, consistent with his disability, the services of any Marine who does not desire to be ordered home to await disposition.

2. Commanders will issue permanent change of station orders directing an enlisted Marine to proceed to his home to await final disposition of his physical evaluation board proceedings provided:

a. The Marine consents.

b. A physical evaluation board has recommended that the Marine be found unfit to perform the duties of his grade and the member has signed a statement that he accepts the prima facie findings and does not demand a full and fair hearing or that he has already appeared in person at a full and fair hearing. A Marine being held for convenience of the Government or a Marine whose expiration of enlistment is within 30 days of the physical evaluation board finding will be ordered home irrespective of the physical evaluation finding.

c. The commanding officer of the naval hospital at which the board is held considers that further hospitalization and treatment are not required.

d. The Marine so ordered home agrees to liquidation of accrued leave while he is home awaiting final disposition.

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3. Orders for officers desiring to be ordered home to await final action will be requested by message from the Commandant of the Marine Corps (Code DFA).

4. Enlisted Marines will be issued orders in accordance with the format contained in figure 10-4 and the provisions of the current edition of MCO P1000.6, Assignment, Classification and Travel Systems Manual. This paragraph will be used as the authority. Orders involving travel in Alaska, Hawaii, or outside the United States will be requested by message from the Commandant of the Marine Corps (Code DMD).

5. Enlisted Marines ordered home or to a point of selection to await final disposition shall be entitled to payment of basic allowance for subsistence for the period following the date and hour of arrival home to include the date of separation from active duty. Marines without dependents will be entitled to basic allowance for quarters from and including the date of arrival home to include the date of separation from active duty. Marines with dependents will continue to be entitled to basic allowance for quarters as prescribed by current regulations to include the date of separation from active duty. The date of arrival home for the purpose of crediting subsistence and quarters allowances will be determined by the disbursing officer on the basis of the Marine's itinerary or constructive rail travel via the shortest usually traveled route, utilizing the one which requires the least travel time. For more comprehensive information consult the Military Pay and Allowances Entitlements Manual.

6. The unused leave balance of a Marine's record will be reduced for time spent at home awaiting final disposition, commencing the day after the date of actual arrival home or the date following the constructive date of arrival home based on the shortest usually traveled route, whichever is earlier.

7. Transportation of dependents and household effects is authorized under change of station orders issued pursuant to the authority provided by this paragraph for a distance not to exceed that from the old station to the home of record. Marines must be advised that since entitlement to transportation of dependents and household effects will not accrue unless and until the Marine is retired either permanently or temporarily or otherwise separated, that transportation allowance for dependents and cost of the shipment of household effects may be at his expense should the Secretary of the Navy ultimately find him fit for duty. Mileage and other transportation allowances, including transportation of dependents and household effects, are settled or adjusted in accordance with the provisions of Joint Travel Regulations and Navy Travel Instructions upon actual separation or retirement, permanent or temporary.

8. A claim for reimbursement for travel performed by dependents incident to change of station orders issued under this authority will be submitted to the disbursing officer maintaining the Marine's pay record. A claim for reimbursement for travel performed by dependents incident to the Marine's retirement, permanent or temporary, or separation will be submitted to the Examination Division, Marine Corps Finance Center, Kansas City, Missouri 64197 and will be supported by the original and two certified copies of the change of station orders, plus the original and two certified copies of:

a. The retirement orders, or

b. The Voucher or Claim for Dependent Travel and Dislocation or Trailer allowance (DD Form 1351-4). When a Marine who has dependents is detached from his permanent duty station by orders issued pursuant to this authority, the disbursing officer will advise him of the procedures for submitting claims for transportation of dependents and will furnish sufficient copies of DD Form 1351-4.

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9. Commanders will collect and destroy the Marine's identification card (DD Form 2MC) and issue, in lieu thereof, an identification card (DD Form 2MC) valid for 120 days. Should final disposition exceed 120 days, commanders will issue at the request of the Marine and subsequent to the expiration date of the card another identification card valid for 60 days. If appropriate, a retired identification card (DD Form 2MC (Ret)) will be issued at the time of separation in accordance with the instructions of MCO P1070.8, IRAM, paragraph 2004.

10108 VOLUNTARY SEPARATION PRIOR TO COMPLETION OF FINAL DISPOSITION ON PHYSICAL DISABILITY PROCEEDINGS

1. A Regular or a reservist who has been ordered to active duty for more than 30 days, excluding involuntary active duty training for 45 days, should not be discharged or released upon expiration of active duty if medical treatment or disability proceedings have not been completed. If such a Marine requests separation despite this circumstance and prior to final action by the Secretary of the Navy, he will be instructed that the law, chapter 61 Title 10 U. S. Code requires that to be eligible for physical disability retirement or discharge with severance pay, he must be in receipt of basic pay at the time the Secretary of the Navy makes the necessary physical disability determination and that separation prior to that time may prejudice his case. If after this explanation the Marine still persists in his request for separation, the following entry will be made in the service record book on page 11:

"I request that I be discharged (released from active duty) despite the explanation which has been given me, that in order to be eligible for physical disability retirement or discharge with severance pay I must be entitled to basic pay at the time the Secretary of the Navy makes his determination in my case. Notwithstanding possible prejudice in my case, I still desire separation."

a. This entry must be dated and signed by the individual and witnessed by an officer prior to actual separation. If the Marine refuses to sign such a statement, an entry of such refusal shall be made prior to the time that his separation is effected and the Commandant of the Marine Corps (Code DMD) informed. In all cases involving transfer to the Marine Corps Reserve and/or release from active duty a certified true copy of the Marine's statement will be forwarded to the Commandant of the Marine Corps (Code DMD) immediately upon separation.

b. Any Marine who is contemplating waiving his rights pursuant to this paragraph should be counseled by an officer-lawyer.

2. In the case of officers, if orders for voluntary separation or retirement have been received, the Commandant of the Marine Corps (Code DMA) will be informed of the circumstances by message. Separation or retirement which is mandatory under the law cannot be deferred beyond the date established by law; therefore, a report in those cases is not required.

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FORMAT FOR ORDERS TO PROCEED HOME PENDING FINAL DISPOSITION PHYSICAL EVALUATION
BOARD PROCEEDINGS

UNIT HEADING

DATE

From: Commanding Officer
To: Staff Sergeant James DOE 914141/0369 USMC

Subj: Orders to proceed home pending final disposition of Physical Evaluation
Board proceedings

Ref: (a) MCO P1900.16

Encl: (1) Form for reporting itinerary of travel (DD Form 1351-2)
(2) Form for reporting itinerary of travel (DD Form 1351-2)

1. In accordance with authority contained in reference (a), and upon discharge from treatment at the U. S. Naval Hospital, you will stand detached from your present station and duties; will proceed to your home or such other place as you may select (MCC W95) and await orders pending final disposition on the physical evaluation board proceedings in your case. Your home of record is shown as Boston, Massachusetts.* You will continue to be carried on the rolls of this organization. You will at all times keep your commander informed of your current address. (Any travel performed by you in excess of that from your last duty station to your home of record will be at your own expense.)
2. When placed on the retired list or when discharged, your leave record will be balanced as of the day prior to the date you are placed on the retired list, or to include the date of your discharge. Time spent awaiting orders will be debited to your leave record. You will be entitled to cash settlement of any balance of unused leave remaining to your credit after deduction for the period of time spent awaiting orders.
3. Your pay record will be retained by the Disbursing Officer (mailing address of disbursing officer carrying pay record), during the period while you are at home awaiting final action on your case. In order that the disbursing officer may properly adjust your pay record and make reimbursement for travel performed, you will, upon arrival at destination, complete the memorandum endorsement on a certified true copy of these orders, complete enclosure (1) and return these documents to the disbursing officer maintaining your pay record. During the period while awaiting final action on your case, all correspondence on matters relating to your pay and allowances will be addressed to the disbursing officer maintaining your pay record.
4. In the event you are notified by your commander that you have been found fit for duty, or if your commander notifies you to return to your station of duty for further hearing, these orders will remain in effect for the return travel involved. Upon completion of return travel, you will complete enclosure (2) submitting it together with the original and two (2) certified copies of these orders to the disbursing officer maintaining your pay record.

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5. **TravChar appn 1781105.2754, MPMC-68, BCN 45690, AAA 27, CC 74123 enl tvl, 74160 depns tvl (enl entl), 74162 trans HHE (enl entl).

J. K. SMITH
By direction

MEMORANDUM ENDORSEMENT

(date)

Departed (duty station) at (hour) on (date) via (mode of transportation).
Arrival (destination) at (hour) on (date).

(signature)

*When the individual elects to proceed to a place other than home of record, the second sentence of paragraph 1 will be modified to read: "Your home of record is shown as Boston, Massachusetts, and you have elected to proceed to Washington, D. C."

**See Marine Corps Order 7301 series for accounting date for subsequent fiscal year.

Figure 10-4-Continued.

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10109 ACTIVE DUTY FOR PHYSICALLY RESTRICTED PERSONNEL

1. The Commandant of the Marine Corps may recommend to the Secretary of the Navy that a Marine, particularly one with over 18 but less than 20 years of active service, be permitted to continue on active duty in an appropriate limited assignment. A Marine so continued on active duty must be unfit because of physical disability with a basically stabilized condition, or one in which accepted medical principles indicate a slow progression of the disabling condition. He must be able to maintain himself in a normal military environment, without adversely affecting his health or the health of other Marines, or requiring an inordinate amount of medical care. Additionally the Marine must request in writing that he be retained.
2. Retention of physically restricted Marines except as noted in subparagraph below should be accomplished as the result of action by the Secretary of the Navy on physical disability proceedings provided through the Physical Review Council. This procedure will provide for a full and fair hearing on an impartial basis and will constitute full compliance of the statutes pertaining to disability retirement.
 - a. Marines with over 18 but less than 20 years of active service, except amputees, may be retained on active duty at the direction of the Commandant of the Marine Corps based upon a favorable recommendation by the Chief, Bureau of Medicine and Surgery when such a recommendation is the result of a medical board report.
 - b. Marines who have in excess of 16 years but less than 18 years of active service and wherein the proposed action of the Physical Review Council would result in the Marine being discharged with severance pay or placed on the Temporary Disability Retired List with a percentage of disability which may eventually become less than 30 percent may be considered for retention on active duty in limited duty status to complete 20 years active service.
3. Marines, particularly those with over 20 years of active service, will not be continued on active duty solely to increase their monetary benefits, nor will they be continued unless their employment is justified as being of value to the Marine Corps.
4. A Marine continued on active duty under these provisions shall be closely observed to assure that further continuance, or conversely, separation, is consonant with the best interests of the Marine and Marine Corps. When a Marine becomes unable to perform his duties in a limited duty assignment, he shall be admitted to a naval hospital for observation, treatment, and appropriate disposition.
5. Marines retained on limited duty pending reevaluation at a later date will be assigned in accordance with the specific instructions contained in the Commandant's endorsement of the medical board report. Care must be exercised to ensure that the Marine is reevaluated within the month designated by the Commandant.

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6. The basic concept that must be employed as a point of departure in the retention of amputees is that, in accordance with accepted medical principles amputees are permanently physically unfit for full unrestricted duty. Accordingly the following facts must necessarily have a significant influence in developing criteria on which to base retention of amputees on active duty with appropriate assignment limitations:

a. Personal aspects

(1) Motivation. In keeping with the requirement that retention on active duty must be voluntary, motivation is the most important aspect to be considered. Not only initial motivation but continuing motivation is necessary. The factors that can degrade motivation include personal and medical factors and changing personnel policy. Motivation must vitally affect a determination to retain an amputee on active duty and the imposition of limitations on the period of active duty.

(2) Assignability. There is no doubt that some amputees can be advantageously employed to satisfy the needs of the Marine Corps in critical areas. Such employment, however, must necessarily be restricted to non-Fleet Marine Force billets.

(3) Retirement and civilian readjustment. Marines who suffer the loss or partial loss of a limb can be assured of ultimate retirement for physical disability with a minimum disability rating at 40 percent. In addition to a service disability retirement, amputees are eligible and may qualify for additional Veterans Administration benefits which include special compensation, entitlement to specially equipped automobiles, assistance in acquiring specially constructed homes, rehabilitation retraining, etc. These advantages are not available while an individual is in an active duty status. Amputees must eventually face retirement and readjustment and despite their initial individual motivation for retention it would not be in the best interests of most amputees to be retained. An exception to this would be Marines within 4 years of attaining minimum service retirement eligibility. It is a generally accepted principle that the longer an individual delays in making an inevitable readjustment the harder it becomes to make and his increased age will tend to lessen earlier advantages he may have enjoyed.

b. Medical aspects. Retention on active duty in accordance with accepted medical principles is basically summarized below.

(1) A Marine who has suffered the loss of an upper extremity involving the major hand or loss of lower extremity above the knee or loss of any two extremities is considered permanently unfit for retention on the active list in any category.

(2) A Marine who has suffered the loss of an upper extremity involving the minor hand or loss of lower extremity below the knee, and has been fitted with a functional prosthetic device is considered permanently unfit for full unrestricted duty. Such a Marine is however, considered fit for retention in a limited duty status provided the Marine concerned desires to be so retained and the Marine Corps desires to utilize the Marine in such a category.

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(3) In those cases where a Marine is retained on the active list, he will be reevaluated at periodic intervals; however, the time span should not extend beyond 2 years.

(4) Unless there are other extenuating circumstances, any Marine so retained should have his case referred to a physical evaluation board upon completion of 20 years active service or sooner, if indicated, for disability retirement.

7. Marines retained on active duty in a physical limited duty status retain eligibility for consideration and selection for promotion. If selected, an officer who is otherwise eligible but is determined to be not physically qualified for promotion may be promoted when it is determined by the Chief, Bureau of Medicine and Surgery that the officer's physical disqualification was by reason of wounds received in the line of duty and that such wounds do not incapacitate the officer for the performance of useful service in the higher grade. In the case of enlisted personnel, see paragraph 10002.13.

10110 STATEMENTS OF SERVICE

1. The Commandant of the Marine Corps will expeditiously provide to the Physical Review Council statements of service for Marines undergoing physical disability proceedings upon request from:

Commanding Officer, U. S. Naval Hospital, or

President, Central Physical Evaluation Board, or

Physical Review Council

2. The commanding officer, of naval hospitals should utilize a message format addressed to Commandant of the Marine Corps (Code DMD-3). The message request should contain:

- a. Last name, initial
- b. Grade
- c. Military Service Number
- d. Date case referred to Central Physical Evaluation Board

3. The Physical Review Council and the President of the Central Physical Evaluation Board may at their discretion request statements of service from Headquarters Marine Corps by memorandum. Statements of service will be submitted by Headquarters Marine Corps directly to the Central Physical Evaluation Board or the Physical Review Council as appropriate.

MARINE CORPS
SEPARATION AND RETIREMENT BRANCH

PART B: PHYSICAL DISABILITY RETIREMENTS

10201 AUTHORITY

1. Sections 1201 and 1204, Title 10, U. S. Code provide that the Secretary of the Navy may retire certain members who are considered unfit to perform duties of their office, grade, rank or rating because of a permanent physical disability. See table 10-2 for eligibility determination.

10202 DISPOSITION INSTRUCTIONS

1. General

a. Expeditious handling of the administrative procedures attendant to the separation or retirement of disabled Marines is an integral part of the Marine Corps policy and it is incumbent upon each commander to exercise such policy with utmost consideration for the Marine. Particular attention must be given "rapid retirement required" notification messages transmitted by the Commandant of the Marine Corps.

b. In order not to inadvertently deprive Marines from receiving maximum benefits, it is necessary that action be accomplished to effect retirements at the earliest practicable date as Veterans' Administration compensation for Marines with high disability ratings may substantially exceed active duty pay or physical disability retired pay.

c. Prior to retirement a Marine may be authorized hospitalization at a Veterans' Administration hospital. Inasmuch as this authorization is based upon the provision that the Marine must be on active duty at time of admission, premature retirement may preclude this hospitalization. It becomes imperative that retirement of such personnel be held in abeyance and the Commandant of the Marine Corps be immediately notified.

d. The Commandant of the Marine Corps (Code DMD) will direct by message the cognizant command and the Marine Corps Finance Center to effect disability separation. This notification will contain the Marine's service number, date of release from active duty, date of retirement or transfer, date active pay and allowances terminate, percent disability and appropriation data.

2. Specific. To effect retirement of Marines for permanent physical disability, commanding officers will accomplish the instructions outlined below:

a. If the Marine is not attached to the local command, immediately readdress message to his current command for appropriate action. An information copy must be provided to the Commandant of the Marine Corps (Code DMD) and the Marine Corps Finance Center.

b. If the Marine is a member of the local command commence separation processing without delay.

▶ (1) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is prior to the date of retirement, provide data required by subparagraph 2a above, and readdress the retirement message from the Commandant of the Marine Corps to the Marine's new administrative command for action. List of administrative activities responsible for hospitalized Marines is contained in the current Marine Corps Order 6320.2.

MARINE CORPS
SEPARATION AND RETIREMENT MANUALFORMAT FOR ACKNOWLEDGING CMC MESSAGES DIRECTING RETIREMENT BY REASON OF
PHYSICAL DISABILITY

FROM: (ORGANIZATION)

TO: MCFC KSC

INFO: CMC

UNCLA

FOR CODE DMD

1. CMC (DATE TIME GROUP) REFERS
2. A. NAME
- B. GRADE
- C. SERNO(MSN)/(SSAN)
- D. PAY ENTRY BASE DATE
- E. TIME LOST CURRENT ENLISTMENT
- F. YEARS OF ACTIVE SERVICE (YEARS, MONTHS, DAYS)
- G. MAILING ADDRESS. (complete address, including zip code, where Marine may be contacted after retirement or transfer to TDRL)

OR

2. (NAME MSN) NOT A MBR THIS COMMAND. YOUR (DATE TIME GROUP)
READDRESSED TO (ORGANIZATION)

OR

2. SEPARATION INFO REQUIRED. NO SRB AVAILABLE.
3. ABOVE MBR(S) HAVE BEEN OR WILL BE RETIRED (OR TRANSFERRED TO THE TEMP DIS-
ABILITY RETIRED LIST) AS DIR ON (DATE).

OR

3. PLEASE FORWARD RETIREMENT TO THIS COMMAND ASAP IN ORDER THAT PERSONAL
DELIVERY AT APPROPRIATE RETIREMENT CEREMONY ON (DATE OF RETIREMENT)
MAY BE ACCOMPLISHED.

◆ Figure 10-5

MARINE CORPS
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(2) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is subsequent to the date of retirement, immediately advise the Commandant of the Marine Corps (Code DMD) of the effective date of transfer to the Veterans' Administration hospital.

◆ c. Upon completion of separation processing, but not later than the date of retirement provide the Marine Corps Finance Center, with the Commandant of the Marine Corps (Code DMD) as an information addressee, with required personnel data of the Marine, using the appropriate message format contained in figure 10-5. Items of information required are:

- 1 Name
- 2 Grade
- 3 Service number (MSN)/Social Security Number (SSAN)
- 4 Pay Entry Base Date
- 5 Time lost current enlistment
- 6 Years, Months and Days of active service (to include date of release from active duty)
- 7 Mailing address (complete address, including zip code, where the Marine may be contacted after retirement)
- 8 Date of retirement

◆ d. Issue retirement orders using the format contained in figure 10-6. Furnish the local disbursing officer settling the pay account a copy of the Commandant of the Marine Corps' notification message and two copies of the retirement orders immediately upon issuance. Additionally furnish the leave record and any other administrative information necessary to close the active duty pay account to the disbursing officer. The effective date of retirement is the day following the last day of active duty. Disability retirements are governed by law and must be effected as directed. Effecting a disability retirement on any date other than that directed is not authorized.

e. Notify those Marines who have been ordered home to await disposition of physical evaluation proceedings of the effective date of retirement, by message, on or before the effective date, and immediately mail the retirement orders direct to the individual.

◆ f. If the service record book is not available, request from the Commandant of the Marine Corps (Code DMD) in accordance with MCO P1070.8, IRAM, paragraph 4002, the required disability separation information utilizing the format contained in figure 10-5. Only disability separation information will be requested from the Commandant of the Marine Corps (Code DMD). All other separation information will be requested from the Commandant of the Marine Corps (Code DGK).

10203 RETIRED PAY PROCEDURES

1. The Commanding Officer, Marine Corps Finance Center administers retired pay.
2. To terminate credit of active duty pay and allowances for those Marines retired for physical disability, the disbursing officer will:

a. Be furnished one copy of the notification message of the retirement from the Commandant of the Marine Corps by the cognizant commanding officer.

b. On or before the effective date of retirement, be furnished two copies of retirement orders and the Marine's leave record by the cognizant commanding officer.

MARINE CORPS
SEPARATION AND RETIREMENT MANUALFORMAT FOR ORDERS TRANSFERRING PERSONNEL TO THE RETIRED LIST

From:

To: Marine concerned

Subj: Retirement by Reason of Permanent Physical Disability

Ref: (a) 10 USC 1201 (or 1204)
(b) CMC msg _____
(c) MCO P1070.8 IRAM, par. 2004

1. The Secretary of the Navy has determined that you are physically unfit to perform the duties of your grade and has directed that you be permanently retired by reason of physical disability under the provisions of references (a) and (b). You are released from all active duty at 2400 on _____, and transferred to the Retired List of the Marine Corps/Marine Corps Reserve effective _____. Your active duty pay accounts will be settled to include, _____. Your pay entry base date is _____. On (last day of active duty) you will have completed _____ years, _____ months and _____ days of active service.
2. Your disability is rated _____ percentum in accordance with the Schedule for Rating Disabilities in current use by Veterans' Administration, VA Code (s) _____.
3. Your home of record is _____.
4. Please keep the Commandant of the Marine Corps (Code DGH) informed of any change in your mailing address. This report is in addition to that required to be submitted for retired pay purposes. Detailed information based on provisions of law which are applicable in your case will be forwarded to your home address by the Commandant of the Marine Corps (Code DMB).
5. An identification card has been issued in accordance with reference (c).
6. Two copies of these orders should be furnished to the disbursing officer carrying your pay accounts. Your records indicate unused (excess) leave in the amount of _____ days on date of separation.
7. Expenditures under these orders are chargeable to appropriation _____.

Copy to:
MCFC KSC
DISBO (2)

NOTE: All items indicated by asterisk are contained in reference (b).

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TABLE 10-4

COMPUTING DISABILITY RETIRED PAY

R U L E	A	B	C
	If the Marine is being	take the higher monthly basic pay --	and multiply by
1	permanently retired (10 USC 1202 or 1204)	(1) of the highest temporary or permanent grade satisfactorily held, or (2) of the grade held on the day before he was retired or placed on the TDRL	2½ percent times the years of service credited to him or the percentage of his dis- ability on the date he retired or transfer- red to the TDRL (NOTE 2)
2	transferred to the TDRL (10 USC 1202 or 1205) (NOTE 1)		
3	removed from the TDRL and permanently retired (10 USC 1201 or 1204)		2½ percent times the years of service credited to him or the percentage of his dis- ability at the time his name is removed from the TDRL (NOTE 2)

NOTE 1. For as long as the Marine is carried on the TDRL his retired pay will not be less than 50 percent of his monthly basic pay on which the computation is made.

NOTE 2. Six months service or more is credited as a whole year, less than six months service is disregarded.

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c. Contact the Marine retiree, by person or mail, to arrange for termination or continuation of allotments, as may be authorized.

d. Effect final settlement of all active duty pay and allowances.

e. After final verification and audit, transmit the active duty pay record by the most expeditious means to the Retired Pay Division, Marine Corps Finance Center, Kansas City, Missouri 64197.

3. To establish the Marine's retired pay account, the Marine Corps Finance Center will:

a. Be an information addressee for all messages of notification of retirements from the Commandant of the Marine Corps to the cognizant commanding officers.

b. Be an action addressee for all messages from the cognizant commanding officer furnishing personal data of the retiree.

c. Be furnished two copies of all retirement orders issued by the cognizant commanding officers.

d. Based on information provided by messages pertaining to retirements, prepare a Retired Pay Data Form (MCFC RP 7200/3) for each disability retirement. The form will be forwarded direct to the retiree at his current mailing address for his election and completion. Correspondence relative to retired pay matters should be addressed to the Retired Pay Division.

4. A very basic computation of retired pay is presented in Table 10-4, Computing Disability Retired Pay.

10204 RETIREMENT DOCUMENTS

1. The Commandant of the Marine Corps will prepare and forward retirement documents as soon as possible which is normally 10 days after the Commandant has directed the field command to separate the Marine concerned.

2. In the event the Marine is physically present at a post or station the commander will so inform the Commandant of the Marine Corps (Code DMD) utilizing the format shown in figure 10-5 requesting retirement documents to be forwarded to the post or station for delivery and appropriate ceremony. See subparagraph 13001.4 of this manual.

10205 RETIREMENT HONORS

1. Appropriate retirement honors will be extended to Marines retired for physical disability, particularly those with more than 20 years active service.

10206 CURRENT ADDRESS AND RESIDENCE

1. A Marine who is retired shall keep the Commandant of the Marine Corps (Code DGH) informed at all times of the address where mail and messages addressed to him will be received. This report of current address is in addition to the report submitted to the Marine Corps Finance Center, Retired Pay Branch, Kansas City, Missouri 64197 or Veterans' Administration for pay purposes.

2. Subject to the above requirement, a retired Marine may change his residence in the United States or may reside abroad except in belligerent countries.

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PART C: TEMPORARY DISABILITY RETIRED LIST (TDRL)

10301 AUTHORITY

1. Section 1376, Title 10, U. S. Code, requires the Secretary of the Navy to maintain a Temporary Disability Retired List (TDRL) containing the names of Marines transferred to the TDRL pursuant to sections 1202 and 1205, 10 U. S. Code.

10302 COMPOSITION

1. The Commandant of the Marine Corps (Code DMD) is responsible for maintaining the TDRL. The list consists of Marines found to be unfit for performance of military duty because of physical disability which may be permanent, but which has not sufficiently stabilized to permit an accurate evaluation of a permanent degree of severity.

10303 TRANSFER TO THE TDRL

1. General

a. Expeditious handling of the administrative procedures attendant to the transfer to the Temporary Disability Retired List of disabled Marines is an integral part of Marine Corps policy and it is incumbent upon each commander to exercise such policy with utmost consideration for the Marine. Particular attention must be given "rapid retirement required" notification messages transmitted by the Commandant of the Marine Corps.

b. In order not to inadvertently deprive Marines from receiving maximum benefits, it is necessary that action be accomplished to effect retirements at the earliest practicable date as Veterans' Administration compensation for Marines with high disability ratings may substantially exceed active duty pay or physical disability retired pay.

c. Prior to transfer to the Temporary Disability Retired List a Marine may be authorized hospitalization at a Veterans' Administration hospital. Inasmuch as this authorization is based upon the provision that the Marine must be on active duty at time of admission, premature transfer to the Temporary Disability Retired List may preclude this hospitalization. It becomes imperative that transfer to the TDRL of such personnel be held in abeyance and the Commandant of the Marine Corps be immediately notified.

d. The Commandant of the Marine Corps (Code DMD) will direct by message the cognizant command and the Marine Corps Finance Center to effect disability separation. This notification will contain the Marine's service number, date of release from active duty, date of retirement or transfer, date active pay and allowances terminate, percent of disability and appropriation data.

2. Specific. To effect transfer of a Marine to the TDRL, commanding officers will accomplish the instructions outlined below:

▶ a. If the Marine is not attached to the local command, immediately readdress message to his current command for action. Provide copy to the Commandant of the Marine Corps (Code DMD) and the Marine Corps Finance Center.

b. If the Marine is a member of the local command commence separation processing without delay.

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◆ (1) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is prior to the date of transfer to the TDRL, provide data required by subparagraph 2a above, and readdress the retirement message from the Commandant of the Marine Corps to the Marine's new administrative activity for action. List of administrative activities responsible for hospitalized Marines is contained in current Marine Corps Order 6320.2.

(2) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is subsequent to the date of transfer to the TDRL, immediately advise the Commandant of the Marine Corps (Code DMD) of the effective date of transfer to the Veterans' Administration hospital.

◆ c. Upon completion of separation processing but not later than, the date of transfer to the TDRL provide the Marine Corps Finance Center, with the Commandant of the Marine Corps (Code DMD) as an information addressee, with required personnel data of the Marine, using the appropriate message format contained in figure 10-5. Items of information required are:

- 1 Name
- 2 Grade
- 3 Service Number (MSN)/Social Security Number (SSAN)
- 4 Pay Entry Base Date
- 5 Time lost current enlistment
- 6 Years, Months and Days of active service (to include date of release from active duty)
- 7 Mailing address (complete address, including zip code, where the Marine may be contacted after transfer to the TDRL)
- 8 Date of transfer to TDRL

◆ d. Issue orders using the format contained in figure 10-7. Furnish the local disbursing officer settling the pay account a copy of the Commandant of the Marine Corps' notification message and two copies of the transfer orders immediately upon issuance. Additionally furnish the leave record and any other administrative information necessary to close the active duty pay account to the disbursing officer. The effective date of transfer is the day following the last day of active duty. Temporary disability retirements are governed by law and must be effected as directed. Effecting a temporary disability retirement on any date other than that directed is not authorized.

e. Notify those Marines who have been ordered home to await disposition of physical evaluation proceedings of the effective date of retirement, by message, on or before the effective date and immediately mail the retirement orders direct to the individual.

◆ f. If the service record book is not available, request from the Commandant of the Marine Corps (Code DMD) in accordance with MCO P1070.8, IRAM, paragraph 4002, the required disability separation information utilizing the format contained in figure 10-5. Only disability separation information will be requested from the Commandant of the Marine Corps (Code DMD). All other separation information will be requested from the Commandant of the Marine Corps (Code DGK).

10304 TDRL PAY PROCEDURES

1. The Commanding Officer, Marine Corps Finance Center, administers the pay of all Marines placed on the TDRL.
2. To terminate credit of active duty pay and allowances for those Marines retired for physical disability, the disbursing officer will:

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SEPARATION AND RETIREMENT MANUAL

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FORMAT FOR ORDERS TRANSFERRING PERSONNEL TO THE TEMPORARY DISABILITY RETIRED LIST

FROM:

TO: Marine concerned

Subj: Transfer to the Temporary Disability Retired List

Ref: (a) 10 USC 1202 (or 1205)
(b) CMC _____
(c) MCO P1070.8, IRAM, par 2004

1. The Secretary of the Navy has determined that you are physically unfit to perform the duties of your grade and has directed that you be temporarily retired by reason of physical disability under the provisions of references (a) and (b). You are released from all active duty at 2400 on _____*, and transferred to the Temporary Disability Retired List effective _____. Your active duty pay accounts will be settled to include _____. Your pay entry base date is _____. On (last day of active duty) you will have completed _____ years, _____ months and _____ days of active service.

2. Your disability is rated at _____* percentum in accordance with the Schedule for Rating Disabilities in current use by the Veterans' Administration, VA Code(s) _____.

3. You should receive orders to report to a military medical facility for a periodic physical examination at least once every 18 months to determine whether the disability for which you are temporarily retired has stabilized or changed. Your failure to report for a scheduled physical examination may result in termination of your retired pay unless you can establish good and sufficient reasons for not reporting. Detailed information based on provisions of law which are applicable in your case will be forwarded to your home address by the Commandant of the Marine Corps (Code DMP).

4. Your home of record is shown as _____.

5. Please keep the Commandant of the Marine Corps (Code DGH) informed of any change in your mailing address. This report is in addition to that required to be submitted for retired pay purposes.

6. An identification card has been issued you in accordance with reference (c).

7. Two copies of these orders will be furnished to the disbursing officer carrying your pay accounts. Your records indicate unused (excess) leave in the amount of _____ days on date of separation.

8. Expenditures under these orders are chargeable to appropriation _____*
_____.

Copy to:
MCFC KSC
DISBO (2)

*NOTE: All items indicated by asterisk will be provided by the CMC message which should be listed as reference (b) in these orders.

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- a. Be furnished one copy of the notification message of the retirement from the Commandant of the Marine Corps by the cognizant commanding officer.
 - b. On or before the effective date of retirement, be furnished two copies of retirement orders and the Marine's leave record by the cognizant commanding officer.
 - c. Contact the Marine retiree, by person or mail, to arrange for termination or continuation of allotments, as may be authorized.
 - d. Effect final settlement of all active duty pay and allowances.
 - e. After final verification and audit, transmit the active duty pay record by the most expeditious means to the Retired Pay Division, Marine Corps Finance Center, Kansas City, Missouri 64197.
3. To establish the Marine's retired pay account, the Marine Corps Finance Center will:
- a. Be an information addressee for all messages of notification of retirements from the Commandant of the Marine Corps to the cognizant commanding officers.
 - b. Be an action addressee for all messages from the cognizant commanding officer furnishing personal data of the retiree.
 - c. Be furnished two copies of all retirement orders issued by the cognizant commanding officers.
 - d. Based on information provided by messages pertaining to retirements, prepare a Retired Pay Data Form (MCFC RP 7200/3) for each disability retirement. The form will be forwarded direct to the retiree at his current mailing address for election and completion. Correspondence relative to retired pay matters should be addressed to the Retired Pay Division.
4. A very basic computation of retired pay is presented in Table 10-4, Computing Disability Retired Pay.

10305 PERIODIC PHYSICAL EXAMINATION

1. The law requires that a Marine whose name has been placed on the TDRL shall be given a physical examination at least once every 18 months to determine whether there has been a change in the disability for which he was temporarily retired.
2. If a Marine on the TDRL fails to report as ordered for the required periodic physical examination, his disability retired pay may be terminated. Should he establish just cause for failure to report, payments may be reinstated and may be made retroactive not to exceed one year.
3. Marines who have waived retirement in order to receive compensation from the Veterans' Administration are still members of the Marine Corps and are required to undergo periodic physical examinations when ordered by the Commandant.

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4. Marines who are ordered to submit to a physical examination are entitled to travel and transportation allowances authorized for a Marine in his retired grade. See part E, chapter 5, volume 1, Joint Travel Regulations.

5. The Commandant notifies each member on the TDRL in sufficient time so as to prevent an undue hardship for the Marine. Voluntary selection of examination place may be permitted however, reimbursement may not exceed the amount authorized for travel and transportation to and from his home of record and the nearest military activity at which periodic examinations are conducted.

10306 DISPOSITION OF TDRL MEMBERS IN HANDS OF CIVIL AUTHORITIES

1. Whenever a Marine is undergoing confinement by civil authorities or is hospitalized in an institution under state or local control the report of the medical officer or medical assistant serving the confinement facility or institution may be submitted for the periodic physical examination. For detailed provisions, see Disability Evaluation Manual, chapter 10.

10307 CURRENT ADDRESS AND RESIDENCE

1. A Marine who is on the TDRL shall keep the Commandant of the Marine Corps (Code DGH) informed at all times of his current address where mail and messages addressed to him will be received. This report of current address is in addition to the report submitted to the Marine Corps Finance Center, Retired Pay Branch, Kansas City, Missouri 64197 or Veterans' Administration for pay purposes.

2. Subject to the above requirement, a Marine who is on the TDRL may change his residence in the United States or may reside abroad except in belligerent countries.

10308 REMOVAL FROM THE TDRL

1. After reevaluation as a result of any periodic physical examination, one of the following dispositions may be made.

- a. Retention on the Temporary Disability Retired List.
- b. Permanent retirement.
- c. Discharge with or without severance pay.
- d. Fit for return to duty.

2. Should the Marine be retained on the Temporary Disability Retired List, he will continue to be examined at intervals of 18 months. However, he must be finally reevaluated before the end of the 5-year period when final disposition must be made.

3. If the Marine has recovered from his disability to a degree that he is fit to perform his duties he may, subject to his consent, be reappointed to the active list or reenlisted, as appropriate. If a Marine does not consent to his reappointment or reenlistment, his status on the TDRL shall be terminated.

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PART D: DISCHARGES FOR MARINES NOT PHYSICALLY QUALIFIED FOR RETENTION

10401 DISABILITY DISCHARGES WITH SEVERANCE PAY

1. Sections 1203 and 1206, Title 10, U. S. Code provide that certain Marines not eligible for retirement by reason of physical disability but who are nevertheless found unfit for duty by reason of physical disability may be discharged from the Marine Corps with severance pay. Eligibility requirements are contained in tables 10-3 and 10-4.

10402 DISABILITY DISCHARGES WITHOUT SEVERANCE PAY

1. A Marine who incurs a physical disability that, in the determination of the Secretary of the Navy, renders him unfit to perform the duties of his office, grade, rank, or military occupational specialty and which results from his intentional misconduct or willful neglect or which was incurred during a period of unauthorized absence shall be separated from the Marine Corps without entitlement to benefits under the law. Additionally, Marines unfit for retention on active duty because of physical disability which was neither incurred nor aggravated during any period in which the Marine was entitled to basic pay shall be discharged without severance pay.

10403 SEPARATION PROCEDURES FOR DISCHARGE WITH OR WITHOUT SEVERANCE PAY

1. The Commandant of the Marine Corps will direct discharge, with or without severance pay, of Marines by reason of physical disability. Upon receipt of the message directing discharge of a Marine, with or without severance pay, the cognizant commanding officer will advise the Commandant of the Marine Corps (Code DMD) of the actual date of discharge utilizing the format contained in figure 10-8.
2. In the case of transferred personnel, messages will be readdressed to the new command for appropriate action, providing an information copy to the Commandant of the Marine Corps (Code DMD).

10404 DISCHARGE FOR DISABILITIES EXISTING PRIOR TO SERVICE

1. The Disability Evaluation Manual and current edition of BUMEDINST 1910.2, provides information relative to medical boards convened for the purpose of discharging enlisted Marines for physical disability not incurred in or aggravated by service. Commanding generals and commanding officers of all Marine activities within the United States (less Alaska and Hawaii) are authorized to discharge enlisted or inducted members, of the Marine Corps and the Marine Corps Reserve, on active duty including active duty for training because of physical disability provided:

MARINE CORPS
SEPARATION AND RETIREMENT MANUALFORMAT FOR REPLYING TO CMC DISCHARGE DIRECTIVES PURSUANT TO PHYSICAL DISABILITY

FROM: (ORGANIZATION)

TO: CMC

UNCLAS

FOR CODE DMD

1. CMC (DATE TIME GROUP) REFERS

2. A. NAME.

B. GRADE.

C. MSN / (SSAN)

D. (WILL BE) (HAS BEEN) DIS ON (DATE),

OR

2. SEPARATION INFORMATION REQUIRED ON FOLLOWING PERS NO SRB AVAIL,

OR

2. A. NAME.

B. MSN

C. NOT A MBR THIS COMMAND. YOUR (DATE TIME GROUP) READDRESSED TO
(ORGANIZATION).

▶ Figure 10-8

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a. The Marine has appeared before a medical board and the board has stated affirmatively and specifically the opinion that the Marine is unfit for further service because of physical disability and that the physical disability was neither incurred in nor aggravated by a period of active military service. No Marine shall be discharged because of physical disability who does, in fact, meet the minimum standards for enlistment or induction.

b. The convening authority of the medical board concurs in the above opinions of the board.

c. The Marine has been fully advised, by the convening authority of the medical board, of his right to demand a full and fair hearing before a PEB prior to discharge.

d. The Marine, after having been advised of his right to a full and fair hearing, certifies in writing, on form NAVMED 6100/3, that he does not demand such a hearing prior to discharge.

e. There is no disciplinary action pending, including court-martial or investigative proceedings which might lead to court-martial, or uncompleted sentences of court-martial involving confinement or discharge.

f. There is no administrative type discharge pending.

g. There is no indication of drug addiction, alcoholism, homosexuality or criminalism.

h. There is no evidence that the Marine is under investigation or is being processed as a security risk.

1. The Marine has less than 3 years continuous active service.

2. When the commander is of the opinion that an enlisted Marine qualified for discharge by reason of physical disability in accordance with this paragraph should be discharged by reason of unsuitability, unfitness, misconduct, or for other reason, the medical board report shall be forwarded to the Commandant of the Marine Corps via the Chief, Bureau of Medicine and Surgery for final action after the Marine has been processed in accordance with the administrative discharge provisions contained in chapter 6 of this manual.

3. The authority for discharge is paragraph 6011 of this manual and the current edition of BUMEDINST 1910.2.

4. This paragraph is not applicable to officers. Officers will be discharged in accordance with the provisions of paragraph 4003 and only at the direction of the Commandant of the Marine Corps.

10405 DISCHARGES FOR CHARACTER AND BEHAVIOR DISORDERS AS DETERMINED BY A
MEDICAL BOARD

1. The Disability Evaluation Manual and current edition of BUMEDINST 1910.2, provides information relative to medical boards convened for the purpose of discharging enlisted Marines for character and behavior disorders. Commanding officers of all Marine activities within the United States (less Alaska and Hawaii) are authorized to discharge enlisted or inducted members of the Marine

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Corps and Marine Corps Reserve, on active duty including active duty for training by reason of unsuitability because of character and behavior disorder; provided

a. The Marine has appeared before a medical board and the board has stated affirmatively and specifically the opinion that functional usefulness is impaired to such an extent as to cause military unsuitability due to character and behavior disorder.

b. The convening authority of the medical board concurs in the above opinion of the board.

c. The Marine does not have a diagnosis of dyssocial personality, enuresis, alcoholism, homosexual or other aberrant tendencies, combat exhaustion, drug addiction or acute situational maladjustment.

d. The Marine has less than 3 years continuous active service.

e. The Marine has been notified in writing of the findings and proposed recommended discharge action of the board.

f. The Marine indicates in writing on NAVMED 6100/2 that he has been informed in writing of the findings and proposed recommended discharge action of the board and does not desire to make a statement in his own behalf or rebut the board's findings and recommendations.

g. There is no disciplinary action pending, including court-martial or investigative proceedings which might lead to court-martial, or uncompleted sentences of court-martial involving confinement or discharge.

h. There is no administrative type discharge pending.

2. Discharge recommendations for character and behavior disorders as determined by a medical board are separate and distinctively different from administrative discharges by reason of unsuitability for character and behavior disorders pursuant to paragraph 6016 of this manual. That paragraph provides for the disposition of enlisted Marines via nonmedical channels by administrative discharge for unsuitability where appearance before a medical board is not required. Resolution of the issue of a Marine's unsuitability for military service, within the purview of this paragraph shall be determined by the cognizant medical authorities.

3. Enlisted Marines separated pursuant to the provisions of this paragraph shall normally be discharged with an honorable or general discharge as warranted by the service record, by reason of unsuitability.

4. The authority for discharge is paragraph 10405, of this manual and BUMED INST 1910.2.

5. This paragraph is not applicable to officers. Officers will be discharged in accordance with the provision of paragraph 4003 and only at the direction of the Commandant of the Marine Corps.

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► (c) Request a hearing before the Central Physical Evaluation Board.

(d) That if no reply is received within 30 days from the date of the letter of notification, it will be considered that the reservist does not desire a hearing and that action will be taken to discharge him involuntarily by reason of physical disqualification.

c. Upon completion of the foregoing, take such administrative action as may be indicated in accordance with the following instructions:

(1) Discharge the reservist upon receipt of his or her written request under authority contained in paragraph 6012.1f(5).

(2) In the event the reservist requests a hearing before the Central Physical Evaluation Board refer his case to the Commandant of the Marine Corps (Code DMD). A copy of each piece of pertinent correspondence must be included in the referral to the Commandant.



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

MCO P1900.16 Ch 8
DM-cab
24 Feb 1971

9/9/68

MARINE CORPS ORDER P1900.16 Ch 8

From: Commandant of the Marine Corps
To: Distribution List

Subj: Marine Corps Separation and Retirement Manual
(Short Title: MARCORSEPMAN)

Encl: (1) New page inserts to MCO P1900.16
(2) List of Effective Pages

Ref: (a) SECNAVINST 1811.3H
(b) MCO 1800.8

1. Purpose. To transmit new page inserts to subject Manual.

2. Cancellation. MCO 1910.25 and MCO 1910.27.

3. Summary of Changes. Chapters 1, 2, 6, 7, 9, 10, 11 and 12 include minor but important changes which clarify applications for resignations; separation of aliens; the requirement for 2 years in grade and 1 year on station for certain officer and enlisted grades, as required by reference (a) which has been temporarily suspended by reference (b); and the submission of the Reserve Retirement Credit Report.

4. Action

a. Insert enclosure (1).

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

CMC CENTRAL FILES
ADMINISTRATIVE DIVISION


MCO P1900.16 Ch 8

24 Feb 1971

5. Change Notation. Significant changes contained in this Change are denoted by an arrow (➤) symbol.

6. Filing Instructions. This Change will be filed immediately following page 16 of the basic Manual.

7. Certification. Reviewed and approved this date.


E. E. ANDERSON
By direction

DISTRIBUTION: "DY"

ADMINISTRATIVE DIVISION
2017 JAN 23 3 43
CIVIL SERVICE

MARINE CORPS SEPARATION AND RETIREMENT MANUAL
(MARCORSEPMAN)

LIST OF EFFECTIVE PAGES

1. Missing pages should be requisitioned by utilizing this list and the attached form. This procedure will not be used to requisition basic publications or complete changes. Basic publications and complete changes shall be requisitioned in accordance with MCO P5600.31, section III, part 3, as modified by MCBul 5600 of 23 Jul 1969.

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(MARCORSEPMAN)

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DEPARTMENT OF THE NAVY

POSTAGE AND FEES PAID
DEPARTMENT OF THE NAVY

OFFICIAL BUSINESS

Commandant of the Marine Corps (Code ABP)
Headquarters, U.S. Marine Corps
Washington, D.C. 20380

1. It is requested that the pages circled on the list of effective pages be forwarded to the address shown on the mailing label below.

(Signature)
(Commanding Officer or Unit Admin Officer)

*Individual Activity Code Number _____

*This number must appear on all requests.

NOTE: Place your mailing address on the mailing label below. This label will be used to mail the missing pages to your activity.

DEPARTMENT OF THE NAVY
HEADQUARTERS, U. S. MARINE CORPS
WASHINGTON, D.C. 20380

POSTAGE AND FEES PAID
DEPARTMENT OF THE NAVY

OFFICIAL BUSINESS

1005 ACCRUED LEAVE

1. Accrued leave, creditable at the date of retirement, is compensable in a lump-sum payment not to exceed 60 days of basic pay and allowances creditable on the day prior to date of retirement. There is no authority for terminal leave incident to retirement. Annual leave may be granted prior to retirement by the commander authorized to grant such leave in accordance with annual leave regulations.

1006 RETIRED GRADE

1. As a general rule, an officer is retired in the grade in which serving at the time of retirement. However, in the event the officer concerned had previously served in a higher grade than that held at the time of retirement, he may be eligible for advancement on the retired list. Each officer shall be advanced on the retired list to the highest officer grade in which he served satisfactorily under a temporary or permanent appointment as determined by the Secretary of the Navy. However, if an officer is voluntarily retired under the provisions of subparagraph 2005.3, he will be advanced on the retired list to the highest officer grade in which he served satisfactorily with either a permanent or temporary appointment as determined by the Secretary of the Navy. The determination by the Secretary of the Navy is made in connection with processing the retirement, and individual requests for this purpose are not required (10 USC 6151 and 6323).
2. An officer who is serving or has served in the grade of lieutenant general by reason of appointment for appropriate higher command or performance of duty of grave importance and responsibility, upon retirement, may be appointed by the President by and with the advice and consent of the Senate to the highest grade held while on the active list and with retired pay based on that grade. However, retired pay of the higher grade based on such an appointment accrues from the date the commission is issued after confirmation by the Senate, regardless of the date of retirement (10 USC 5233 and 38 CompGen 340).

1007 RETIRED PAY

1. Retired pay is computed in conformity with specific provisions of law. The information in this paragraph applies only to nondisability retirements effected in accordance with the provisions of this manual.
2. An officer who is voluntarily retired under any law requiring 30 or more years of active service for retirement is entitled to retired pay at the rate of 75 percent of the basic pay to which he would be entitled if serving on active duty in the grade in which retired, or the grade to which advanced on the retired list.
3. An officer who is voluntarily retired under any law requiring more than 20 years but less than 30 years of active service for retirement, or is involuntarily retired for age and/or statutory service, is entitled to retired pay at the rate of $2\frac{1}{2}$ percent of the basic pay to which he would be entitled if serving on active duty in the grade in which retired or to which advanced on the retired list multiplied by the sum of the following:

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- a. Total years of service (active and inactive) creditable for basic pay purposes as of 31 May 1958.
 - b. Total years of active service, including active duty for training, performed subsequent to 31 May 1958.
 - c. One day of credit (with a maximum of 60 days of credit for any 1 year) for each retirement point credited in accordance with current regulations, as a member of a Reserve component subsequent to 31 May 1958, through authorized attendance at drills, completion of correspondence courses; periods of equivalent instruction or appropriate duty performed as authorized by the Commandant of the Marine Corps, the Commanding General, Marine Air Reserve Training Command, or appropriate district director; and 15 points per year gratuitous credit for Reserve membership.
4. A part of a year that is 6 months or more which may be obtained by adding the total service outlined in subparagraphs 3a through 3c above, will be credited as a whole year for computation and a part of a year that is less than 6 months will be disregarded.
5. The retired pay of any warrant officer who is retired under any law cited within this manual will be based upon the applicable monthly basic pay of the grade in which retired, or to which advanced on the retired list. However, if the applicable basic pay of the grade to which advanced is less than that of any warrant grade satisfactorily held by him on active duty, his retired pay will be based on the higher applicable basic pay.
6. Retired pay may not exceed 75 percent of the basic pay on which subject pay is based (10 USC 1401, 1405, 6151, 6322, 6335, and 6381).

1008 PAY ACCOUNTS

1. Pay accounts of retired personnel are carried at Marine Corps Finance Center, Retired Pay Division, Kansas City, Missouri 64197. Any inquiries pertaining to retired pay matters should be addressed to the Commanding Officer, Marine Corps Finance Center. Unless the member being retired requests otherwise, all insurance allotments and allotments for liquidation of indebtedness to the Government will be automatically continued when retirement is effected. All other allotments will be stopped.

1009 CURRENT ADDRESS AND RESIDENCE OF RETIRED OFFICERS

1. Each retired officer shall keep the Commandant of the Marine Corps (Code DGH) informed at all times of his current home mailing address where mail and messages addressed to him will be received. This report of current address is in addition to that submitted for pay purposes.
2. Subject to the above requirement, a retired officer may change his residence in the United States or may reside abroad except in belligerent countries.

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CHAPTER 2

SEPARATION AND RETIREMENT OF REGULAR COMMISSIONED OFFICERS

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- 2003 INVOLUNTARY DISCHARGE OF PERMANENT REGULAR OFFICERS
- 2004 REVOCATION OF COMMISSIONS
- 2005 VOLUNTARY RETIREMENTS
- 2006 TOTAL COMMISSIONED SERVICE FOR INVOLUNTARY RETIREMENT
- 2007 INVOLUNTARY RETIREMENT OF MAJOR GENERALS
- 2008 INVOLUNTARY RETIREMENT OF BRIGADIER GENERALS
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- 2010 INVOLUNTARY RETIREMENT OF UNRESTRICTED LIEUTENANT COLONELS
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SEPARATION AND RETIREMENT MANUAL

CHAPTER 2

SEPARATION AND RETIREMENT OF REGULAR COMMISSIONED OFFICERS

PART A: MALE OFFICERS

2001 RESIGNATIONS

1. Letters of resignation will be addressed to the Secretary of the Navy via official channels using the format contained in figure 2-1 and must be in accordance with instructions contained herein. With exception of requests from the officers subject to the provisions of paragraph 2002, requests for resignations shall be submitted so as to arrive at Headquarters Marine Corps not more than 6 months and not less than 3 months prior to the requested effective date of separation. When an officer submits his resignation and it is accepted by the President, or the Secretary of the Navy acting for him, he shall be separated from the service. A resignation may be withdrawn prior to its acceptance by the President, or the Secretary of the Navy acting for him, but once it has been duly accepted, it normally cannot be withdrawn. Resignation is a voluntary act on the part of the officer concerned and must be without condition. However, if an officer has not completed his obligated service under the law, the acceptance of his resignation normally will be contingent upon his acceptance of a Reserve commission. A statement that he will accept such commission should be included in his letter of resignation. Paragraph 5005 should be consulted in cases of resignation which result from a recommendation that an officer be administratively separated from the Marine Corps.
2. Commissioned officers of the Marine Corps serve at the pleasure of the President; hence the acceptance of their resignation will be adjudged on the needs of the service and on the basis of the following criteria:
 - a. Completion of 4 years' active commissioned, commissioned warrant or warrant service, as appropriate. Those officers who are appointed in the regular Marine Corps through the augmentation programs will not have their initial active duty obligation increased as a result of such augmentation. All active service, exclusive of active duty for training, in the grade of warrant officer or above, will be counted.
 - b. Completion of 36 or 42 months as appropriate since completing flight training, except for those officers who entered flight training under a contract which specified a shorter period of obligation.
 - c. Completion of 24 months subsequent to attending a service or civilian school when the prescribed course of instruction is of 5 or more months duration and attendance is in compliance with official orders. Officers serving their initial obligated active duty tour who are involuntarily ordered to attend such school are excluded from the above provisions.
 - d. Completion of a period of time equal to the length of schooling since completion of service or civilian schools of more than 24 months' duration attended in compliance with official orders.
3. The provisions of subparagraphs b, c, and d above, will not apply in cases where applicants for certain training or schooling voluntarily agree in their

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From: Commandant of the Marine Corps

To: Secretary of the Navy

Via: (1) Chain of Command
(2) Commandant of the Marine Corps (Code DMA)

Subj: Voluntary Retirement; request for

Ref: (a) MARCORSEPMAN, Par 2001

1. I hereby tender my resignation of commission in the United States Marine Corps.

2. I (do, do not) desire to accept a commission in the U. S. Marine Corps Reserve.

3. I certify that I am not financially indebted to the Government of the United States.

OR

I certify that I am financially indebted to the Government of the United States in the following amount: _____. If this resignation is granted I propose to pay such indebtedness as follows: _____.

4. My reason for submitting my letter for resignation/termination of permanent appointment is _____. (Information contained in this paragraph is utilized by the Career Planning Branch for analysis and appraisal of career management problems.)

FIRST ENDORSEMENT

From: Commanding Officer

To: Secretary of the Navy

Via: (1) Chain of Command
(2) Commandant of the Marine Corps (Code DMA)

1. Forwarded recommending _____.

◆ Figure 2-1

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2001

applications to a longer period of service, following completion of the training or schooling, before submitting their resignations.

4. Officer resignations normally will not be recommended for approval if:

- a. Orders have been issued overseas where dependents are not authorized.
- b. Scheduled for an operation or maneuvers outside the United States.
- c. Serving overseas. (The tour must be completed prior to acceptance of resignation.)

5. Exceptions to the foregoing policies will be considered in those cases where an undue hardship would result from the officer's retention.

6. NROTC graduates are obligated to serve as commissioned officers as provided by the signed agreements into which they have entered in connection with their participation in the program. Normally, such officers are required to serve a minimum of 3 consecutive years on active duty unless this period is extended under provisions of subparagraph b, above. (Regular NROTC students appointed Midshipmen, Naval Reserve, are presently required to serve upon graduation on active duty for 4 years as commissioned officers unless sooner released by the Secretary of the Navy.) Following the period of obligated active duty, they may have their Regular commissions terminated and be appointed in the Marine Corps Reserve.

7. An officer submitting his resignation or request for termination of his permanent appointment will obtain from the disbursing officer carrying his accounts and statement as to his status of indebtedness to the Government as shown by his records. The following statement is required in the text of the letter of resignation:

"I certify that I am not financially indebted to the Government of the United States."

or

"I certify that I am financially indebted to the Government of the United States in the following amount: _____. If this resignation is granted I propose to pay such indebtedness as follows: _____."

8. An officer submitting his letter of resignation or request for termination of his permanent appointment will include therein the reason for its submission. A desire to attend school, enter business, or accept a position in civil life is frequently given as the reason. If, however, an officer desires separation because he considers his opportunity for promotion poor, the pay inadequate, or the deprivation of home life excessive, these reasons should be given in addition to any others. While the Marine Corps does not desire to pry into the personal affairs of an officer, for its own information and for the information of Congress, it is desirable to know why officers separate themselves from the Marine Corps and give up a service career.

9. An officer may be released from active duty, permitted to resign, or discharged, as appropriate, for the purpose of performing the duties of: the President of the United States; the Vice President of the United States; a Presidential appointee to a statutory office; a member of either of the legislative bodies of the United States; a Governor, any other State official chosen by

temporary or Reserve officer is included. Application for such reversion will be forwarded to the Commandant of the Marine Corps (Code DMA) via official channels.

7. An officer above the grade of second lieutenant and below the grade of colonel who is found by a naval examining board to be from any cause arising from his own misconduct not normally qualified to perform the duties of the grade for which he is being examined shall, if the finding is approved by the President, be discharged with not more than 1 year's pay. He is not eligible for enlistment (10 USC 5864).

2004 REVOCATION OF COMMISSIONS

1. The Secretary of the Navy may revoke the commission of any officer of the Regular Marine Corps who has completed less than 3 years of continuous service as a commissioned officer as of the date the Secretary of the Navy signs the document effecting the revocation of commission.

2. Detailed instructions and procedures relative to revocation of commissions are contained in Navy Department General Order No. 16.

2005 VOLUNTARY RETIREMENTS

1. Requests for voluntary retirement will be addressed to the Secretary of the Navy via official channels using the format contained in figure 2-2. Requests should be submitted so as to arrive at Headquarters Marine Corps not more than 6 months and not less than 3 months prior to the requested retirement date. Requests should include the following:

a. The requested effective date of retirement (must be the first day of the month).

b. The commanding officer by endorsement, see figure 2-2, will certify that officers have been found physically qualified for retirement. The retirement report of medical examination (SF 88) will be forwarded to Chief, Bureau of Medicine and Surgery as the top document on the terminated Health Record.

or

A physical examination has been scheduled for the officer and the Commandant of the Marine Corps (Code DMA) will be notified by message immediately of the results.

or

Officer has been admitted to the U. S. Naval Hospital (name of hospital) for appearance before a medical board. This endorsement will not be necessary in those cases where the officer has appeared before a physical evaluation board within a period of 6 months prior to the requested date of retirement, and has been found fit to perform the duties of his grade by the Secretary of the Navy as a result of the disability proceedings. See paragraph 1003 for instructions regarding physical examinations.

c. Complete and detailed justification should be included if retirement is requested as an exception to current policy.

2. An officer who is subject to involuntary retirement may request voluntary retirement to be effective on or prior to the date of involuntary retirement, provided he is eligible for voluntary retirement.

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3. Requests for voluntary retirement, once submitted in the proper manner, will not normally be canceled. However, when a request for cancellation is made by an officer, due to unforeseen meritorious conditions, the case shall be referred to the Commandant of the Marine Corps with all pertinent facts, together with affidavits or other supporting documentary evidence showing changed conditions that could not be foreseen.
4. Voluntary retirements normally will not be recommended for approval unless an officer has completed 24 months subsequent to attending a service or civilian school if the prescribed course is of 5 or more months duration and attendance is in compliance with official orders. Additionally, approval of requests in the grades of W-1, W-2, W-3, W-4, O5, and O6 will normally be withheld until an individual has completed a minimum of 1 year on station or the current prescribed tour when serving outside CONUS.
5. An officer who applies for retirement after completing more than 20 years of active service in the Army, Navy, Marine Corps, Air Force, or Coast Guard, or Reserve components thereof, of which at least 10 years was service as a commissioned officer in the grade of chief warrant officer (CWO-2), or above, at the discretion of the President, may be retired. To be eligible for retirement under this provision of law, an officer must complete at least 1 day more than 20 years of active service (10 USC 6323).
6. A chief warrant or warrant officer, who applies for retirement after completing 20 or more years of active service, at the discretion of the Secretary of the Navy, may be retired (10 USC 1293).
7. An officer holding a permanent appointment in the grade of warrant officer (W-1), or above, who applies for retirement after completing 30 or more years of active service, at the discretion of the Secretary of the Navy, may be retired (10 USC 6322).
8. Each temporary commissioned officer or temporary warrant officer of the Regular Marine Corps holding a permanent enlisted grade, who applies for retirement after completing 30 or more years of active service, shall be retired by the President (10 USC 6326).
9. Each officer holding a permanent appointment in the grade of warrant officer (W-1), or above, who applies for retirement after completing 40 or more years of active service, shall be retired by the Secretary of the Navy (10 USC 6321).

2006 TOTAL COMMISSIONED SERVICE FOR INVOLUNTARY RETIREMENT

1. The succeeding paragraphs of this part will refer to this paragraph, where appropriate, in connection with total commissioned service as computed for the purpose of determining eligibility for involuntary retirement, separation, or continuation on the active list.
 - a. For the purpose indicated above, the total commissioned service of a male officer on the active list of the Marine Corps who has served continuously on the active list since his regular appointment in the grade of second lieutenant, either upon graduation from the Naval Academy or under 10 USC 2106, 2107, or 6909, is computed from 30 June of the fiscal year in which he accepted that appointment. An officer described above will be referred to as a Type A officer and every other officer on the active list will be referred to as a Type B officer, but only for the purposes of clarity in this paragraph.

MARINE CORPS
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2006

From:

To: Secretary of the Navy

Via: (1) Chain of Command
(2) Commandant of the Marine Corps (Code DMA)

Subj: Voluntary Retirement, request for

Ref: (a) MARCORSEPMAN, paragraph 2005
(b) BUMED INST 6120.6_____

1. It is requested that I be placed on the Retired List of the Marine Corps in accordance with the provisions of reference (a) effective (must be on first day of month).

2. The following information is applicable in my case:

a. I served on active duty during midshipman summer cruises.

AND/OR

b. I have inactive service subsequent to 31 May 1958.

OR

2. I have not served on active duty during midshipman summer cruises nor have I any inactive service subsequent to 31 May 1958.

3. I certify that I have been informed of and understand the provisions of reference (b) which states that in order to qualify for physical disability retirement benefits outlined in Chapter 61, U. S. Code, Title 10, I must be on active duty at the time the Secretary of the Navy approves any proceedings of a Physical Evaluation Board.

FIRST ENDORSEMENT

From: Commanding Officer

To: Secretary of the Navy

Via:

1. Forwarded recommending_____.

2. It is certified that subject-named officer has been found physically qualified for retirement. Report of medical examination (SF 88) will be forwarded to Chief, Bureau of Medicine and Surgery as the top document on the terminated Health Record.

OR

2. A physical examination has been scheduled for_____ and Commandant of the Marine Corps (Code DMA) will be notified by message immediately of the results.

OR

2. This officer has been admitted to the U. S. Naval Hospital,_____ for appearance before a medical board.

► Figure 2-2

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b. Each male commissioned officer on the active list of the Marine Corps is considered to have the same total commissioned service for this purpose, as the Type A officer described in subparagraph 1a, above, with the maximum total commissioned service who meets the following criteria:

(1) Has not lost number or precedence; and

(2) Is, or at any time has been, junior to the Type B officer for the purposes of eligibility for promotion and selection for promotion during the Type B officer's latest period of continuous service on the active list as a Regular officer.

c. The active list of the Marine Corps means the list of officers of the Regular Marine Corps, other than retired officers, holding permanent appointments in grades above chief warrant officer (CWO-4).

d. If an officer fails of selection for promotion to the next higher grade and subsequent thereto an officer junior to him is promoted to become senior to him, he has lost precedence within the purview of subparagraph 1b(1), above.

e. Total commissioned service as defined above has no application for temporary officers, warrant officers, or women officers; and such service has no application in the case of limited duty officers, except in the computation of severance pay of first lieutenants and captains.

f. The service date is defined as the date from which the total commissioned service is computed, and the service date is 30 June of the appropriate fiscal year.

g. Total commissioned service as defined herein has no bearing on computation of active service to determine eligibility for voluntary retirement (10 USC 6387).

2007 INVOLUNTARY RETIREMENT OF MAJOR GENERALS

1. Each major general who is not recommended for retention on the active list in the approved report of a board convened for this purpose shall be retired on 30 June of the fiscal year in which he first completes 5 years of service in the grade of major general and 35 years of total commissioned service as defined in paragraph 2006. (10 USC 6373)

2. Each major general who would otherwise be retired under subparagraph 1, above, shall be retained on the active list if recommended for retention in the approved report of a board convened for this purpose. An officer so retained shall be retired on 30 June of any succeeding fiscal year in which he is not again recommended for retention in the approved report of such a board, or if no such board is convened.

3. Each year the Secretary of the Navy may convene a board to recommend officers serving in the grade of major general for retention on the active list. However, he shall convene such a board in any year when three or more such officers will be subject to retirement in accordance with subparagraphs 1 and 2, above. The number of officers that may be recommended by a board for retention on the active list may not exceed the number that the Secretary of the Navy determines to be necessary to meet the requirements of the Marine Corps. In any year in which the

number of officers subject to retirement is 3 or more, the Secretary shall fix the maximum number that may be recommended for retention at not less than the number of officers subject to such retirement minus two. An officer is not subject to retirement under the foregoing provisions of this paragraph while serving as Commandant of the Marine Corps (10 USC 6373 and 5709).

4. For the purposes of subparagraphs 1, 2, and 3, above, an officer serving in the grade of lieutenant general under an appointment pursuant to 10 USC 5232 or serving under a temporary appointment pursuant to 10 USC 5787, is considered as serving in the grade he would hold if he had not been so appointed (10 USC 6385).

5. The Secretary of the Navy may convene a board of officers to consider and recommend for retirement, major generals on the active list of the Marine Corps. Each major general recommended for retirement by such a board shall, if the recommendation is approved by the President, be retired on the first day of the seventh month after the date of approval by the President (10 USC 6394).

2008 INVOLUNTARY RETIREMENT OF BRIGADIER GENERALS

1. Each brigadier general on the active list whose name is not on a promotion list shall be retired on 30 June of the fiscal year in which he is considered as having twice failed of selection for promotion to the grade of major general (10 USC 6374).

2. The Secretary of the Navy may convene a board of officers to consider and recommend for retirement, brigadier generals on the active list of the Marine Corps. Each brigadier general recommended for retirement by such a board shall, if the recommendation is approved by the President, be retired on the first day of any month designated by the Secretary, but not later than the first day of the seventh month after the date of approval by the President (10 USC 6394).

2009 INVOLUNTARY RETIREMENT OF COLONELS

1. Each colonel on the active list, not retired under the provisions of paragraph 2013, shall be retired on 30 June of the fiscal year in which he completes 30 years total commissioned service as defined in paragraph 2006 if his name is not on a promotion list and he is considered as having twice failed of selection to the grade of brigadier general, or when he completes 31 years of total commissioned service if he is not on a promotion list (10 USC 6376).

2. A colonel who has lost numbers or precedence may not be retired because of completing 31 years total commissioned service until 30 June of the fiscal year in which he completes 5 years service in the grade of colonel. For this purpose, an officer promoted to colonel after 6 August 1947 is credited with service in that grade from the date of his eligibility for promotion to colonel (10 USC 6376).

2010 INVOLUNTARY RETIREMENT OF UNRESTRICTED LIEUTENANT COLONELS

1. Each lieutenant colonel on the active list not retired under the provisions of paragraph 2013 and designated for limited duty shall be retired on 30 June of the fiscal year in which he completes 26 years total commissioned service as defined in paragraph 2006 if his name is not on a promotion list and he is considered as having twice failed of selection for promotion to the grade of colonel (10 USC 6379).

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2011 INVOLUNTARY RETIREMENT OF UNRESTRICTED MAJORS

1. Each major on the active list not designated for limited duty shall be retired on 30 June of the fiscal year in which he completes 20 years total commissioned service as defined in paragraph 2006 if his name is not on a promotion list and he is considered as having twice failed of selection for promotion to the grade of lieutenant colonel (10 USC 6380).

2012 INVOLUNTARY RETIREMENT OF OFFICERS DESIGNATED FOR LIMITED DUTY

1. Each officer designated for limited duty shall be retired on the first day of the second month following the month in which he completes 30 years of active naval service, exclusive of active duty for training in a Reserve component.

2. Each major designated for limited duty shall be retired on 1 July immediately following the fiscal year in which he is considered as having failed of selection for promotion to the grade of lieutenant colonel for the second time. However, if any such officer had the permanent status of chief warrant officer (CWO) or warrant officer (W-1), when first appointed as a limited duty officer, he has the option, instead of being retired, of reverting to the grade and status he would hold if he had not been so appointed. If any such officer had a permanent grade below the grade of warrant officer (W-1), when first so appointed, he has the option, instead of being retired, of reverting to the grade and status he would hold if he had not been so appointed a warrant officer (W-1). In any computation to determine the grade and status to which such an officer may revert under this subparagraph, all active service as an officer designated for limited duty or as a temporary or Reserve officer is included. An officer exercising the option of reverting, if not otherwise retired, shall be involuntarily retired in accordance with subparagraph 3006.3 if he is holding a warrant grade at the time of retirement (10 USC 6383 and 1305).

2013 DELETED (Ch 8)

2014 INVOLUNTARY RETIREMENT OF MALE COMMISSIONED OFFICERS FOR AGE

1. Each officer above the grade of chief warrant officer, CWO-4, shall be retired by the President on the first day of the month following that in which he becomes 62 years of age. The President, at his discretion, may defer retirement of any such officer for the length of time he considers advisable but not later than the first day of the month following that in which such officer becomes 64 years of age. Not more than 10 such officers, including naval officers whose retirement is so deferred, shall be on active duty at any one time (10 USC 6390, Executive Order 10621).

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6008

6008 TABLE OF MATTERS RELATING TO DISCHARGES OR RELEASES FROM ACTIVE DUTY

1. Matter relating to discharges or releases from active duty is furnished as a ready reference by the table contained in figure 6-1. The entries in the table are to be considered as a guide only. Pertinent reference should be consulted for detailed instructions and exceptions under certain conditions.

TABLE OF MATTERS RELATING TO DISCHARGES

Reason for Discharge	Authority	Conditions Affecting the Type and Character of Discharges	Character of Discharge	DD Form	Mileage (a)	Transportation in Kind (a)	Issue Civilian Clothing (b)	Cash Allowance (c)	Retain and Wear Uniform Home (d)	Reenlistment Bonus Recoupment (e)
Expiration of Enlistment or Fulfillment of Service Obligation as applicable	Par. 6009 or 8002	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No
Convenience of the Government	Par. 6012	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No (f)
Own Convenience	Par. 6013	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	Yes
Dependency or Hardship	Par. 6014	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No
Minority	Par. 6015	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No
Disability	Par. 6011	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	No	No	Yes	No (g)
Unsuitability	Par. 6016	Par. 6002 6003 6004	Honorable or Under Honorable Conditions	DD 256-MC DD 257-MC	Yes	No	Yes	No	No	No
Misconduct	Par. 6018	Par. 6002 6003 6004 6005	Honorable or Under Honorable Conditions or Undesirable	DD 256-MC DD 257-MC DD 258-MC	Yes	No	Yes	No	No	Yes
Request for Discharge for the Good of the Service	Par. 6021	Par. 6002 6003 6004 6005	Honorable or Under Honorable Conditions or Undesirable	DD 256-MC DD 257-MC DD 258-MC	Yes	No	Yes	No	No	Yes
Security	Par. 6020	Par. 6002 6003 6004 6005	Honorable or Under Honorable Conditions or Undesirable	DD 256-MC DD 257-MC DD 258-MC	Yes	No	Yes	No	No	Yes
Unfitness	Par. 6017	Par. 6002 6003 6004 6005	Honorable or Under Honorable Conditions or Undesirable	DD 256-MC DD 257-MC DD 258-MC	Yes	No	Yes	No	No	Yes
Sentence of Court-Martial	Par. 6019	Par. 6002 6006 6007	Bad Conduct or Dishonorable	DD 259-MC DD 260-MC	No	Yes	Yes	Yes	No	Yes

(a) See paragraph 7004; Joint Travel Regulations; and Navy Travel Instructions.

(b) See paragraph 7008.

(c) See paragraph 7010 and DOD Military Pay and Allowances Entitlements Manual.

(d) See paragraph 7017.

(e) See DOD Military Pay and Allowances Entitlements Manual.

(f) Unless directed by CMC or unless marriage is the basis in the case of a woman member.

(g) Unless resulting from misconduct or willful neglect or unless incurred during a period of unauthorized absence.

FIGURE 6-1.

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6009 DISCHARGE FOR EXPIRATION OF ENLISTMENT OR FULFILLMENT OF SERVICE OBLIGATION

1. Commanders are authorized to discharge enlisted personnel upon normal date of expiration of enlistment, extension of enlistment, or period of induction. The normal date of expiration of enlistment for any enlistment is the date of the month immediately preceding the appropriate anniversary of the date of enlistment as adjusted for the purpose of making up any time lost from the enlistment extension of enlistment or period of induction.

2. Discharge of enlisted personnel for reason of fulfillment of service obligation will be accomplished in accordance with the provisions of chapter 8. Paragraph 8002 will be cited as the authority for discharge.

6010 DISCHARGES AT SEA

1. Discharges will not be executed while an enlisted person is attached to a Marine Detachment afloat, except for the purpose of immediate reenlistment, or accepting an officer appointment.

6011 DISCHARGE FOR PHYSICAL DISABILITY

1. The Commandant of the Marine Corps, and Commanders specifically authorized by paragraph 10404 and/or separate directive, may direct or effect discharge for physical disability.

Discharge by reason of physical disability is given only as a result of an individual's appearance before a medical board or a physical evaluation board. The purpose of these boards are as follows:

a. Medical Board. A medical board is convened to examine a Marine when doubt exists concerning his state of health (see paragraph 10102).

b. Physical Evaluation Board. A physical evaluation board is constituted for the purpose determining whether a Marine is unfit to perform the duties of his grade by reason of a physical disability which was either incurred in or aggravated by a period of active military service (see paragraph 10103).

3. Personnel who are recommended for discharge by a medical board based on physical disability not incurred in or aggravated by service may be discharged provided all the conditions specified in the current edition of BUMED INST 1910.2 are met (see paragraph 10404).

4. Personnel who are referred to a physical evaluation board based on a physical disability should not be discharged until the processing has been completed by the Secretary of the Navy and an appropriate directive reflecting such action is issued by the Commandant of the Marine Corps. An untimely separation of a member who is undergoing physical evaluation board proceedings may prejudice his case because the law requires that the Secretary of the Navy make the necessary physical disability determinations while the member is entitled to receive basic pay (see paragraph 10108).

e. Financial obligations; specific amounts and methods of contributions to dependent.

f. Names, ages, occupations, and monthly incomes of members of the individual's family if any; where applicable, income will include monetary benefits derived as the result of being beneficiary to a life insurance policy whether payment was made in a lump-sum settlement or on a monthly basis, and the reasons why these members cannot provide the necessary care or support of the individual's family; and a statement that no members of the family have been omitted. Income, as used herein, will include wages, compensation of any type, Social Security benefits, interest and rental income from property and all other sources. If the request is based on financial conditions of specific members of the family, a statement of both month income and expenses of such members, and a statement of their assets and liabilities will be included. Assets will include a listing of all property, securities, and funds owned, except clothing and household furnishings.

g. If dependency is the result of death of a member of the Marine's family, occurring after his entrance into the service, a certificate or other valid proof of death should be furnished. If dependency or hardship is the result of disability of a member of the Marine's family, occurring after entrance in the service, a physician's certificate should be furnished showing specifically when such disability occurred, the nature thereof, and probable duration.

7. The immediate commander will forward such application by endorsement, including:

- a. A definite recommendation.
- b. A statement regarding service obligation.
- c. Status of any disciplinary action pending.

d. Effective date, amount and purpose of all allotments. If the applicant claims to be making cash contributions, he shall be required to produce substantiating evidence, such as money order receipts, etc.

8. The Marine commander who exercises special court-martial jurisdiction over the applicant will appoint a board, consisting of not less than three members, before whom the applicant will appear. This board shall consist entirely of military personnel. It will be the responsibility of the board to study and evaluate all available information, interview the applicant, and make recommendations concerning the ultimate disposition of the case, including a recommendation as to whether an applicant who has a remaining service obligation should be discharged or released from active duty. The report of a board will include a brief summary of any factors considered in arriving at its recommendations which are not apparent in the application. The authority contained herein to appoint a board may be limited by higher authority when such action is deemed desirable; e.g., when one board may conveniently consider all cases in a larger command.

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9. Upon receipt of a written request for discharge from the individual concerned, together with the supporting evidence outlined in subparagraph 6, above, the discharge authority will take the following action:

a. Carefully review the basis on which the request is made.

b. Where specific supplemental information is needed to make a proper determination in the case, request such supplemental information from the American Red Cross pertaining to the application for discharge or release from active duty of an individual for hardship. Such requests will be restricted to those cases where specific supplemental information is needed to make a proper determination. If the member's request for discharge is disapproved after receipt of the American Red Cross report, include such report when forwarding the case to the Commandant of the Marine Corps (Code DMB).

c. If the case has not previously been considered by a board, appoint a board to consider the case as outlined in subparagraph 8.

d. If the member's discharge or release from active duty is considered warranted, take final action on the application, regardless of the recommendations of the board. If the member is discharged, his application for discharge and all supporting papers will be forwarded, with his closed out service records to the Commandant of the Marine Corps (Code DGH). For those members released from active duty rather than discharged, the member's application for discharge and all supporting papers will be forwarded to the Commandant of the Marine Corps (Code DGH). The member's service records will be forwarded to the appropriate Reserve Command in accordance with current directives.

e. If the member's discharge or release from active duty is not considered warranted, forward his application for discharge with all supporting documents, together with a synopsis of the proceedings and recommendations of the local review board, to the Commandant of the Marine Corps (DGH) for file in the member's official case. The commander authorized to take final action in the disapproval cases will officially inform the member in writing and include the specific reason or reasons for such disapproval. Some statement expressing sympathy or providing advice for serviceman to help alleviate his problem. While such responses will not lessen the disappointment, the member will undoubtedly feel, neither will they cause or increase an attitude of frustration or negativism. Cases submitted to the Commandant of the Marine Corps (DMB) for decision will include the same rationale in reply to those cases where a disapproval of discharge is directed.

f. If at any time prior to final action, the applicant indicates a desire to withdraw his application for discharge or indicates a desire not to be discharged even though his application is not formally withdrawn, the cognizant command will obtain a signed statement from the applicant to that effect. Such statement will be included with the member's application for discharge when forwarded to the Commandant of the Marine Corps (Code DMB). An entry will be made on page 11 of the member's service record book showing that he signed such a statement.

10. Discharge authorities are further authorized to make the final determination, when the Marine concerned has a military obligation, as to whether conditions of hardship or dependency for which the individual is being considered may be expected to continue throughout the period of his obligated service. If it is considered that the hardship or dependency will continue throughout the period of his obligated service, the Marine may be discharged, in which case the period

article 27(b)(1); however, where the respondent is represented by counsel, neither the recorder nor the assistant recorder will possess any greater legal qualifications than those possessed by the respondent's counsel. The recorder is responsible for ensuring that the board is presented only such materials and documents which may properly be considered by it. The recorder is also responsible for ensuring that the board is presented all testimony, materials, and documents which are necessary for it to arrive at such findings, opinions (if required by the convening authority), and recommendations, as will permit the discharge authority to make a proper disposition of the case. The recorder will conduct a preliminary review of all available evidence, screening out improper matter, and obtaining such additional evidence as appears necessary (see subparagraph 6024.3m). The recorder will arrange for the time, date, and place of the hearing after consulting with the chairman of the board and the counsel for the respondent. The recorder will also arrange for the attendance at the hearing of all material witnesses, except those witnesses whose attendance is arranged by the respondent (see subparagraph 6024.3n). At the hearing, the recorder will conduct the direct examination of all witnesses, except those requested or called by the respondent. The recorder will not participate in the closed sessions of the board or in the determination of the board's findings, opinions (if any), and recommendations. Under the direction of the chairman, the recorder will prepare or cause to be prepared the record of the board's proceedings. The convening authority of the board may appoint a reporter or provide other clerical assistance for the purpose of assisting the recorder in preparing the record. Normally, a summary of the testimony of witnesses personally appearing before the board will suffice. The chairman or convening authority, at his discretion, may direct the preparation of a verbatim or partially verbatim record.

b. When the respondent is a Woman Marine, the voting membership of the board shall consist of at least one Woman Marine officer.

c. When the respondent is a member of the Marine Corps Reserve, the voting membership of the board should include a majority of Marine Corps or Naval Reserve officers, if reasonably available. Should a majority of Reserve officers not be reasonably available, at least one voting member of the board will be a Marine Corps Reserve or Naval Reserve officer. Where the requirement that a majority of the voting membership of the board be Reserve officers cannot be met, the convening authority will certify the reasons therefor in the permanent record.

d. If any of the above prescribed mandatory requirements for the composition of a board cannot be met in a particular case from the officer personnel locally available, the convening authority will notify the Commandant of the Marine Corps (Code AI) and request appropriate instructions.

e. The attendance at the proceedings of an administrative discharge board becomes the primary duty of an officer designated as a member. No member shall fail in his attendance at the appointed time unless prevented by illness, or ordered away, or excused by convening authority.

f. Unless at least three voting members of the board are present, no business other than declaring a recess or adjournment shall be transacted by the

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board. If it appears that a voting member will be absent for more than a short period of time and his absence reduces the voting membership present to fewer than three members, the convening authority will be advised and he shall then appoint an additional member(s) to ensure that at least three voting members of the board are present during the conduct of all business by the board.

g. The board, in the absence of a voting member, may proceed only if authorized and directed to do so by the convening authority. Where a new member of the board has been appointed (i.e., following a successful challenge against a former member), or where a member of the board who has been temporarily absent returns, that part of the proceedings conducted in his absence, with the concurrence of the counsel for the respondent, may be orally summarized for him in open session by the recorder, or the summarized record of that part of the proceedings conducted in his absence shall be examined by him and that examination noted in the record. The appointment of a new member, or the temporary absence of a member, does not preclude that member's full participation in the deliberations of the board relating to its findings of fact, opinions and recommendations.

3. Procedure. The following rules shall govern the procedure to be employed by an administrative discharge board. Where questions as to matters of procedure not covered herein are encountered, such questions will be resolved at the discretion of the board or the convening authority.

a. Rules of evidence. An administrative discharge board functions as an administrative, rather than a judicial body. Accordingly, in the board's proceedings the strict rules of evidence governing trials by courts-martial are not applicable. The admissibility of evidence is a matter within the discretion of the board. There is a sharp and distinct delineation between the administrative process which has as its purpose the administrative elimination of unsuitable, unfit or unqualified service members and the judicial process, the purpose of which is to establish the guilt or innocence of a member accused of a crime and to administer punishment when appropriate. However, the board may impose reasonable restrictions as to the relevancy, competency, cumulativeness, and materiality of all matters to be considered by the board so as to promote orderly procedure and ensure a full and impartial hearing.

b. Testimony of witnesses. The testimony of all witnesses appearing in person before the board, at the discretion of the convening authority or the chairman, may be taken under oath or affirmation, except that the respondent may make an unsworn statement, which may include, but is not limited to, matters concerning the acts or omissions which form the basis for his being considered for discharge, or in extenuation or mitigation thereof. The respondent may not be cross-examined upon his unsworn statement; however, evidence may be introduced to rebut any statements of fact contained therein. The respondent's unsworn statement may be oral, in writing, or both and may be made by the respondent or his counsel, or by both of them. The respondent's statement should be factual, not argumentative in nature. See subparagraph 6024.3r pertaining to arguments.

c. Explanation of respondent's rights. At the outset of the proceedings, the board will ascertain whether or not the respondent has been fully advised of and understands all his rights before the board. The assurance of the respondent's counsel in this regard will normally suffice. If the board is not satisfied that the respondent has been so advised, or that he does not fully understand any explanation previously given, the board will clearly explain his rights to him.

d. Exercise and waiver of respondent's rights. The respondent will be given a reasonable opportunity to exercise any and all of his rights before the board. However, the failure of the respondent to exercise or invoke any of his specified rights, after he has been apprised of the same, will not be considered as a bar to the board proceedings, findings, opinions and recommendations and such rights will be conclusively presumed to be waived by him.

e. Self incrimination prohibited. Within the purview of subparagraph 6024.7c no witness, including the respondent, appearing before the board shall be compelled to incriminate himself or to answer any questions, the answer to which may tend to incriminate him; nor shall he be compelled to make any statement or produce evidence if the statement or evidence is not material to any matter under investigation and may tend to degrade him. Other than the respondent, any person, whether or not charged with or suspected of an offense, may be called as a witness before the board, whether or not he requests to be a witness. See, however, subparagraph 6024.3n as to the authority to compel the attendance of witnesses. If a witness including the respondent is accused of, suspected of, or charged with an offense, he shall be informed of the nature of the offense and shall be advised that he does not have to make any statement or give any testimony regarding the offense and that any statement or testimony given by him may be used as evidence against him in a subsequent trial by court-martial prior to testifying. If the witness is not subject to the UCMJ, the phrase "any subsequent trial by court-martial" at the end of the warning should be modified as follows, i.e., "any subsequent trial." After being so informed, the right to refrain from testifying regarding the offense of which he is accused, suspected or charged must be claimed by the witness. Despite assertion of such right, the witness may be questioned on matters other than the offense of which he is accused, suspected or charged. See subparagraph 6024.7c regarding waiver of the privilege against self-incrimination by the respondent. The question of whether a witness is suspected of an offense is one for decision by the board and will depend upon the nature of the matter being considered by the board, the reasonable probability that an offense has been committed, and the reasonable probability that the witness was the offender. The board shall resolve all reasonable doubt in favor of the witness. Each witness appearing before the board should be advised of the subject matter of the board's inquiry.

f. Warning the witness. The board at its discretion may direct a witness not to discuss his testimony with other witnesses or persons who have no official interest in the matter until the board's proceedings are completed. This warning is given to ensure that the matter before the board can be fairly heard and to eliminate the possibility that disclosures of the substance of the witness' testimony may influence, however inadvertently, testimony of the witness still to be heard.

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g. Oaths. While an oath or affirmation to those persons personally appearing before the board as witnesses may be required (except for any unsworn statement of the respondent), and while an oath or affirmation to a challenged member may be administered, no oath or affirmation is required for the members of the board, counsel, recorder, assistant recorder, or reporter. The oath or affirmation to be given a challenged member and to all witnesses will be in accordance with JAG Manual, section 0415, and will be administered by the recorder.

h. Authority of the chairman. The chairman shall preserve order and decide upon matters relating to the routine business of the board. He may grant a continuance and recess and may adjourn the board to meet at a time and a place most convenient and proper. The chairman's rulings are subject to objection by any voting member of the board. Motions or objections pertaining to any matter other than the admissibility of evidence to be considered by the board, and other than matters relating to continuance, recesses or adjournments, do not require a ruling by the chairman of the board, but should be heard and merely noted in the record for resolution thereof by the discharge authority. For example, a contention that a respondent is not subject to an administrative discharge because of the applicability of the provisions of subparagraph 6005.5 will not be ruled upon by the chairman of the board, but will be resolved by the discharge authority. Should a voting member object to the chairman's ruling on any matter, a vote shall be taken in closed session and the question shall be decided by a majority vote. A tie vote on any question, except as to challenges of members, is a determination in favor of the respondent.

i. Eliciting further information. Whenever it appears desirable to the members of the board that additional information be elicited or developed in the interest of clarifying any relevant matter, or otherwise for a proper hearing of the matters before the board, the chairman will so advise the recorder and may direct the calling of a witness, the pursuance of further lines of questioning, or the adducing of other evidence.

j. Security matters. If any matter to be heard by the board requires a security clearance and individual counsel for the respondent or other participants in the board's proceedings have not been granted such clearance, the convening authority shall be advised thereof (see current edition of OPNAVINST 5510.1; and JAG Manual, section 0133b).

k. Sessions. The board may be cleared at any time for deliberation or consultation, including final deliberations, whereupon the respondent, counsel, the recorder, the assistant recorder, and the reporter, if any, will withdraw and only the voting members will be present. The open proceedings of the board will be open to the public unless the convening authority directs otherwise.

l. Challenges

(1) The respondent may challenge any voting member of the board for cause only, i.e., that the member cannot approach the case with an open mind and impartiality. A challenged member will be given the right to make a statement with respect to the challenge. The board will not receive a challenge to more than one member at a time. After disclosing his grounds for challenge, the

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CHAPTER 7

GENERAL INSTRUCTIONS FOR DISCHARGES

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d. Intoxicated; or

e. Has deserted in time of war from any of the Armed Forces unless, in time of war, his enlistment is permitted by such authority as the Secretary of the Navy designates (10 USC 5532).

2. An enlistment entered into by a person of one of the categories listed in subparagraph 1 is void.

3. All cases of enlistments apparently entered into in violation of the prohibition in 10 USC 5532 shall be reported to the Commandant of the Marine Corps (Code DGK) immediately. After investigation of the facts and subject to any provision of law pertinent thereto, the Commandant of the Marine Corps will direct the action to be taken and the disposition of the person concerned. The foregoing reporting requirement applies in addition to cases falling under subparagraph 1, to the following illegal enlistments:

a. Unauthorized execution of a contract of enlistment into the Marine Corps or Marine Corps Reserve while already a member of any component of any Armed Force of the United States or execution of such contract while on a retired list of any component of any Armed Force of the United States.

7025 NOTIFICATION TO IMMIGRATION AND NATURALIZATION SERVICE

1. Provision is made by law to revoke the citizenship of naturalized citizens who are discharged either dishonorably or under other than honorable conditions. The Immigration and Naturalization Service, Department of Justice, is responsible for the institution of proceedings for the revocation of citizenship in any such cases.

2. In the event any naturalized citizen who is a member of the Marine Corps is being discharged either dishonorably or under other than honorable conditions, the commander of the dischargée shall forward immediately to the Commandant of the Marine Corps (Code AI) a report of such case in order that the required certification may be prepared and transmitted to the Immigration and Naturalization Service upon the person's discharge for determination as to the propriety of revocation of citizenship. This report will include the fact of discharge and the date thereof. The report will also include whatever information is shown on the dischargée's service records with respect to naturalization.

7026 SEPARATION OF ALIENS

1. Title 10, U. S. Code, Section 651 provides that each male person who enlists in the Armed Forces prior to his 26th birthday incurs a military service obligation. Aliens accepted for enlistment are not exempt by law from the military service obligation, and upon separation from active service are normally transferred to or retained in the appropriate Reserve component to complete any remaining period of obligated service.

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2. Commanders are authorized to discharge an alien upon expiration of obligated active service or from an inactive duty Reserve status, upon the written request of the individual concerned, provided the applicant indicates that immediately subsequent to discharge he will establish permanent residence in his native country or other country foreign to the United States.

3. Aliens who signify intention of establishing a permanent residence in the United States will not be relieved of their military service obligation.

4. Aliens who signify intention of establishing permanent residence outside the United States may be retained in an obligor status at their request.

5. When personnel who are not citizens of the United States are to be separated within the United States or its territories or possessions, the nearest district office of the Immigration and Naturalization Service, Department of Justice, shall be notified of such pending separation and the prospective date thereof. Such notification shall be submitted in sufficient time to permit the immigration authorities to take such action as they may deem appropriate prior to the date on which the individual is to be separated.

6. Title 8, U. S. Code, Section 1439 provides for expeditious naturalization of permanent resident aliens upon completion of 3 full years' service in the Armed Forces of the United States provided:

a. The alien has been lawfully admitted to the United States for permanent residence.

b. Was separated from the military service under honorable conditions.

c. Files a petition while still in the military service or within 6 months after the termination of such service, and

d. Can comply in all other respects with the provisions of Title 8, U. S. Code, Section 1439 except that:

(1) No period of residence or specified period of physical presence in the United States or the state in which the petition for naturalization is filed is required, and

(2) Residence within the jurisdiction of the court is not required.

7. In order not to jeopardize their eligibility for naturalization, permanent resident aliens serving on an enlistment or tour of extended duty of 3 years or more will not be discharged until completion of 3 full years' service solely for the convenience of the Government under the provisions of any early release program. Further, the above provisions will be explained to any alien who applies for discharge for his own convenience or hardship prior to completion of 3 years of service. The prescribed 3 year period may be satisfied by a combination of active duty and inactive duty in a reserve status. Notwithstanding the foregoing, if an alien desires discharge for one of the above reasons, he may be discharged provided he is otherwise qualified and he makes the following signed statement on page 11 of the service record:

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"I understand that my requesting discharge prior to completion of 3 full years of service may jeopardize my eligibility for expeditious naturalization under Title 8, U. S. Code, Section 1439. However, understanding the above, I request early discharge."

8. The above policy should not be construed as giving aliens an entitlement to retention in service for at least 3 full years regardless of their military records. Adequate provisions are contained in this manual for the separation of personnel whose performance of duty or conduct does not justify their continued retention in the service.

9. Title 8, U. S. Code, Section 1426 provides for permanent denial of United States citizenship to any alien who applies or has applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground that he is an alien, and is or was relieved or discharged from such training or service on application for discharge by reason of own convenience on the grounds that he is an alien. Aliens accepting discharge solely on grounds of being an alien shall be required to make the following signed statement of understanding on page 11 of the service record:

"I understand that Title 8, U. S. Code, Section 1426 provides that any alien who applies for discharge from the service of the United States on the ground that he is an alien, and is discharged from such service on such ground, shall be permanently ineligible to become a citizen of the United States."

10. Aliens separated under the foregoing conditions are not eligible for re-enlistment and will not be recommended for reenlistment.

7027 NOTIFICATION TO PARENTS, SPOUSES, OR GUARDIANS OF ENLISTED PERSONS TO BE TRIED ON SERIOUS CHARGES OR WHO ARE TO BE DISCHARGED PRIOR TO THE EXPIRATION OF THEIR ENLISTMENT

1. Whenever an enlisted person is to be tried by a general or special court-martial, is to be tried by a civil court charged with a felony, or is charged with serious offenses before a foreign court and trial appears probable, it is considered desirable that the parents, spouse, or guardian, as appropriate, be advised of the circumstances. A serious offense before a foreign court is construed to include any offense for which 6 months' confinement, whether or not suspended, is normally imposed.

2. When any of the above occurs, the commander should ensure that the individual is counseled to advise his parents, spouse, or guardian, as appropriate of the circumstances, or, in the alternative, to authorize the commander to do so:

a. If the enlisted person is 21 years of age or over and refuses to do either, no further action will be taken except to have the fact of his refusal and the name of the officer receiving such refusal recorded on page 11 of the individual's service record;

b. If the enlisted person is under 21 years of age and refuses to do either, the commander will, unless some compelling reason to the contrary appears, inform the parents, spouse, or guardian, as appropriate, by letter or other means of the details considered pertinent and proper under the circumstances. In the event the commander decides not to make such notification, he will record his reasons for this decision on page 11 of the individual's service record.

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3. Whenever an enlisted person under 21 years of age is to be involuntarily separated from the service prior to the expiration of his enlistment with either a punitive or any administrative type discharge, his parents, spouse, or guardian, as appropriate, shall be notified 10 days in advance of the time, date, and place of discharge. Commanding Generals, Marine Corps Recruit Depots and Marine Corps Bases, Camp Lejeune and Camp Pendleton, processing recruits for unsuitable discharge or for medical reasons prior to completion of recruit training will make notification as expeditiously as possible and not later than the date of discharge. A copy of the letter of notification will be forwarded to the Commandant of the Marine Corps (Code DGH). This notification is required in order to permit parents or guardians to assume custody of their minor son or daughter upon separation.

4. Whenever an enlisted person over 21 years of age is to be involuntarily separated from the service prior to the expiration of his service with either a punitive or administrative type discharge, he shall be counseled to advise his parents, spouse, or guardian, as appropriate, of the circumstances or, in the alternative, to authorize the commander to do so. If the individual refuses to do either, no further action will be taken other than to have the fact of his refusal and the name of the officer receiving such refusal recorded on page 11 of the individual's service record.

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CHAPTER 9

RETIREMENT OF ENLISTED PERSONNEL AND TRANSFERS TO THE FLEET MARINE CORPS RESERVE

9001 RETIREMENT OF ENLISTED PERSONNEL AFTER THIRTY YEARS' ACTIVE SERVICE

1. An enlisted member serving in the Regular Marine Corps who applies for retirement after completing 30 or more years of active service in the Armed Forces shall be retired. Such retirements are normally approved by the Secretary of the Navy acting for the President. For this purpose, an enlisted member includes a member of the Regular Marine Corps who holds a permanent enlisted grade and a temporary appointment in a commissioned or warrant officer grade. Unless otherwise entitled to a higher grade, each member shall be retired in the grade in which serving at the time of retirement. Upon retirement, an enlisted member, unless otherwise entitled to a higher pay by reason of being advanced to a higher grade in which he served satisfactorily as an officer under temporary appointment, is entitled to retired pay at the rate of 75 percent of the basic pay to which he would be entitled if serving on active duty in the pay grade in which he was serving on the day before retirement (10 USC 6326 and 6151).

2. Service creditable for retirement includes active service, except active duty for training, in the Army, Navy, Air Force, Marine Corps, Coast Guard and Reserve components thereof, performed prior to 10 August 1956; and such active service, including active duty for training, performed on and after 10 August 1956. For the purpose of this paragraph, active service is defined as active duty and means full-time duty in the active military service of the United States.

3. In computing active service for retirement of enlisted members and for transfer to the Fleet Marine Corps Reserve, the following periods of time lost as defined and computed in accordance with Military Pay and Allowances Entitlements Manual, part 1, must be deducted from Regular Marine Corps enlistments or other periods of active service:

- a. Unauthorized absence.
- b. Confinement.
- c. Nonperformance of duty.
- d. Sickness misconduct.

e. There shall also be deducted from active service for retirement of enlisted members and for transfer to the Fleet Marine Corps Reserve:

(1) Time served under an enlistment which was voided by discharge on the ground that the member had perpetrated a fraudulent enlistment.

(2) Time held beyond expiration of enlistment or obligated active service while awaiting or undergoing trial by court-martial or awaiting completion of appellate review of such trial, unless:

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- (a) The trial resulted in acquittal of all charges involved,
- (b) No finding of guilty was upheld upon appellate review, or
- (c) The member was placed in a full duty status.

(3) Time served under a sentence which included forfeiture of all pay and allowances, unless:

(a) The sentence was disapproved or set aside upon appellate review,
or

(b) The member was placed in a full duty status.

(4) Periods of leave without pay granted in accordance with current instructions (SecNav Instruction 1050 series) to await completion of appellate review of court-martial sentences which included punitive discharge.

(5) Service performed while under the minimum statutory age for enlistment, 10 USC 3254, 3256, 5533, 8254, 8256; 32 USC 313, regardless of whether the enlistment is terminated by reason of minority.

9002 PROCEDURE FOR EFFECTING VOLUNTARY RETIREMENT

1. Application for retirement shall be addressed to the Secretary of the Navy via the Commandant of the Marine Corps using the format contained in figure 9-1. The application shall be submitted so as to arrive at Headquarters Marine Corps not more than 6 months and not less than 3 months in advance of the desired retirement date. Requests should reference the appropriate subparagraph of this paragraph and should include the following:

a. The requested effective date of retirement (must be first day of month).

b. The commanding officer by endorsement, see figure 9-1, will certify that the member has been found physically qualified for retirement. (See paragraph 9006.2.)

OR

A physical examination has been scheduled for _____ and the Commandant of the Marine Corps (Code DMB-3) will be notified by message immediately of the results.

OR

The member has been admitted to the U. S. Naval Hospital, _____ for appearance before a medical board.

2. Upon approval of the Secretary of the Navy, an authorization for transfer to the retired list will be forwarded to the commander by the Commandant of the Marine Corps. Transfer to the retired list will specify a date upon which transfer is to be effective. Transfer to the retired list by law must be effective on the date specified unless the Secretary of the Navy approves a change prior to the effective date. The provisions of 5 USC 47a require that such retirements take effect on the first day of a month.

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3. In time of peace an individual will be released from active duty on the date preceding the effective date of retirement. Release from active duty takes effect at midnight on last of month immediately preceding date of retirement.
4. Discharge certificates will not be issued regardless of the reason for retirement.
5. Enlisted Marines contemplating voluntary retirement shall obtain a preretirement physical examination not more than 6 months and not less than 3 months prior to the desired retirement date in order to determine their fitness for voluntary retirement. If a disability is disclosed, the Marine may be subject to physical disability retirement in accordance with chapter 10. A request for retirement should not be submitted until the individual is found to be physically qualified for retirement. If after a member has submitted a request for voluntary retirement, disease or injury intervenes and such disease or injury may warrant consideration for physical disability retirement or medical treatment beyond the requested date of retirement, the cognizant command will immediately notify the Commandant of the Marine Corps by message and the individual will be advised to withdraw his application for retirement pending determination of his case.
6. An individual being released from active duty upon retirement shall be directed to inform the Commanding Officer, Marine Corps Finance Center, Retired Pay Branch, Kansas City, Missouri 64197 for pay purposes of any change in address and of the necessity in all communications of giving full name, grade, and service number. He shall be further directed to keep the Commandant of the Marine Corps (Code DGH) informed at all times of current home mailing address where he will receive mail and messages addressed to him. This report of current address is in addition to that submitted for pay purposes. He shall also be informed that he may wear his uniform from place of release to home, if travel is performed within 3 months after the date of his release, and on other occasions when the wearing of the uniform is appropriate (see current edition of MCO P1020.34, Marine Corps Uniform Regulations).
7. Upon retirement, the individual's service records will be closed out and forwarded to the Commandant of the Marine Corps (Code DGH) and the disbursing officer who is carrying the pay records of the member will be notified. Prior to forwarding the service records, the commander will include in the member's record a home mailing address.
8. When an enlisted member of the Marine Corps is to be placed on the retired list after 30 years' service, the presentation of his retirement papers will be made an occasion of ceremony, the scope of the ceremony and the number of troops participating being left to the discretion of the commander of the post or station.
9. When an enlisted member of the Marine Corps is placed on the disability retired list or the temporary disability retired list as directed by the Commandant of the Marine Corps, the service record book will be closed out and forwarded to the Commandant of the Marine Corps (Code DGH). No discharge certificate will be issued.

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From:

To: Secretary of the Navy

Via: (1) Chain of Command
(2) Commandant of the Marine Corps (DMB-3)

Subj: Voluntary Retirement, request for

Ref: (a) MARCORSEPMAN, paragraph 9002
(b) BUMED INST 6120.6

1. It is requested that I be placed on the Retired List of the Marine Corps in accordance with the provisions of reference (a) effective (must be on the first day of month).

2. I certify that I have been informed of and understand the provisions of reference (b) which states that in order to qualify for physical disability retirement benefits outlined in Chapter 61, U. S. Code, Title 10, I must be on active duty at the time the Secretary of the Navy approves any proceedings of a Physical Evaluation Board.

FIRST ENDORSEMENT

From: Commanding Officer

To: Secretary of the Navy

Via:

1. Forwarded recommending_____.

2. It is certified that subject-named has been found physically qualified for retirement. (See paragraph 9006.2).

OR

2. A physical examination has been scheduled for_____ and Commandant of the Marine Corps (Code DMB-3) will be notified by message immediately of the results.

OR

2. This member has been admitted to the U. S. Naval Hospital,_____ for appearance before a medical board.

◆ Figure 9-1

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9003 RETIREMENT OF MEMBERS OF THE FLEET MARINE CORPS RESERVE

1. When a member of the Fleet Marine Corps Reserve has completed 30 years of combined active and inactive service, or when he is found not physically qualified, he shall without application be transferred to:

a. The retired list of the Regular Marine Corps if he was a member of the Regular Marine Corps at the time of his transfer to the Fleet Marine Corps Reserve.

b. The Retired Reserve of the Marine Corps Reserve if he was a member of the Marine Corps Reserve at the time of his transfer to the Fleet Marine Corps Reserve.

2. For the purpose of retirement, a member's years of service are computed by adding:

a. The years of service credited to him upon his transfer to the Fleet Marine Corps Reserve.

b. His years of active and inactive service in the Armed Forces before his transfer to the Fleet Marine Corps Reserve not credited to him upon that transfer;

c. His years of service, active and inactive, in the Fleet Marine Corps Reserve.

3. Unless otherwise entitled to higher pay as set forth in paragraph 9004, each member transferred to the retired list as provided in this paragraph is entitled to retired pay at the same rate as the retainer pay to which he was entitled at the time of his transfer to the retired list or the Retired Reserve (10 USC 6331).

4. Upon an individual's retirement from the Fleet Marine Corps Reserve, appropriate entries shall be made in his service record book by the Commanding Officer, Marine Corps Reserve Forces (Class III). The service record book will then be closed out and forwarded to the National Personnel Records Center at St. Louis, Missouri for permanent file.

9004 ENLISTED PERSONNEL ON THE RETIRED LIST

1. An individual on the retired list may be ordered to active duty in time of war or national emergency. A retired person serving on active duty shall receive full pay and allowances of his grade.

2. A retired individual serving on active duty in time of war or national emergency will be released from active duty only in accordance with such instructions as may be issued by the Commandant of the Marine Corps.

3. Retired enlisted personnel not on active duty shall receive such retired pay as may be provided by law and shall be paid monthly by the Marine Corps Finance Center (Retired Pay Division) Kansas City, Missouri.

4. Retired enlisted personnel not on active duty are entitled to medical treatment and hospitalization. When hospitalized in a naval hospital, they are entitled to a daily ration.

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5. Upon transfer to the retired list, enlisted members who formerly served as officers will be advanced on the retired list to the highest officer grade in which they served satisfactorily under a temporary or permanent appointment as determined by the Secretary of the Navy. A warrant officer, W-1, or enlisted member so advanced to a commissioned grade on the retired list who applies to the Secretary of the Navy within 3 months after his advancement, if the Secretary approves, shall be restored on the retired list to his former warrant officer or enlisted grade, as the case may be, and shall thereafter be considered for all purposes as a warrant officer, W-1, or an enlisted member as the case may be.

a. Each enlisted member other than a former member of the Fleet Marine Corps Reserve, who is advanced on the retired list under the provisions of subparagraph 5, upon retirement after completion of 30 years of active service, is entitled to retired pay at the rate of 75 percent of the basic pay to which he would be entitled if serving on active duty in the grade to which advanced on the day before retirement.

b. Each former member of the Fleet Marine Corps Reserve who is advanced on the retired list under the provisions of subparagraph 5 is entitled to retired pay based upon the grade to which advanced. Such retired pay shall be at the rate of $2\frac{1}{2}$ percent of the basic pay of the grade to which advanced determined by the same period of service used to determine the basic pay of the grade upon which his retainer pay is based multiplied by the number of years of service creditable for his retainer pay at the time of retirement, but the retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based (10 USC 6151).

9005 ELIGIBILITY FOR TRANSFER TO THE FLEET MARINE CORPS RESERVE

1. An enlisted member of the Regular Marine Corps or Marine Corps Reserve who has completed 19 years and 6 months or more of active service in the Armed Forces, at his request, may be transferred to class I(d) of the Fleet Marine Corps Reserve. The approval or disapproval of a request for such transfer will be based on the needs of the service and the criteria in effect at the time the request is received.

a. Each member who is transferred to class I(d) of the Fleet Marine Corps Reserve is entitled, when not on active duty, to retainer pay at the rate of $2\frac{1}{2}$ percent of the basic pay that he received at the time of transfer multiplied by the number of years of active service in the Armed Forces. For the purpose of determining the basic pay to be used in computing retainer pay, a part of a year that is 6 months or more is counted as a whole year and a part of a year that is less than 6 months is disregarded. Retainer pay may be recomputed to include any active duty performed after transfer.

b. If the member has been credited by the Secretary of the Navy with extraordinary heroism in the line of duty, which determination by the Secretary is final and conclusive for all purposes, his retainer pay shall be increased by 10 percent. However, in no case may a member's retainer pay be more than 75 percent of the basic pay which the computation of retainer pay is based. In the event that a determination as to entitlement to extraordinary heroism pay has not been made by the time normal processing for transfer to the Fleet Marine Corps Reserve has been completed the member will be transferred on the date prescribed by the Commandant of the Marine Corps and the decision of the Secretary of the Navy shall be the subject of separate correspondence.

c. All active service as defined in subparagraph 9001.2 is included in computing service for transfer to class I(d). A completed minority and an enlistment in the Regular Navy terminated within 3 months before the end of the term of enlistment is counted as active service for the full term. For the purpose of determining the number of years of service to be used as a multiplier in computing retainer pay, a part of a year that is 6 months or more is counted as a whole year and part of a year that is less than 6 months is disregarded.

d. Deductions will be made for time lost in accordance with subparagraph 9001.3.

e. A member must be serving on a valid contract of enlistment or extension thereof to be eligible for transfer to the Fleet Marine Corps Reserve. There is no existing authority for automatic retention beyond the expiration date of an enlistment contract solely for transfer to the Fleet Marine Corps Reserve. If a member is retained beyond the expiration of his enlistment for medical purposes, and is returned to duty status as fit for duty, he must immediately extend his contract or reenlist, notwithstanding his expressed intention to transfer to the Fleet Marine Corps Reserve in the near future.

2. Except as otherwise provided herein, Marines in the grade of gunnery sergeant or above must serve on active duty in grade for a minimum of 2 years prior to discharge, transfer to the Fleet Marine Corps Reserve, or release from active duty. Request for transfer to the Fleet Marine Corps Reserve normally will be withheld until an individual has completed a minimum of 1 year on station or the currently prescribed tour when serving outside CONUS. Exceptions will normally be authorized in individual cases if at least one of the following conditions exist:

a. A substantial hardship of a compassionate or unusual financial nature exists which can be alleviated only by separation from active duty.

b. Temporary officers who have a permanent enlisted status are not required to serve two years in their enlisted grade prior to transfer to the Fleet Marine Corps Reserve.

c. The individual has limited assignability by reason of health or national security.

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d. It has been determined by the Commandant of the Marine Corps that continued active service of the individual inconsistent with the best interests of the Marine Corps.

e. Exceptions will not be authorized on the basis of an individual's request for an administrative reduction in grade in order to negate the 2 years service in grade requirement, nor will granting of exceptions be contingent upon, require or authorize such reduction. Exceptions, when authorized, will be granted without any penalty to the individual.

f. Exceptions to the requirement to execute an extension of enlistment or reenlistment may be authorized by the Commandant of the Marine Corps (Code DHB), if execution thereof would cause a financial loss to the individual. If an exception is granted, the Commandant of the Marine Corps will direct a date on which the extension of enlistment or reenlistment will be effected. If the individual subsequently fails to reenlist on the date directed, he will be discharged on that date, and transfer to the Fleet Marine Corps Reserve will not be authorized.

3. Favorable consideration will not be given to requests from noncommissioned officers of any grade for transfer to the Fleet Marine Corps Reserve when the request is made on or after the date of issuance of permanent change of station orders to overseas duty wherein the requested effective date of transfer is prior to the end of the prescribed overseas tour of duty (see current edition of MCO 1300.8).

4. Personnel who are assigned to a unit (joined or attached) which is scheduled to deploy outside CONUS for a period in excess of thirty days may not make application for transfer to the Fleet Marine Corps Reserve unless the scheduled deployment date is more than 6 months from the date they were assigned to such unit. Commanders will not forward applications which do not conform to this policy. If he desires, the Marine may make application upon his return to CONUS.

5. Personnel who desire to request a waiver of the provisions of paragraphs 9005.2, or 9005.3 will provide complete justification for such requests in the remarks section of the application to transfer to FMCR, NAVMC 10831 (see paragraphs 9006.4c and 9006.4d).

9006 APPLICATION FOR TRANSFER TO THE FLEET MARINE CORPS RESERVE

1. Applications for transfer to the Fleet Marine Corps Reserve shall be submitted directly to the Commandant of the Marine Corps (Code DMB-3). Such applications will be forwarded in sufficient time to arrive at Headquarters, U. S. Marine Corps not earlier than 6 months and not later than 4 months prior to the effective date requested. Applications received at Headquarters, U. S. Marine Corps which do not permit a minimum of 4 months processing time will be filed without further action and the applicant so notified. Applicants who request that their transfer be effected at the expiration of their active obligated service are no exception to the minimum processing time specified herein, therefore, unless the Commandant of the Marine Corps has specified that no further extensions or reenlistments are authorized, the applicant will be required to extend his enlistment to permit 4 months processing time. Temporary

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officers who desire to revert to their enlisted status and transfer to the Fleet Marine Corps Reserve will also submit their applications as outlined herein, however, their applications will be forwarded to the Commandant of the Marine Corps (Code DMA).

2. Prior to preparing an application the Marine will be required to undergo a physical examination to determine his physical fitness for transfer. Such examinations shall be given in accordance with the Manual of the Medical Department, U. S. Navy, and will be completed not more than 6 months prior to the requested date of transfer. If the Marine is found to be physically qualified the appropriate medical facility will provide his commanding officer a statement which contains the date the Marine was certified to be physically qualified. This date will not be earlier than 6 months prior to the effective date of transfer requested, otherwise re-certification will be necessary. This procedure eliminates the requirement to forward a Report of Medical Examination SF 88 (in duplicate) with the Marine's application (see paragraph 9006.3q). A Marine will not submit his application until he is certified to be physically qualified. In those cases where the Marine has appeared before a Medical Board or is undergoing Physical Disability Proceedings his application will not be submitted until the Commandant of the Marine Corps (Code DMD) notifies him that he has been found fit for duty. Should a Marine be assigned to limited duty as a result of appearance before a Medical Board, he will not submit his application until he is subsequently re-evaluated and found fit for duty.

3. Personnel who are certified to be physically qualified and who desire to make application may do so utilizing the "APPLICATION TO TRANSFER TO FMCR, NAVMC 10831" (see figure 9-2). Only the original of the application shall be forwarded directly to the Commandant of the Marine Corps (Code DMB-3 or DMA, as appropriate). Should local commanders desire copies of the application for planning purposes, they should issue appropriate instructions for the preparation and distribution of such copies. If the NAVMC 10831 is not available the application may be submitted in Naval letter format, however, all items of information, including required remarks, will be contained in the letter. The application (NAVMC 10831) will be prepared on a typewriter and each item will be completed in accordance with the following instructions:

a. Items 1 through 3. Enter the Marine's military service number, current grade, last name, first name and middle initial (s).

EXAMPLES

1. _____ 65 42 91 110 51 72	2. _____ GySgt MSgt	3. _____ APPLESEED, John J. WILLOUGHBY, Paul S.M.
--------------------------------------	------------------------------	------------------------------------------------------------

b. Items 4 through 8. Enter the Marine's future home address.

EXAMPLE

4. _____ 500 Robert E. Lee Place, Apt 107	5. _____ Groveton	
6. _____ Virginia	7. _____ Fairfax	8. _____ 22306

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- c. Items 9 through 13. If the Marine desires his Retainer paycheck mailed by an address other than that shown in items 4 through 8, enter the complete check mailing address. Otherwise enter "N/A" in item 9 only.
- d. Item 14. Enter "Id".
- e. Item 15. Enter the Marine's Current Strength Category Code as defined in paragraph 6252, IRAM.
- f. Item 16. For Marines overseas, enter their Rotation Tour Date (i.e., 11Jan72) as determined by the provisions of the current edition of MCO 1300.8 . Otherwise enter "N/A".
- g. Item 17. Enter the actual number of days or "None", as appropriate.
- h. Item 18. Enter any other Marine Corps service number that the Marine was assigned.
- i. Item 19. For personnel serving in pay grades E-7, E-8 or E-9 enter their date of rank (i.e., 1Jun68). Otherwise enter "N/A".
- j. Item 20. If such action is pending enter "See remarks." Otherwise enter "N/A".
- k. Item 21. If the Marine has performed any heroic acts or deeds during his service check "Yes." Otherwise check "No." Use current NAVMC 10831 until supply exhausted by striking out current enlistment see figure 9-2.
- l. Item 22. Enter the effective date of transfer desired by the Marine (i.e., 31Mar72). This date must either be the last day of a month or the Marine's expiration of active obligated service.
- m. Item 23. If the Marine is in receipt of Permanent Change of Station orders check "Yes" and enter the Monitored Command Code of the new duty station. Otherwise check "No."
- n. Item 24. If the Marine has made an election check "Yes". Otherwise check "No."
- o. Item 25. Enter the Marine's Pay Entry Base Date (i.e., 20Jan49).
- p. Item 26. Enter the Marine's Social Security Account Number (i.e., 012-345678).
- q. Item 27. Enter the date that the Marine was certified to be physically qualified (see paragraph 9006.2).
- r. Item 28. Enter the Marine's current expiration of active obligated service (i.e., 1Jul74).
- s. Item 29. Enter the complete mailing address of the Marine's current duty station.
4. Prior to signing and forwarding the application the Marine's commanding officer or his designated representative will comply with the following:

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- a. Verify the information entered in items 1 through 29.
 - b. Ensure that the application is being submitted within the time frames established in paragraph 9006.1.
 - c. Compare the date entered in item 16 to that entered in item 22. If the Marine is requesting transfer prior to completion of the prescribed overseas tour and the date entered in item 22 is not the same as that entered in item 28, complete justification for a waiver will be entered in the remarks section (see paragraphs 9005.3 and 9005.5).
 - d. Compare the date entered in item 19 to that entered in item 22. If the Marine is required to serve two years in grade and he will not do so on the date entered in item 22, complete justification for a waiver will be entered in the remarks section (see paragraphs 9005.2 and 9005.5).
 - e. Ensure that the Marine will be serving on a valid enlistment contract on the date entered in item 22.
 - f. If item 20 contains the entry "See remarks", briefly summarize the basis upon which such action was taken in the remarks section.
 - g. Ensure that the date entered in item 27 is not more than 6 months prior to that entered in item 22 (see paragraph 9006.2).
 - h. Under remarks list active duty for training prior to 10 August 1956 and if served in the U. S. Navy on minority enlistment.
5. Once the application has been forwarded, the Commandant of the Marine Corps (Code DMB-3) will be advised by message when any of the following occur:
- a. The Marine becomes the subject of disciplinary action.
 - b. The Marine acquires lost time (include number of days and reason).
 - c. The Marine is found to be not physically qualified (include diagnosis and estimated period of hospitalization). Such a report will terminate processing action at Headquarters, U. S. Marine Corps. Accordingly, the Marine will promptly be informed that he must re-submit his application (if he so desires) at such time as he is certified to be physically qualified by a medical officer, or by the Commandant of the Marine Corps (Code DMD) wherein he actually appeared before a Medical Board or Physical Evaluation Board. Also, if the Marine's physical disqualification results in a change of his Current Strength Category Code, such a change will be reported on the Unit Diary in accordance with paragraph 6252, IRAM.
 - d. The Marine desires to withdraw his application. Included in the message will be the specific reasons for the request. Such requests will not be approved unless they are based on unforeseen meritorious conditions.
 - e. The Marine's Rotation Tour Date changes.
 - f. The Marine is returned to CONUS prior to completion of his overseas tour (include reason for early return and date departed overseas command).

MARINE CORPS
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9007 TRANSFER TO THE FLEET MARINE CORPS RESERVE AND RELEASE FROM ACTIVE DUTY

1. Orders transferring a Marine to the Fleet Marine Corps Reserve will be issued by the Commandant of the Marine Corps. Transfers shall be effected on the last day of the month and personnel will assume their status as members of the Fleet Marine Corps Reserve on the first day of the following month. Exceptions to the foregoing will be made only in those cases where transfer has been requested upon expiration of enlistment. In such cases transfers will be effected on the date the enlistment expires and the Marine concerned will assume status as a member of the Fleet Marine Corps Reserve on the following date. Except in time of war or national emergency, personnel transferred to the Fleet Marine Corps Reserve shall be released from active duty on date of such transfer, unless an order to the contrary has been received.
2. Transfer to the Fleet Marine Corps Reserve shall not be made on a date other than as contained in the orders, unless the Commandant of the Marine Corps' authority for a change in the date is first obtained. When such a change is authorized by the Commandant of the Marine Corps, it will be attached to the original orders. Any change must be authorized by the Commandant of the Marine Corps prior to the effective date of transfer.
3. Once a Marine's orders have been received the Commandant of the Marine Corps (Code DM, as appropriate) will be advised by message when any of the conditions outlined in paragraphs 9006.5a, 9006.5b, or 9006.5c occur.
4. Commands effecting an individual's transfer to the Fleet Marine Corps Reserve and release to inactive status shall comply with the following:
 - a. A new health record shall be prepared for the enlisted person and the old health record shall be disposed of in accordance with current instructions from the Bureau of Medicine and Surgery.
 - b. Forward the service record and new health record to the Commanding Officer, Marine Corps Reserve Forces (Class III), 1500 East Bannister Road, Kansas City, Missouri 64131.

9008 RETIREMENT OF ENLISTED RESERVISTS

1. Additional provisions pertaining to the retirement of enlisted reservists are set forth in chapter 4.

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9008

APPLICATION TO TRANSFER TO FMCR (1830)
NAVMC 10831 (1-70)

DATE OF APPLICATION
1 July 1970

1. MILITARY SERVICE NO. 144 45 78		2. GRADE MSgt		3. NAME (Last) DAVIDSON		(First) Charlie		(Middle Initial) B.	
4. HOME ADDRESS (No., Street, Apt. No., P. O. Box) 1502 Fairmont Place, Apt 1099							5. CITY Groveton		
6. STATE/COUNTRY Virginia				7. COUNTY/PROVINCE Fairfax			8. ZIP CODE 22306		
9. CHECK MAILING ADDRESS (No., Street, Apt. No., P. O. Box) Bank of Virginia, Box 6330							10. CITY Arlington		
11. STATE/COUNTRY Virginia				12. COUNTY/PROVINCE Prince William			13. ZIP CODE 23114		
14. CLASS Id		15. CURRENT STRENGTH CATEGORY CODE 0				16. ROTATION TOUR DATE 2Dec70			
17. TIME LOST CURRENT ENLISTMENT (No. of days) None					18. OTHER OFFICER/ENLISTED MILITARY SERVICE NO. 09 88 77				
19. DATE OF RANK 1Nov68		20. DISCHARGE ACTION PENDING N/A			21. EXTRAORDINARY HEROISM <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
22. DATE REQUESTED TO TRANSFER TO FMCR 31Dec70				23. IN RECEIPT OF PCSO? (ENTER NEW MCC) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No MCC 010					
24. RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN OPTION(S) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No.							25. PAY ENTRY BASE DATE 17Sep45		
26. SOCIAL SECURITY ACCOUNT NUMBER 031301594				27. DATE CERTIFIED TO BE PHYSICALLY QUALIFIED 1Jul70					
28. EXPIRATION ACTIVE OBLIGATED SERVICE 15Mar71				29. CURRENT DUTY STATION F Company, 2ndBn, 1stMarines, 1stMarDiv, FMF (Rein) c/o FPO, San Francisco, Calif 96602					
REMARKS NOTE: For mandatory entries see subparagraphs 9006.4c, 9006.4d, 9006.4f, and 9006.4h.									
							SIGNATURE OF REQUESTER /s/ Charlie B. Davidson		
FIRST ENDORSEMENT FROM: CO, F Co, 2ndBn, 1stMar TO: Commandant of the Marine Corps (Code DMB-3) 1. The above information has been verified. SIGNATURE /s/ John J. Hardcore, Capt, USMC							DATE: 2Jul70 FOR HQMC USE ONLY		

Figure 9-2

MARINE CORPS
SEPARATION AND RETIREMENT MANUAL

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(2) Should transfer to a Veterans' Administration hospital be authorized and the effective date of transfer is subsequent to the date of retirement, immediately advise the Commandant of the Marine Corps (Code DMD) of the effective date of transfer to the Veterans' Administration hospital.

c. Upon completion of separation processing, but not later than the date of retirement provide the Marine Corps Finance Center, with the Commandant of the Marine Corps (Code DMD) as an information addressee, with required personnel data of the Marine, using the appropriate message format contained in figure 10-5. Items of information required are:

- 1 Name
- 2 Grade
- 3 Service number (MSN)/Social Security Number (SSAN)
- 4 Pay Entry Base Date
- 5 Time lost current enlistment
- 6 Years, Months and Days of active service (to include date of release from active duty)
- 7 Mailing address (complete address, including zip code, where the Marine may be contacted after retirement)
- 8 Date of retirement

d. Issue retirement orders using the format contained in figure 10-6. Furnish the local disbursing officer settling the pay account a copy of the Commandant of the Marine Corps' notification message and two copies of the retirement orders immediately upon issuance. Additionally furnish the leave record and any other administrative information necessary to close the active duty pay account to the disbursing officer. The effective date of retirement is the day following the last day of active duty. Disability retirements are governed by law and must be effected as directed. Effecting a disability retirement on any date other than that directed is not authorized.

e. Notify those Marines who have been ordered home to await disposition of physical evaluation proceedings of the effective date of retirement, by message, on or before the effective date, and immediately mail the retirement orders direct to the individual.

f. If the service record book is not available, request from the Commandant of the Marine Corps (Code DMD) in accordance with MCO P1070.8, IRAM, paragraph 4002, the required disability separation information utilizing the format contained in figure 10-5. Only disability separation information will be requested from the Commandant of the Marine Corps (Code DMD). All other separation information will be requested from the Commandant of the Marine Corps (Code DGK).

10203 RETIRED PAY PROCEDURES

1. The Commanding Officer, Marine Corps Finance Center administers retired pay.
2. To terminate credit of active duty pay and allowances for those Marines retired for physical disability, the disbursing officer will:

a. Be furnished one copy of the notification message of the retirement from the Commandant of the Marine Corps by the cognizant commanding officer.

b. On or before the effective date of retirement, be furnished two copies of retirement orders and the Marine's leave record by the cognizant commanding officer.

MARINE CORPS
SEPARATION AND RETIREMENT MANUALFORMAT FOR ORDERS TRANSFERRING PERSONNEL TO THE RETIRED LIST

From:

To: Marine concerned

Subj: Retirement by Reason of Permanent Physical Disability

Ref: (a) 10 USC 1201 (or 1204)

(b) CMC msg

(c) MCO P1070.8 IRAM, par. 2004

1. The Secretary of the Navy has determined that you are physically unfit to perform the duties of your grade and has directed that you be permanently retired by reason of physical disability under the provisions of references (a) and (b). You are released from all active duty at 2400 on _____, and transferred to the Retired List of the Marine Corps/Marine Corps Reserve effective _____. Your active duty pay accounts will be settled to include, _____. Your pay entry base date is _____. On (last day of active duty) you will have completed _____ years, _____ months and _____ days of active service.

2. Your disability is rated _____ * _____ percentum in accordance with the Schedule for Rating Disabilities in current use by Veterans' Administration, VA Code(s) _____.

3. Your home of record is: _____ and the address you have furnished for the purpose of receiving your retired pay is: _____.

4. Please keep the Commandant of the Marine Corps (Code DGH), Headquarters, U. S. Marine Corps, Washington, D. C. 20380 and the Commanding Officer, Marine Corps Finance Center, Retired Pay Division, Kansas City, Missouri 64197 informed of any change in your mailing address so that you will be able to receive your retired pay. Detailed information based on provisions of law which are applicable in your case will be forwarded to your home address by the Commandant of the Marine Corps (Code DMB).

5. An identification card has been issued in accordance with reference (c).

6. Two copies of these orders should be furnished to the disbursing officer carrying your pay accounts. Your records indicate unused (excess) leave in the amount of _____ days on date of separation.

7. Expenditures under these orders are chargeable to appropriation _____
* _____.

Copy to:
MCFC KSC
DISBO (2)

*NOTE: All items indicated by asterisk are contained in reference (b).

Figure 10-6

MARINE CORPS
SEPARATION AND RETIREMENT MANUAL

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FORMAT FOR ORDERS TRANSFERRING PERSONNEL TO THE TEMPORARY DISABILITY RETIRED LIST

FROM:

TO: Marine concerned

Subj: Transfer to the Temporary Disability Retired List

Ref: (a) 10 USC 1202(or1205)
(b) CMC msg_____
(c) MCO P1070.8, IRAM, Par 2004

1. The Secretary of the Navy has determined that you are physically unfit to perform the duties of your grade and has directed that you be temporarily retired by reason of physical disability under the provisions of references (a) and (b). You are released from all active duty at 2400 on _____*, and transferred to the Temporary Disability Retired List effective _____. Your active duty pay accounts will be settled to include _____. Your pay entry base date is _____. On (last day of active duty) you will have completed _____ years, _____ months and _____ days of active service.

2. Your disability is rated at _____* percentum in accordance with the Schedule for Rating Disabilities in current use by the Veterans' Administration, VA Code(s)_____.

3. You should receive orders to report to a military medical facility for a periodic physical examination at least once every 18 months to determine whether the disability for which you are temporarily retired has stabilized or changed. Your failure to report for a scheduled physical examination may result in termination of your retired pay unless you can establish good and sufficient reasons for not reporting. Detailed information based on provisions of law which are applicable in your case will be forwarded to your home address by the Commandant of the Marine Corps (Code DMD).

4. Your home of record is: _____
and the address you have furnished for the purpose of receiving your retired pay is: _____.

5. Please keep the Commandant of the Marine Corps (Code DMD), Headquarters, U. S. Marine Corps, Washington, D. C. 20380 informed of any change in your mailing address so that information concerning periodic physical examinations may reach you and also keep the Commanding Officer, Marine Corps Finance Center, Retired Pay Division, Kansas City, Missouri 64197 informed of any change in your mailing address in order that your retired pay not be interrupted.

6. An identification card has been issued you in accordance with reference (c).

7. Two copies of these orders will be furnished to the disbursing officer carrying your pay accounts. Your records indicate unused (excess) leave in the amount of _____ days on date of separation.

Figure 10-7

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8. Expenditures under these orders are chargeable to appropriation
*

Copy to:
MCFC KSC
DISBO (2)

*NOTE: All items indicated by asterisk will be provided by the CMC message
which should be listed as reference (b) in these orders.

Figure 10-7.--(Continued)

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a. Be furnished one copy of the notification message of the retirement from the Commandant of the Marine Corps by the cognizant commanding officer.

b. On or before the effective date of retirement, be furnished two copies of retirement orders and the Marine's leave record by the cognizant commanding officer.

c. Contact the Marine retiree, by person or mail, to arrange for termination or continuation of allotments, as may be authorized.

d. Effect final settlement of all active duty pay and allowances.

e. After final verification and audit, transmit the active duty pay record by the most expeditious means to the Retired Pay Division, Marine Corps Finance Center, Kansas City, Missouri 64197.

3. To establish the Marine's retired pay account, the Marine Corps Finance Center will:

a. Be an information addressee for all messages of notification of retirements from the Commandant of the Marine Corps to the cognizant commanding officers.

b. Be an action addressee for all messages from the cognizant commanding officer furnishing personal data of the retiree.

c. Be furnished two copies of all retirement orders issued by the cognizant commanding officers.

d. Based on information provided by messages pertaining to retirements, prepare a Retired Pay Data Form (MCFC RP 7200/3) for each disability retirement. The form will be forwarded direct to the retiree at his current mailing address for election and completion. Correspondence relative to retired pay matters should be addressed to the Retired Pay Division.

4. A very basic computation of retired pay is presented in Table 10-4, Computing Disability Retired Pay.

10305 PERIODIC PHYSICAL EXAMINATION

1. The law requires that a Marine whose name has been placed on the TDRL shall be given a physical examination at least once every 18 months to determine whether there has been a change in the disability for which he was temporarily retired.

2. If a Marine on the TDRL fails to report as ordered for the required periodic physical examination, his disability retired pay may be terminated. Should he establish just cause for failure to report, payments may be reinstated and may be made retroactive not to exceed one year.

3. Marines who have waived retirement in order to receive compensation from the Veterans' Administration are still members of the Marine Corps and are required to undergo periodic physical examinations when ordered by the Commandant.

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4. Marines who are ordered to submit to a physical examination are entitled to travel and transportation allowances authorized for a Marine in his retired grade. See part E, chapter 5, volume 1, Joint Travel Regulations.

5. The Commandant notifies each member on the TDRL in sufficient time so as to prevent an undue hardship for the Marine. Voluntary selection of examination place may be permitted however, reimbursement may not exceed the amount authorized for travel and transportation to and from his home of record and the nearest military activity at which periodic examinations are conducted.

10306 DISPOSITION OF TDRL MEMBERS IN HANDS OF CIVIL AUTHORITIES

1. Whenever a Marine is undergoing confinement by civil authorities or is hospitalized in an institution under state or local control the report of the medical officer or medical assistant serving the confinement facility or institution may be submitted for the periodic physical examination. For detailed provisions, see Disability Evaluation Manual, chapter 10.

10307 CURRENT ADDRESS AND RESIDENCE

1. A Marine who is on the TDRL shall keep the Commandant of the Marine Corps (Code DGH) informed at all times of his current address where mail and messages addressed to him will be received. This report of current address is in addition to the report submitted to the Marine Corps Finance Center, Retired Pay Branch, Kansas City, Missouri 64197 or Veterans' Administration for pay purposes.

2. Subject to the above requirement, a Marine who is on the TDRL may change his residence in the United States or may reside abroad except in belligerent countries.

10308 REMOVAL FROM THE TDRL

1. After reevaluation as a result of any periodic physical examination, one of the following dispositions may be made.

- a. Retention on the Temporary Disability Retired List.
- b. Permanent retirement.
- c. Discharge with or without severance pay.
- d. Fit for return to duty.

2. Should the Marine be retained on the Temporary Disability Retired List, he will continue to be examined at intervals of 18 months. However, he must be finally reevaluated before the end of the 5-year period when final disposition must be made.

3. If the Marine has recovered from his disability to a degree that he is fit to perform his duties he may, subject to his consent, be reappointed to the active list or reenlisted, as appropriate. If a Marine does not consent to his reappointment or reenlistment, his status on the TDRL shall be terminated.

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a. The Marine has appeared before a medical board and the board has stated affirmatively and specifically the opinion that the Marine is unfit for further service because of physical disability and that the physical disability was neither incurred in nor aggravated by a period of active military service. No Marine shall be discharged because of physical disability who does, in fact, meet the minimum standards for enlistment or induction.

b. The convening authority of the medical board concurs in the above opinions of the board.

c. The Marine has been fully advised, by the convening authority of the medical board, of his right to demand a full and fair hearing before a PEB prior to discharge.

d. The Marine, after having been advised of his right to a full and fair hearing, certifies in writing, on form NAVMED 6100/3, that he does not demand such a hearing prior to discharge.

e. There is no disciplinary action pending, including court-martial or investigative proceedings which might lead to court-martial, or uncompleted sentences of court-martial involving confinement or discharge.

f. There is no administrative type discharge pending.

g. There is no indication of drug addiction, alcoholism, homosexuality or criminalism.

h. There is no evidence that the Marine is under investigation or is being processed as a security risk.

i. The Marine has less than 3 years continuous active service.

2. When the commander is of the opinion that an enlisted Marine qualified for discharge by reason of physical disability in accordance with this paragraph should be discharged by reason of unsuitability, unfitness, misconduct, or for other reason, the medical board report shall be forwarded to the Commandant of the Marine Corps via the Chief, Bureau of Medicine and Surgery for final action after the Marine has been processed in accordance with the administrative discharge provisions contained in chapter 6 of this manual.

3. The authority for discharge is paragraph 6011 of this manual and the current edition of BUMEDINST 1910.2.

4. This paragraph is not applicable to officers. Officers will be discharged in accordance with the provisions of paragraph 4003 and only at the direction of the Commandant of the Marine Corps.

5. The Manual for the Medical Department requires that when a report of medical board results in the local discharge of Marines, the conditions reported on have been determined to have existed prior to entry into the military service, and the preentry physical examination was performed at an Armed Forces examining and entrance station, a copy of the medical board report with a copy of the preentry SF 88 and 89 shall be forwarded to Headquarters, Army Recruiting Command, Fort Monroe, Virginia 23351. The original of the preentry physical examination SF 88 and 89 shall be forwarded to BUMED with the remainder of the terminated Health Record as required by article 16-12, the Manual for the Medical Department.

MARINE CORPS
SEPARATION AND RETIREMENT MANUAL10405 DISCHARGES FOR CHARACTER AND BEHAVIOR DISORDERS AS DETERMINED BY A
MEDICAL BOARD

1. The Disability Evaluation Manual and current edition of BUMEDINST 1910.2, provides information relative to medical boards convened for the purpose of discharging enlisted Marines for character and behavior disorders. Commanding officers of all Marine activities within the United States (less Alaska and Hawaii) are authorized to discharge enlisted or inducted members of the Marine Corps and Marine Corps Reserve, on active duty including active duty for training by reason of unsuitability because of character and behavior disorder; provided:

a. The Marine has appeared before a medical board and the board has stated affirmatively and specifically the opinion that functional usefulness is impaired to such an extent as to cause military unsuitability due to character and behavior disorder.

b. The convening authority of the medical board concurs in the above opinion of the board.

c. The Marine does not have a diagnosis of dyssocial personality, enuresis, alcoholism, homosexual or other aberrant tendencies, combat exhaustion, drug addiction or acute situational maladjustment.

d. The Marine has less than 3 years continuous active service.

e. The Marine has been notified in writing of the findings and proposed recommended discharge action of the board.

f. The Marine indicates in writing on NAVMED 6100/2 that he has been informed in writing of the findings and proposed recommended discharge action of the board and does not desire to make a statement in his own behalf or rebut the board's findings and recommendations.

g. There is no disciplinary action pending, including court-martial or investigative proceedings which might lead to court-martial, or uncompleted sentences of court-martial involving confinement or discharge.

h. There is no administrative type discharge pending.

2. Discharge recommendations for character and behavior disorders as determined by a medical board are separate and distinctively different from administrative discharges by reason of unsuitability for character and behavior disorders pursuant to paragraph 6016 of this manual. That paragraph provides for the disposition of enlisted Marines via nonmedical channels by administrative discharge for unsuitability where appearance before a medical board is not required. Resolution of the issue of a Marine's unsuitability for military service, within the purview of this paragraph shall be determined by the cognizant medical authorities.

3. Enlisted Marines separated pursuant to the provisions of this paragraph shall normally be discharged with an honorable or general discharge as warranted by the service record, by reason of unsuitability.

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4. The authority for discharge is paragraph 10405, of this manual and BUMED INST 1910.2.

5. This paragraph is not applicable to officers. Officers will be discharged in accordance with the provision of paragraph 4003 and only at the direction of the Commandant of the Marine Corps.

10406 DISCHARGES FOR MEMBERS OF OFFICER TRAINING PROGRAMS FOUND NOT PHYSICALLY QUALIFIED FOR RETENTION

1. The Commanding General, Marine Corps Base, Quantico, Virginia, is authorized to discharge members of officer training programs upon notification by the Chief, Bureau of Medicine and Surgery that the member is not physically qualified for retention on active duty as an enlisted member subject to the following provisions:

a. Upon report from a medical officer that an officer candidate has been determined to be not physically qualified for retention, the commander concerned will forward the Report of Medical Examination (SF 88) to the Chief, Bureau of Medicine and Surgery (Code 3322) provided the officer candidate:

(1) is not on active duty, or

(2) is on active duty but the medical officer's determination is the result of the initial physical examination administered upon the candidate's reporting to an officer training course, and it is established that the disqualification is not the result of an injury incurred while performing travel incident to reporting to the officer training course.

(3) submits a request for discharge by reason of being found not physically qualified for retention on active duty.

b. The Chief, Bureau of Medicine and Surgery will notify the Commanding General, Marine Corps Base of his recommendation concerning the disposition of the case.

c. Should the officer candidate desire to enter or remain on active duty, the commander concerned will forward the Report of Medical Examination (SF 88) to the Commandant of the Marine Corps (Code DPC) via the Chief, Bureau of Medicine and Surgery (Code 3322) with a recommendation as to retention.

d. Authority for discharge is subparagraph 6012.1f(13) of this manual.

2. Cases, wherein the officer candidate is found physically qualified for retention as an enlisted member but is not physically qualified for appointment as an officer in the Marine Corps, the commander concerned will forward the Report of Medical Examination (SF 88) to the Commandant of the Marine Corps (Code DPC) via the Chief, Bureau of Medicine and Surgery (Code 3322).

3. Cases, wherein the officer candidate is on active duty and is found to be not physically qualified at a time subsequent to the initial "reporting in" physical examination, will be processed in accordance with the Disability Separation Manual or the current edition of BUMEDINST 1910.2.

MARINE CORPS
SEPARATION AND RETIREMENT MANUAL10407 DISCHARGES FOR RESERVISTS ON INACTIVE DUTY FOUND NOT PHYSICALLY QUALIFIED
FOR RETENTION IN THE MARINE CORPS RESERVE

1. The law, section 6148, Title 10, U. S. Code, provides that a reservist who is ordered to perform inactive duty training for any period of time, and is disabled in the line of duty from injury while so employed is entitled to the same pension, compensation, death gratuity, hospital benefits and pay and allowances as one provided by law or regulation in the case of a regular Marine of the same grade. Accordingly, a reservist found physically unfit as a proximate result of active duty will be accorded rights and benefits as a Marine on active duty. While injury incurred on inactive duty training for any period of time is normally considered a proximate result of active duty, each determination must depend upon the facts of the particular case. Hence, sufficient evidence must be presented so as to permit a prudent determination in respect to the resolution of the "proximate result" question.

2. The Commanding General, Fourth Marine Aircraft Wing, directors of the Marine Corps districts, and the Commanding Officer, Reserve Forces (Class III) are authorized to discharge a reservist not on active duty upon notification by the Chief, Bureau of Medicine and Surgery that the reservist has been found not physically qualified for retention in the Marine Corps Reserve subject to the following provisions:

a. Upon a report from a medical officer that an enlisted reservist has been determined to be not physically qualified, the commander concerned will forward the Report of Medical Examination (SF, 88 and 89 and any other additional correspondence that may be relevant to the examination) to the Chief, Bureau of Medicine and Surgery (Code 3322).

b. Upon return notification by the Chief, Bureau of Medicine and Surgery that the reservist is not physically qualified for retention in the Marine Corps Reserve, the Commanding General, Fourth Marine Aircraft Wing, appropriate district director, or the Commanding Officer, Reserve Forces (Class III) will inform the reservist of his status providing the following information and furnish him an appropriate form letter for reply:

(1) Medical description of physical defect.

(2) That laws governing the Marine Corps require that any person who is not physically qualified for assignment to active duty be discharged or retired from the Marine Corps Reserve.

(3) That in view of the foregoing, he is requested to take one of the following courses of action:

(a) Submit a written request for discharge by reason of being not physically qualified.

(b) Request transfer to the Retired List if eligible under existing regulations.

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(b)(2) Paragraph 6017.2e, Marine Corps Separation and Retirement Manual."
(Unfitness-an established pattern for showing dishonorable failure to pay just debts.)

(b)(2) Paragraph 6017.2f, Marine Corps Separation and Retirement Manual."
(Unfitness-dishonorable failure to support dependents.)

(b)(2) Paragraph 6016.1d, Marine Corps Separation and Retirement Manual."
(Unsuitability-financial irresponsibility-based on approved recommendation of administrative discharge board.)

(b)(2) Paragraph 6017.2g, Marine Corps Separation and Retirement Manual."
(Unfitness-unsanitary habits.)

(b)(2) Paragraph 6016.1e, Marine Corps Separation and Retirement Manual."
(Unsuitability-apathy, defective attitudes and inability to expend effort constructively-based on approved recommendation of administrative discharge board.)

(b)(2) Paragraph 6016.1e, Marine Corps Separation and Retirement Manual."
(Unsuitability-apathy, defective attitudes and inability to expend effort constructively; obesity based on individual evaluation.)

(b)(2) Discharge by reason of request for discharge for the good of the service. Paragraph 6021, Marine Corps Separation and Retirement Manual."

(b)(2) Paragraph 6016.1a, Marine Corps Separation and Retirement Manual."
(Unsuitability. Inaptitude-based on approved recommendation of administrative discharge board.)

(b)(2) Paragraph 6016.1a, Marine Corps Separation and Retirement Manual."
(Unsuitability-inaptitude-based on individual evaluation.)

(b)(2) Paragraph 6016.1b, Marine Corps Separation and Retirement Manual."
(Unsuitability. Enuresis-based on individual evaluation.)

(b)(2) Paragraph 6016.1c, Marine Corps Separation and Retirement Manual."
(Unsuitability-character and behavior disorders-based on approved recommendation of administrative discharge board.)

(b)(2) Paragraph 6016.1c, Marine Corps Separation and Retirement Manual."
(Unsuitability-character or behavior disorders-based on individual evaluation.)

(b)(2) Paragraph 10405, Marine Corps Separation and Retirement Manual and BUMEDINST 1910.2." (Unsuitability-character or behavior disorders-based on medical board recommendations.)

(b)(2) Physical disability without severance pay. Paragraph 6011, Marine Corps Separation and Retirement Manual." (Intentional misconduct or willful neglect incurred during period of unauthorized absence.)

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(b)(2) Paragraph 6018.2b, Marine Corps Separation and Retirement Manual."
(Misconduct-fraudulent enlistment, induction, or period of service.)

(b)(2) Paragraph 6018.2a, Marine Corps Separation and Retirement Manual."
(Misconduct-Continuous unauthorized absence of more than one year.)

(b)(2) Paragraph 6018.2c, Marine Corps Separation and Retirement Manual."
(Misconduct-convicted or adjudged a juvenile offender by a civil court during current term of active military service.)

(b)(2) Paragraph 6016.1f, Marine Corps Separation and Retirement Manual."
(Unsuitability-alcoholism including intemperate use-based on approved recommendation of administrative discharge board.)

(b)(2) Paragraph 6016.1f, Marine Corps Separation and Retirement Manual."
(Unsuitability-alcoholism, including intemperate use-based on individual evaluation.)

(b)(2) Paragraph 6016.1g, Marine Corps Separation and Retirement Manual."
(Unsuitability. Homosexual or other aberrant sexual tendencies-based on individual evaluation.)

(b)(2) Paragraph 6016.1g, Marine Corps Separation and Retirement Manual."
(Unsuitability. Homosexual or other aberrant sexual tendencies-based on approved recommendation of administrative discharge board.)

(b)(2) Paragraph 6017.2d, Marine Corps Separation and Retirement Manual."
(Unfitness-drug addiction or habituation, or the unauthorized use or possession of narcotics, marijuana, hypnotics, sedatives, tranquilizers, depressants or stimulant drugs, hallucinogens and other similar drugs, chemicals or substances known to be habit forming or to have a potential for abuse.)

(b)(2) Paragraph 6017.2c, Marine Corps Separation and Retirement Manual."
(Unfitness-an established pattern for shirking.)

(b)(2) Paragraph 6017.2a(2), Marine Corps Separation and Retirement Manual." (Unfitness, sexual perversion, homosexual acts.)

c. If "Type of Transfer or Discharge" in Item 11a is indicated by "Transfer to Marine Corps Reserve," enter one of the following remarks as appropriate:

(b)(2) Convenience of the Government. Paragraph 6012.1a, Marine Corps Separation and Retirement Manual." (General demobilization or by an order applicable to all members of a class of personnel specified in the order.)

(b)(2) Expiration of Enlistment. Paragraph 6009, Marine Corps Separation and Retirement Manual."

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- 27c. MONTH ALLOTMENT DISCONTINUED. If individual has an allotment currently in effect, enter month and year of discontinuance; otherwise enter "N/A."
28. VA CLAIM NUMBER. The claim number is as important to the Veterans' Administration as the service number is to the Armed Forces. If one has been assigned to the individual, it may be obtained from any correspondence which he has received in connection with benefits for which he has previously applied.
29. SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE (\$15,000, 10,000, 5,000, None). Enter an "X" in the appropriate block. On the versions of DD Form 214 which do not have a block for entry of a designation of \$15,000, type the figure "\$15,000" to the right of all blocks in this item.
30. REMARKS. Continue in this space items that cannot be completed within the space provided. In such cases cross-references must be used to indicate the item being continued. (Example: 26a, continued.) If more space is required, enter the words "Continued on reverse" in the last line of this space and complete the entries on the reverse of the form.
- a. If discharge for physical disability is effected as the result of the approved findings of a physical evaluation board, with severance pay, insert under Item 30 the following appropriate entry: "Paid \$ (amount) disability severance pay." If not entitled to disability severance pay, insert "Not entitled to severance pay."
- b. Enter the additional military occupational specialty number and title and its related occupation and DOT number, if any.
- c. Enter any special qualifications, i.e.; Aerial Gunnery (UH-IE, CH-46, CH-34); Military Motor Vehicle Operator's Permit (2½ ton or larger and Special Equipment).
- d. Enter the following remarks as appropriate:
- (1) Enlisted in the United States Marine Corps/Reserve.
 - (2) Reenlisted in U. S. Marine Corps/Reserve.
 - (3) Is undecided about reenlistment.
 - (4) Extension of service was at the request and for the convenience of the Government.
 - (5) Accepted Regular commission/warrant.
 - (6) Not available for signature.
 - (7) Good Conduct Medal period commences (date).
 - (8) Certain Marine Corps Orders require entries to be made under "Remarks." Ensure that those appropriate entries are made.

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e. The following notations will be made for personnel who are released or separated from active duty training under 10 USC 511 (d), formerly "Reserve Forces Act of 1955 Six-Months Active Duty for Training."

- (1) "6 MO AD TNG"
- (2) "Not a Final Discharge"

f. To provide substantiation of tax status and/or bonus entitlement, enter the inclusive dates of service in Vietnam. For example:

1 Aug 65 - 20 Jul 66
7 Oct 67 - 5 Apr 68

- 31. PERMANENT ADDRESS FOR MAILING PURPOSES AFTER TRANSFER OR DISCHARGE (Street, RFD, City, County, State and ZIP Code). Information for this item shall be obtained by interview with the individual being separated. The individual's complete home address, that is, the place where he intends to reside permanently following separation, shall be entered in this item. If the permanent address for mailing purposes is the same as the home of record, "See Item 21" may be inserted.
- 32. SIGNATURE OF PERSON BEING TRANSFERRED OR DISCHARGED. The signature of the individual being separated should be signed with a black ink ball-point pen or indelible pencil to ensure that all copies bear a legible signature. If not available for signature, enter "See Remarks."
- 33. TYPE NAME, GRADE AND TITLE OF AUTHORIZING OFFICER. Self-explanatory.
- 34. SIGNATURE OF OFFICER AUTHORIZED TO SIGN. This item will be signed by the officer responsible for preparation of the form. A black ink ball-point pen or indelible pencil will be used to ensure that the signature appears on all copies.

7. Distribution Instructions

a. Distribution will be made as indicated below (mailing addresses for certain activities are listed in subpar. b, below):

Copy No. 1 (INDIV): Deliver to the individual being separated/transferred prior to his departure from the separation activity (subject to exceptions stated in subparagraph 11001.5a).

Copy No. 2 (SR/OQR or HQMC): Place this copy in closed-out SRB or OQR of each person who is discharged, retired, or reenlisted. For each Marine released or transferred to reserve status, forward this copy to CMC (Code DGH).

Copy No. 3: Forward to appropriate recruiting officer via the Marine Corps district indicated by the address shown in Item 31 of the form.

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Copy No. 4: In case of immediate reenlistment, insert Copy No. 4 as a document in the new service record book. If the individual being separated has been transferred to a VA hospital, Copy No. 4 should accompany the clinical and treatment records forwarded to that hospital. If the individual has completed VA Form 21-526e, Veterans Application for Compensation or Pension at Separation from Service, Copy No. 4 should accompany photostatic or typewritten copies of the health record (except cover) when they are forwarded to the VA Regional Office. It should be stressed to members who plan to apply for veterans' compensation or pension that faster processing generally may be expected if application to the VA is completed at time of separation. In all other cases, place Copy No. 4 in the closed-out SRB or OQR.

Copy No. 5 (STATEDIRSS): Forward this copy to the State Director of Selective Service System of the state shown in Item 10b, if shown; otherwise as in Item 21.

Copy No. 6 (VAWASHDC): Forward this copy to the Veterans' Administration (0340), Central Office, Washington, D. C. 20420. (Destroy this copy if individual reenlists immediately.)

Copy No. 7 (MCD): Forward this copy to the appropriate Marine Corps district indicated by the address shown in Item 31 or to the Fourth Marine Aircraft Wing/ Marine Air Reserve Training. However, for personnel being transferred to inactive duty whose records will be forwarded to Marine Corps Automated Services Center, 1500 East Bannister Road, Kansas City, Missouri 64131, insert this copy as a document in the SRB or OQR for concurrent forwarding.

b. Addresses for distribution of DD 214 MC

(1) Part I. List of Marine Corps districts showing jurisdiction:

Director, 1st Marine Corps District
605 Stewart Avenue, Garden City,
Long Island, New York 11533

Maine, New Hampshire, Vermont,
Massachusetts, Rhode Island,
Connecticut, New York, New Jersey
(Counties of Monmouth, Middlesex,
Hunterdon, Morris, Sussex, Somerset,
Union, Warren, Essex, Passaic,
Bergen, and Hudson)

Director, 4th Marine Corps District
1100 South Broad Street
Philadelphia, Pennsylvania 19146

Pennsylvania, Delaware, Maryland,
West Virginia, Kentucky, Ohio
(Less counties shown in the 9th
District)
New Jersey
(All other counties not included in
the 1st District)
North Carolina
(Counties of Gates, Pasquotank,
Camden, Currituck, Chowan and
Perquimans)
District of Columbia, Virginia, Indiana
(Counties of Dearborn, Ohio, Gibson,
Dubois, Crawford, Jefferson, Warrick,
Posey, Harrison, Switzerland, Pike,
Perry, Clark, Spencer, Vanderburgh
and Floyd)

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Permanent address situated outside the continental United States or its territorial possessions and is not within a designated Marine Corps district.

Director, 6th Marine Corps District
275 Peachtree St. N.E.
Atlanta, Georgia 30303

South Carolina, Georgia, Florida,
Alabama, Tennessee, Mississippi,
North Carolina
(All other counties not included
in the 4th District)

Director, 8th Marine Corps District
Federal Office Building (Loyola)
701 Loyola Avenue
New Orleans, Louisiana 70113

Louisiana, Arkansas, Oklahoma,
Texas, New Mexico

Director, 9th Marine Corps District
1500 East Bannister Road
Kansas City, Missouri 64131

Michigan, Illinois, Wisconsin,
Minnesota, Iowa, Missouri, North
Dakota, South Dakota, Nebraska,
Kansas, Colorado, Wyoming,
Ohio
(Counties of Ottawa, Sandusky,
Lucas, Wood, Fulton, Henry,
Williams, and Defiance)
Indiana
(All other counties not included
in the 4th District)

Director, 12th Marine Corps District
100 Harrison Street
San Francisco, California 94106

Arizona, California, Utah, Nevada,
Washington, Oregon, Idaho, Montana,
Alaska, Hawaii

Commanding General, Marine Air
Reserve Training Command
U. S. Naval Air Station
Glenview, Illinois 60026

(Individuals possessing aviation
MOS's regardless of the separatee's
permanent address)

(2) Part II: Jurisdiction and addresses of Veterans' Administration
Regional Offices:

TERRITORY ALLOTTED TO

VA REGIONAL OFFICE

ALABAMA
All cities and counties

Aronov Building
474 South Court Street
Montgomery, Alabama 36104

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WYOMING
All cities and counties

2360 East Pershing Blvd.
Cheyenne, Wyoming 82001

(3) Part III: Addresses of State directors, Selective Service System.
(Note: The number shown in parentheses following the State name is a code used by the Selective Service System which will be used in addition to the address when preparing and mailing DD 889, STANDBY RESERVE CONTROL.)

ALABAMA (1)
474 South Court Street
Montgomery, Alabama 36104

DISTRICT OF COLUMBIA (49)
916 G Street, N. W.
Washington, D. C. 20001

ALASKA (51)
Post Office Box No. 1608
Juneau, Alaska 99801

FLORIDA (8)
19 McMillan Street
(P. O. Box 1988)
St. Augustine, Florida 32084

ARIZONA (2)
1014 North Second Street
Phoenix, Arizona 85004

GEORGIA (9)
901 West Peachtree Street, N. E.
Atlanta, Georgia 30309

ARKANSAS (3)
Federal Office Building
Little Rock, Arkansas 72201

GUAM (55)
Post Office Box No. 3036
Agana, Guam 96910

CALIFORNIA (4)
Federal Building
805 Eye Street
Sacramento, California 95814

HAWAII (52)
Post Office Box No. 4006
Honolulu, Hawaii 96812

CANAL ZONE (56)
Post Office Box No. 2014
Balboa Heights, Canal Zone
APO New York, New York 09825

IDAHO (10)
Post Office Box No. 800
Boise, Idaho 83701

COLORADO (5)
Railway Exchange Building
Room 308, 909 17th Street
Denver, Colorado 80204

ILLINOIS (11)
405 E. Washington Street
Springfield, Illinois 62701

CONNECTICUT (6)
Post Office Box No. 1558
Hartford, Connecticut 06101

INDIANA (12)
Century Building
36 South Pennsylvania Street
Indianapolis, Indiana 46204

DELAWARE (7)
Prices Corner
3202 Kirkwood Highway
Wilmington, Delaware 19808

IOWA (13)
Building 68
Fort Des Moines, Iowa 50315

KANSAS (14)
Masonic Temple Building
10th and Van Buren Streets
Topeka, Kansas 66612

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KENTUCKY (15)
220 Steele Street
Frankfort, Kentucky 40601

LOUISIANA (16)
Building TB 309
Jackson Barracks
New Orleans, Louisiana 70140

MAINE (17)
Federal Building
40 Western Avenue
Augusta, Maine 04330

MARYLAND (18)
Federal Building, Room 1119
31 Hopkins Plaza
Baltimore, Maryland 21201

MASSACHUSETTS (19)
John Fitzgerald Kennedy Federal Bldg.
Government Center
Boston, Massachusetts 02203

MICHIGAN (20)
Post Office Box No. 626
Lansing, Michigan 48913

MINNESOTA (21)
Rm. 1503, U. S. Post Office and Customhouse
180 East Kellogg Boulevard
St. Paul, Minnesota 55101

MISSISSIPPI (22)
Post Office Building
Jackson, Mississippi 39201

MISSOURI (23)
411 Madison Street
Jefferson City, Missouri 65102

MONTANA (24)
Post Office Box No. 1183
Helena, Montana 59601

NEBRASKA (25)
Terminal Building, 10th Floor
941 O Street
Lincoln, Nebraska 68508

NEVADA (26)
Post Office Box No. 644
301 West Washington Street
Carson City, Nevada 89701

NEW HAMPSHIRE (27)
Post Office Box No. 427
Concord, New Hampshire 03302

NEW JERSEY (28)
402 East State Street
Trenton, New Jersey 08608

NEW MEXICO (29)
Post Office Box No. 5175
Santa Fe, New Mexico 87502

NEW YORK (30)
Old Post Office Building
Albany, New York 12207

NEW YORK CITY (50)
11th Floor, 205 E. 42nd Street
New York, New York 10017

NORTH CAROLINA (31)
P. O. Box 26088
Raleigh, North Carolina 27611

NORTH DAKOTA (32)
Federal Building
Post Office Box No. 1417
Bismarck, North Dakota 58502

OHIO (33)
Federal Building
85 Marconi Boulevard
Columbus, Ohio 43215

OKLAHOMA (34)
407 Federal Building
Oklahoma City, Oklahoma 73102

OREGON (35)
Post Office Box No. 4288
Portland, Oregon 97208

PENNSYLVANIA (36)
Post Office Box No. 1921
Harrisburg, Pennsylvania 17105

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CHAPTER 12

RESERVE RETIREMENT CREDIT REPORT

12001 INSTRUCTIONS

1. The Reserve Retirement Credit Report is designed for recording credits earned toward eligibility for retirement under the provisions of 10 USC 1331-1337, commonly referred to as the Reserve Retirement Act.
2. The unit commander is responsible for accomplishing the Reserve Retirement Credit Report and for maintaining records of credits earned to support report entries.
3. The term unit commander as used within this paragraph, refers to the Marine Corps district director; the Commanding General, Marine Air Reserve Training Command; the Commanding Officer, Marine Corps Reserve Forces (Class III); or to the commanding officer, Organized Reserve unit, on whose rolls the reservist is carried. It does not refer to any commander of a Regular Marine Corps organization since the Reserve Retirement Credit Report is prepared only by Reserve organizations.
4. Instructions for recording and reporting Reserve retirement credits are given in the paragraphs that follow.
5. The Reserve Retirement Credit Report will be prepared by the unit commander on the following occasions:
 - a. End of the anniversary year.
 - (1) Must be prepared promptly upon expiration and submitted within 30 days of the member's anniversary year. If late, justification must accompany the report.
 - (2) A Code 1 anniversary report will show a summary of all points earned by the member during his anniversary year in each individual column. In addition, the anniversary year summary blocks will show the recapitulation total of the individual column on the report. (See figure 12-1. NAVMC 798a only is shown; however, NAVMC 798 is prepared the same way as shown for NAVMC 798a.)
 - b. Detachment or transfer (including assignment to EAD).
 - c. Upon unit mobilization.
 - d. Acceptance of resignation or discharge. (No report is required upon discharge for immediate reenlistment or appointment in the same Reserve component, since there is no break in service.)
 - e. Transfer to Inactive Status List, or retirement.
 - f. Upon joining a Reserve unit following a period of extended active duty if one or more anniversary dates elapsed while on active duty. Report will reflect

RESERVIST/CMC COPY

[illegible]

FIGURE 12-1.

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credits earned from date of last anniversary year reported, by anniversary years, to end of anniversary year prior to release from active duty. The next scheduled report, transfer, end of anniversary year, etc., will include credits earned from end of last anniversary year to end of reporting period.

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

h. On a report submitted because of reassignment or transfer to another unit or command, an entry will be made on the copy immediately following the last entry on the Commandant of the Marine Corps copy indicating "Transferred to Class III," or "OMCR Unit."

i. Show PEBD as shown on Figure 12-1.

6. Reports will be accomplished as follows:

a. All reports will be prepared in triplicate and receive distribution as follows:

(1) Original (NAVMC 798) to service record book or officer's qualification record.

(2) Duplicate of all reports, officer and enlisted (NAVMC 798a) to Commandant of the Marine Corps (Code DMR).

(3) Triplicate (NAVMC 798a) to individual to be retained for determination of total credits earned.

b. The original will become a chronological record for permanent retention in the service record book or officer's qualification record and will reflect all credit earned since entry on current period of continuous service. Upon discharge for immediate reenlistment or appointment to officer grade, the original report will be transferred to the new service record book or officer's qualification record. No entry to reflect discharge and reenlistment or appointment is required. No NAVMC 798 will be prepared for members carried on the Inactive Status List. However, such periods will be covered in the next report submitted as noted in subparagraph 6i, below.

c. For subsequent reports, the original (NAVMC 798) will be removed from the service record book or officer's qualification record. Two copies of blank forms (NAVMC 798a) will be inserted in the typewriter with the original. Entry for the period to be covered will be made on the line immediately following the last entry on the original. Therefore, the duplicate and triplicate copies will only reflect credits for the specific period covered.

d. When all spaces on the original report have been filed, it should be numbered "1"; additional pages inserted and numbered "2", "3", etc.

e. Preparation of entries will be made in accordance with the instructions on the form, except in case where entry is not required under any column, the space will be checked X to indicate that it was not overlooked.

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f. Should an erroneous entry be discovered after submission, the unit commander will make a new report covering the same period. The erroneous entry on original will be lined out and initialed. Each copy will be marked "corrected copy." Corrected reports which are submitted later than 2 years following the end of the anniversary year for which submitted shall be forwarded with full justification to the Commandant of the Marine Corps (Code DMR) for approval.

g. A unit commander may delegate the authority to certify records of Reserve retirement credits to appropriate officer of his headquarters.

h. The original and all copies of the report will bear the signature of the authenticating officer.

i. Each report will cover the entire period since the last report was submitted. However, in the case of end of anniversary year, this report will be a summation of all previous reports submitted during the anniversary year. If the member has been carried on the Inactive Status List, inclusive dates will be entered, the letters "ISL" will be entered in the column indicating occasion for report, and no points will be credited for such period.

j. On the Commandant of the Marine Corps copy of all reports which have credited periods of active duty or active duty for training, enter on the line below the anniversary year report, the inclusive dates of all such duty to include travel time.

7. Certain substantiating records and reports are necessary to the accomplishment of the Reserve Retirement Credit Report.

a. For all types of equivalent instruction, other than correspondence courses and equivalent instruction or duty for drills (EIOD), a report of performance must be made by the reservist to his unit commander on NAVMC 799, Equivalent Instruction Report, as follows:

(1) Members of Volunteer training units and members performing associate duty may submit such reports quarterly, indicating the date each meeting was attended or period of associate duty was performed and the number of credits claimed for each. Such members may submit a report at any time during the quarterly period when necessary to assure that points are credited within the current anniversary year. It is the responsibility of the commanding officer concerned to maintain attendance records and to verify these periodic reports when submitted.

(2) Members who perform periods of equivalent instruction other than as indicated above, upon completion of each such period, will prepare NAVMC 799 and submit it to their unit commander for approval.

(3) Approved reports submitted on NAVMC 799 will be retained by the unit commander as a supporting document for the preparation of NAVMC 798 and for at least 3 months thereafter.

b. Credits for correspondence courses will be taken from reports furnished by the Marine Corps Institute or Extension School, Marine Corps Development and Education Command.